



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
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BENEFICIARY:

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SUMMARY EXECUTIVE

I. Executive summary

The “Romanian judicial system reform” project’s main objective is to offer consultancy to the Government relating to the implementation of structural reforms in the justice sector:

The project is structured into four main components:

- Rehabilitation of the courts infrastructure;
- Improvement of court administrative capacity;
- Court computerization;
- Growth of the institutional capacity of the judicial system.

As a result of the implementation of the four components and in accordance with the general objective of the project, the aim is to reach the following specific outcomes:

- Improvement of institutional capacity of the judicial system to dispose cases (in terms of fairness, speed, costs and feasibility of decision implementation);
- Improving the courts infrastructure and conditions within the courts;
- Improvement of the public image and of procedural transparency in the justice field;
- Improvement of court efficiency alongside the development of skills, professionalism and integrity of judges and auxiliary court personnel.

The objective of the study was to evaluate experiences with, as well as perceptions and attitudes toward the juridical system’s performance and efficiency (celerity, fairness, capacity for decision implementation etc.), transparency, the integrity and professionalism of judicial personnel, together with the impact of the “Romanian Judicial System Reform” project upon implementation, as compared to the main results of similar anterior studies, especially the initial and interim surveys.

For project impact evaluation, a double reference was used:

- a longitudinal one, having as points of reference the Baseline survey (Gallup, 2008), the interim study carried out by MMT in 2014, as well as other relevant studies, for assessing the progress,
- a transversal one, taking as reference a “control group” (a similar sample of courts) to measure the effect of the of the intervention.

The studied universe contains three relevant populations: justice field employees (judges, prosecutors and clerks), domain professionals (lawyers and legal counselors) as well as the courts’ public (litigants, general public as well as legal entities).

Component A defined as the intervention group, made up out of two district courts (Tulcea, Oradea) five tribunals (Tulcea, Iasi, Cluj, Dolj, Bihor) and three courts of appeal (Pitesti, Iasi, Oradea).

Component B, defined as the control group, included two district courts (Bucharest sector 5, Vaslui) five tribunals (Arad, Constanta, Harghita, Prahova, Timiş) and three courts of appeal (Bacau, Brasov, Galati). For a more faithful illustration of the situation in the courts of appeal network, a third group has been selected, **Component C** defined as the courts of appeal group, containing 12 such institutions (Constanta, Bacau, Brasov, Targu Mures, Suceava, Alba Iulia, Galati, Ploiesti, Cluj, Timisoara, Craiova, Bucuresti).

The volume of the samples consists of 512 employees of the judiciary system (250 judges, 170 prosecutors and 92 clerks) 505 professionals (lawyers and legal counselors), 1514 litigants (1013 private citizens and 501 legal entities representatives).

The first investigated aspect was a presentation of the courts, the analysis of the material and human infrastructure which these courts possess. It revealed the fact that the courts which were included in the "Romanian Judicial System Reform" project possess a superior infrastructure both qualitatively and quantitatively, as compared to the control group courts.

Data indicates useable floor areas larger by about 35%, public waiting area about three times larger, office space larger by approx. 50%, and almost double archive space. The number of public facilities (toilets and parking spaces) is much higher for the courts subject to intervention. Taking this into account, it appears normal that the proportion of courts in need of major repairs is much smaller for the intervention group (20%), compared to the control group (60%).

There is no significant difference concerning the number of employees between the two groups, the only difference being the number of interns from the intervention group (5 interns) as compared to the control group (1 intern).

Data indicates that, on average, the number of pending cases, at the beginning of 2015 is higher for the courts subject to the intervention (4127 cases, compared to 3105, from the control group). Out of the total which includes new cases (8861 cases) 5359 were disposed (about 60%), while in the control group, out of the 9645 pending cases registered with the courts, 6353 were disposed (66%). These numbers are similar to data revealed in 2014 (68% in both types of courts).

The computer network for the intervention group is composed of 133 devices, out of which 98% are connected to the internet. Within the control group, out of the 117 existent devices (on average) 90% are connected to the internet. Comparing these results to the ones of the 2014 study, we can observe a more developed computer network, both in terms of numbers and regarding Internet connectivity.

The case archiving system seems to be more problematic in the control group, considering that five out of the courts either consider it less efficient, or cannot provide a rating. Although the archives were considered problematic in 2008, the situation appeared to have been resolved by 2014, yet has remained the same by 2017.

The questioned **judges'** opinions reveal a high satisfaction level and a perception of the improvement in courts' infrastructure situation, mostly within the intervention group.

Furthermore, in what concerns the act of justice, judges observe an improvement in the quality of the prosecutors body, but less so for the general efficiency of work.

Compared to the judges which were part of the control group, the ones in the intervention group stated to a larger extent that they had noticed improvements in what concerns the progress of the act of justice, especially referring to the lawyers' honesty, where 24% more judges from the intervention group consider that this aspect improved in the past two years. The smallest difference between the two groups (3%) is regarding the time to case disposition.

For generating a better work experience, the judges consider it necessary that a larger number of clerks be employed in courts, but also that a regulatory framework be enacted, to facilitate higher efficiency.

On average, the judges from the group subject to intervention had 796 cases, and the ones from the control group, 740 cases. Approximately 7% of the cases assigned to the judges from the intervention group and 4% of the cases of the control group judges are at least 6 months old. Efficiency wise, in 2015, judges from the first group disposed 597 cases (75% of the total assigned to them) and the judges from the control group disposed 523 cases (71%).

No major differences are observed regarding the number of work hours, the situations of working from home, professional training and adoption of modern technologies. In what concerns the access to legislation, jurisprudence or doctrine, there is a difference between the two groups, 56% of the judges from the group subject to intervention saying that access to this type information is easy, compared to 43% in the case of the control group.

Compared to the last two years, judges state that they can observe improvements in all aspects regarding the courts' qualified human resources, the three attributes of clerks being the most mentioned. We can observe differences between the two groups within the interval 26% (referring to the honor and honesty of clerks) – 29% (in what concerns the clerks' professionalism).

Prosecutors observed improvements in what concerns the courts' infrastructure and facilities. Moreover, the opinion of the prosecutors from the intervention group is that most aspects have improved considerably. Major percentage differences can be identified between the two categories of respondents, showing higher satisfaction levels

for the prosecutors in the intervention group, concerning the changes the courts have gone through.

The perception of the act of justice shows that for the good progress of the courts' activity, as well as for a proper performance of the prosecutors' activities, the most important aspects are the number of assigned cases, the time to case disposition, and the provisions of the new Civil Code and of the Civil Procedure Code.

The last two years brought improvements concerning the transparency of the act of justice, acknowledged by prosecutors from both groups (74% of the group subject to intervention and 67% for the control group) and concerning the time needed for case disposition (56% for the group subject to intervention and 65% for the control group), but less so, concerning the number assigned cases. On average, a prosecutor from a court part of the group subject to intervention, had, in 2015, 623 cases while at the same time, a prosecutor from a court which was part of the control group, had on average, 390 cases.

Out of active cases, on average, 52 (8%) were older than 6 months from their assignment and 251 (40%) older than 6 months since they entered the system, as reported by the prosecutors in the intervention group. According to the statistics in the control group, out of all the assigned cases, on average 31 (8%) were older than 6 months from their assignment and 74 (19%) were older than 6 months since they entered the system.

There were no major differences reported regarding the access to new technologies or the need for more professional training. Instead, perception over the efficiency of the registration and archiving system is higher in the intervention group (93%), compared to the control group (75%). Access to the jurisprudence, legislation and doctrine databases is easier for the intervention sample (59%) compared to the control group (51%).

In what concerns the **clerks'** perception, it matches the improvement perception trend and that regarding the satisfaction with the work environment. For these employees, the aspects which take precedence are the ones regarding the infrastructure (useful floor area, number of courtrooms, equipment of the employees' offices), as compared to the specific aspects which regard the act of justice.

The act of justice is perceived as satisfying and improving, especially in the intervention sample. With the exception of the time to case disposition (with a higher degree of satisfaction found in the control group) data indicates differences of 2% (concerning the number of clerks) up to 20% (provisions of the new Civil Code/Civil Procedure Code), in favor of the group subject to intervention.

Concerning the workload, on average, clerks from the group of courts subject to intervention had to prepare, in 2015, 833 cases each. At the same time, a clerk from a court belonging to the control group had to prepare, on average, 645 cases, the workload being 29% higher for the intervention group. Out of all the active cases, for

the clerks in the intervention group, on average, 177 (21%) were older than 6 months since they registration in the system, while for clerks in the control group, out of all the active cases, on average, 36 (6%) were older than 6 months since they entered the system.

We can't identify major differences in what concerns the access to new technologies, but the registering and archiving system is considered to be efficient in a larger proportion (84%) for the intervention group, as compared to the control group (74%).

Regarding the way **lawyers** evaluated the courts' infrastructure, a main aspect is that regardless of which group they belong, they most frequently rated the courtrooms' audio systems, the possibility of researching the archives, as well as the possibility of looking up information on the internet. The aspects which mostly satisfy lawyers are the building solemnity, the exterior aspect of the building, as well as the cleanliness of public spaces.

The aspects most frequently considered as satisfactory by lawyers in regards to the act of justice are: the way cases are assigned; the way judges treat litigants in the courtroom and the provisions of the new Civil Code/Civil Procedure Code.

Workload seems to be higher for lawyers from the control group, if we analyze the number of cases they prepare. The main reasons for slowing (and sometimes delaying) lawyers' work have to do with work procedures, long terms and expertise.

The attributes used to rate the lawyers' perception of the quality of personnel (attitude, honesty and professionalism of judges, prosecutors or clerks), are positively evaluated. Differences between the two groups appear in regards to the higher proportion of those satisfied in the intervention group, as well as vice versa.

Private citizen - litigants identify the next hierarchy in what concerns the visibility of the courts' infrastructure constitutive elements: public waiting spaces, the audio systems in the courtrooms and the possibility of searching for documents in the archives. Litigants state that they are mostly satisfied with the building aspect, both internal and external, the solemnity of the building, as well as the cleanliness of public spaces. The same as with lawyers, the number of parking spaces is still seen as a problem.

In what concerns the act of justice, the most satisfying aspects, from the perspective of private litigants, are the professionalism, the attitude and the honesty of lawyers. The most frequently improved aspects during the last two years, taken into account by the litigants, are the way judges treat litigants in the courtroom, but also the entire set of attributes applicable to lawyers.

15% of the private citizen litigants from the group subject to intervention and 13% of the litigants from the control group intended to file a complaint regarding certain aspects of their courtroom experience. The main reasons for which they intended to do so were the methods of settlement for cases and the time needed for settlement. The

ones that haven't filed their complaints, although they intended to do it, reasoned their choice by the lack of hope that anything would change, the potential deterioration of their relationships with the courts' employees, and the fact that they didn't know where to file the complaint or the time needed to do so.

The most visible elements form the courts, from the perspective of litigants which are representatives of **legal entities**, were: the public waiting spaces, the possibility of looking up documents in the archive, but also the audio system in the courtrooms. The most satisfying aspects regarding the courts' infrastructure for this population are the internal and external aspect of the building, as well as the building solemnity.

The perception over the act of justice in this case underlines a higher satisfaction with the attitude of the lawyers; the way judges treat litigants within the courtroom and the lawyers' professionalism. During the last two years, the most evident improvements were made to the way judges treat litigants in court, as well as all the analyzed attributes applicable to lawyers.

15% of the legal entities representatives from the group subject to intervention and 7% of the representatives from the control group intended to file a complaint regarding certain aspects or situations encountered in court. The main reasons for taking these actions are the methods of settlement or the attitude of the personnel. The reasons for which this population did not file their complaints although they intended to, are the fact that they reasoned nothing would change, or that in doing so, they would endanger their relationship with the court.

The litigants, irrespective of category, offered a predominantly positive evaluation regarding almost all tested aspects/attributes (attitude, honesty, professionalism) of judges, prosecutors and lawyers.