

Rado Brezovar

## EJustice in Slovenia

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E-justice in Slovenia is considered one of the most important driving forces towards efficient administration of the Slovene judiciary. By the expression e-justice, not only the use of ICT in the judiciary is meant, but also a set of legal and organisational measures which function in close cooperation with the technical potentials and challenges. Synergies among all three (legal, organisational, and technical) components are constantly sought and they are not limited to the closed judicial community, but open to the entire constituency.

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*Dr. Hoffman: How many degrees Fahrenheit is 40 degrees Centigrade?*

*Martin: One hundred and four.*

*Dr. Hoffman: If the air temperature is 104 degrees Fahrenheit, is that cold, warm, or hot?*

*Martin: That's 40 degrees Centigrade.*

*Dr. Hoffman: Is that hot, warm, or cold?*

*Martin: That's 104 degrees Fahrenheit.*

### **Evald Flisar, What About Leonardo? (Act II, Scene 1)**

*Information technology as such cannot replace the basic mission of the judiciary – adjudication; however, it can help considerably.*

**(Development Strategy for IT-Supported Court Business Processes, Ljubljana, September 2012, p. 4)**

## 1. Introduction

[Rz 1] E-justice in Slovenia is considered one of the most important driving forces towards efficient administration of the Slovene judiciary. Since the mid 1980s, when the first systems were introduced, most major reforms have been focused not only on legal and organisational implementation, but have also been closely connected with information and communication technology (hereinafter: ICT) projects. By the expression e-justice, not only the use of ICT in the judiciary is meant, but also a set of legal and organisational measures which function in close cooperation with the technical potentials and challenges. Synergies among all three (legal, organisational, and technical) components are constantly sought and they are not limited to the closed judicial community, but open to the entire constituency.

[Rz 2] Effective ICT support for the operations of courts is of key importance for the efficient functioning of a modern judiciary. The positioning and responsibility for the organisation of ICT support is also becoming increasingly important. The Slovene organisational model of e-justice, with the responsibility of the Supreme Court of the Republic of Slovenia (hereinafter: the Supreme Court) as the core institution in this regard, is almost unique among the EU and other European countries. The reason lies primarily in the historical fact that the initiative to introduce ICT into the operations of courts in Slovenia came almost exclusively from the side of the judiciary.

User inclusion, which ensures subsequent support for the implementation of ICT as well as better suitability of the system in use, is important on all levels of organisation. E-justice cannot be a goal in itself. It must follow users' real requirements and also certain expectations and priorities. The primary goal of e-justice is to ensure the efficiency of the judicial branch of power and effective operation of the judiciary with a clear common vision: state-of-the-art support for the efficient functioning of the entire judiciary, which is open to and in the service of its constituency.

[Rz 3] The Centre for Information Technology of the Supreme Court (hereinafter: the IT Centre) is the central part of e-justice and the most important organisational unit responsible for the computerisation of Slovene courts. Together with the Registry Department, which is competent for the substantive part of e-justice, it represents the central organisational structure for the development of different ICT systems that support e-justice. The implementation of e-justice components is based on close cooperation between the technical and substantive parts of the project.

[Rz 4] E-justice as a concept represents not only technical support for the operation of the courts, but is also the facilitator and promoter of better service for citizens, better organisation, and consequently also the necessary legal changes. There are many good practices in the Slovene judiciary – some of them have even been recognised as good practices within the European professional community<sup>1</sup> – which are not the result of pure technical achievements, but which have had a direct impact on the legislation, working methods, and finally on the performance of the entire judiciary. Two recent projects which have had a direct impact on the better functioning of the entire judiciary (The Central Department for Legal Enforcement – the Automated System for Enforcement, and the Judicial Data Warehouse and President's Performance Dashboards) will be presented briefly below. Thanks also to successful e-justice initiatives, the performance of the Slovene judiciary has been impressive: we can rightfully expect that the rate of backlog mitigation at the end of 2013 will be more than 30% compared to the beginning of 2010.

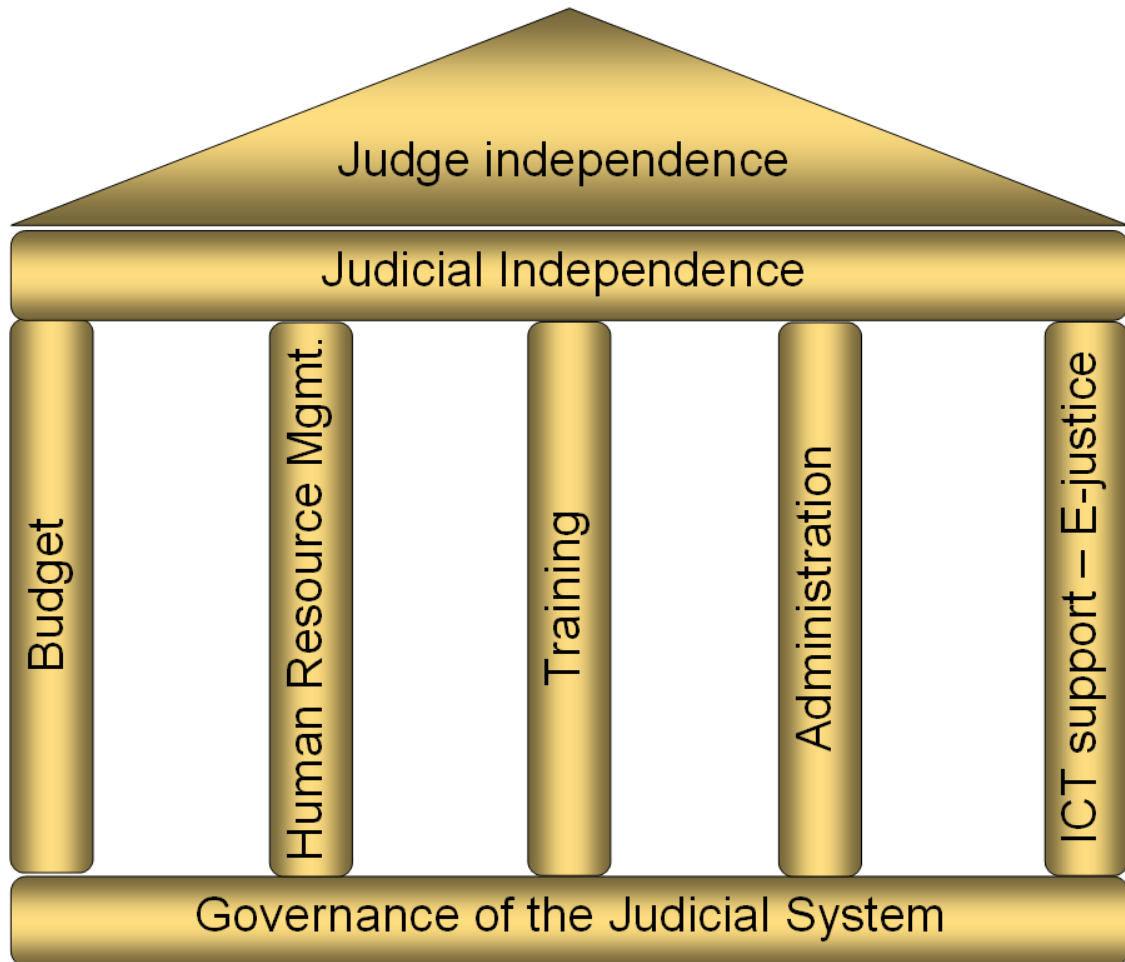
## **2. E-justice as one of the core pillars of judicial independence**

[Rz 5] The problem of countries in transition at the beginning of the 1990s was that the introduction of ICT into the operation of courts mostly coincided with the start of the transition and establishment of the new democratic institutions. The Slovene Ministry of Justice consequently did not recognise ICT as a driving force for the improvement of the operation of the judiciary. Some activities and initiatives in the area of the computerisation of the judiciary had existed even before. Based on a Supreme Court initiative, a legal information system was introduced in the mid 1980s and the first case management systems were introduced in the early 1990s. At the same time, the Slovene judiciary was also facing major organisational problems. These were primarily backlogs, problems related to appropriate court premises, a lack of equipment, different expertise, etc. Based on the Supreme Court's initiatives, which were successfully implemented, the legislature decided to entrust the task of the computerisation of the Slovene courts to the Supreme Court – first in 1994 only the substantive and subsequently in 2002 also the financial part.

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<sup>1</sup> The project Automated System for Enforcement Based on Authentic Documents (COVL) [Slovene: Centralni Oddelek za Verodostojno Listino] was given special mention in the 2010 Crystal Scales of Justice competition. The Judicial Data Warehouse and Performance Dashboards Project was given special mention in the 2012 Crystal Scales of Justice competition.

[Rz 6] E-justice in the *Slovene Concept* of ICT support represents an independent core pillar under the competence of the Supreme Court and is intended to support judicial independence (Picture 1). The management of the Supreme Court considers e-justice to be an indispensable tool that is closely integrated into almost all initiatives regarding better judicial service.



**Picture 1: E-justice as one of core pillars of judicial independence**

[Rz 7] The organisation of ICT support in the operations of Slovene courts is fully (technically, organisationally, and financially) independent of the executive branch, but ensuring close cooperation with stakeholders is the key approach in the implementation of modern technologies in the Slovene judiciary. Also project management organisation relies on equally represented substantive and technical components; it is based on the active participation of first and second instance judges assigned to the Supreme Court specifically for the purposes of the project and to stimulate the creativity of all stakeholder representatives. These are essential preconditions for the successful implementation and acceptability of any new system. The concept is also open and strongly dependent on and linked to the international community of practice (e.g. the Council of Europe through active cooperation in the CEPEJ and CJ-IT committee of experts and working groups,

Twinning Projects during the accession period<sup>2</sup>, EU institutions through different initiatives<sup>3</sup> and the use of EU funds, bilateral cooperation, the World Bank JUSTPAL initiative, etc.).

[Rz 8] Among the several conditions for the regular exercise of judicial authority, the timeliness of procedural acts, and the timeliness of judicial decision-making, the Courts Act also determines uniform technological support for the operations of the courts and the legal information system within the responsibility of the IT Centre. The IT Centre is a special organisational unit of the Supreme Court responsible for the computerisation and technical support of all courts in Slovenia. The IT Centre provides uniform technological support to the operation of the courts and to the legal information system of the courts (The Courts Act, Art. 70, Para. 4). The status of the IT Centre as a special organisational unit of the Supreme Court, for reason of the independence and autonomy of the Supreme Court, ensures a key condition for the successful and unimpeded implementation of e-justice projects. Continuous support for and a close relationship with the leadership of the Supreme Court, other courts, and beneficiaries is essential for the successful operation of the IT Centre. On the basis of cooperation with these stakeholders, the IT Centre can take responsibility for the implementation of planned projects in accordance with the approved strategic guidelines determined by the Users» Council. The IT Centre constantly strives to provide the highest level of service to the courts. Above all, it provides the technical conditions for IT support for court business processes, particularly through procurement, maintenance, and support<sup>4</sup>.

[Rz 9] District and Higher Courts have an information technology service. The information technology service of a District Court also performs tasks for the needs of Local Courts in the territory of the District Court (The Courts Act, Art. 70, Para. 1) in the form of onsite assistance and support for end-users and local area network administration. Judges appointed by the president of the court, and the necessary number of specialised staff members, participate in the operation of the service.

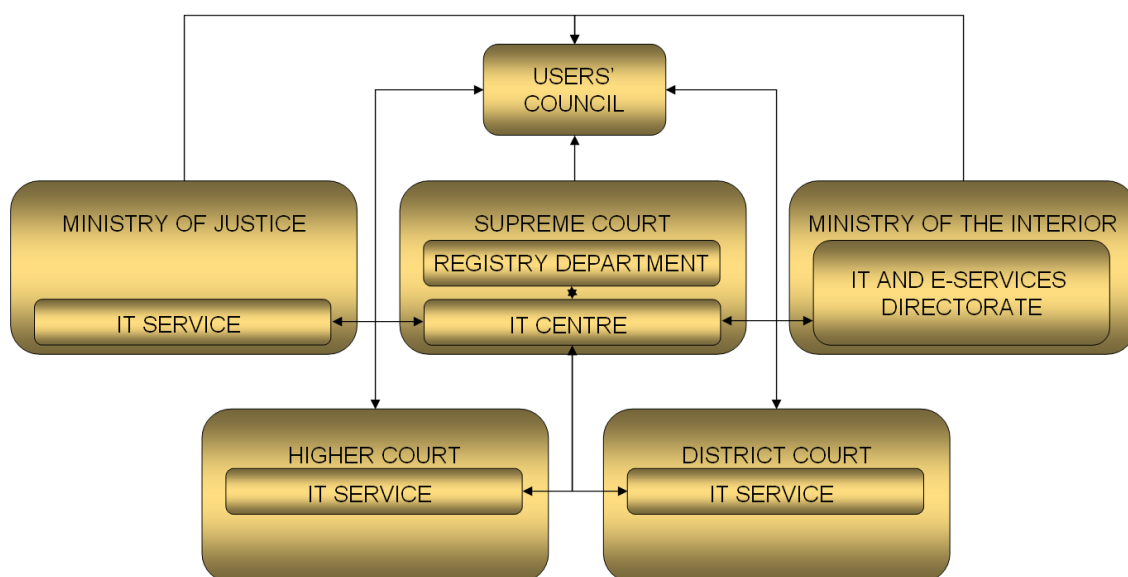
[Rz 10] The development strategy for ICT support in the operation of courts and priorities are decided by the Users» Council on the Computer Aided Information System of the Courts (hereinafter: the Users» Council), based on the prior opinion of the ministry responsible for public administration and on the proposal of the director of the IT Centre. The composition of the Users» Council and the manner and conditions of its operation are defined in the Court Rules (The Courts Act, Art. 70 Paras. 5 and 6). The Users» Council is the highest strategic body in the field of e-justice that decides on the development strategy and priorities for the forthcoming period (usually one year). It consists of representatives of beneficiaries (from different levels of courts), the Ministry of Justice (on the level of the State Secretary), and representatives from certain other state bodies or ministries (e.g. The Ministry of the Interior – IT and the E-Services Directorate).

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<sup>2</sup> Twinning is an instrument for cooperation between the Public Administrations of EU Member States (MS) and of beneficiary countries. Beneficiaries include candidate countries and potential candidates for EU membership, as well as countries covered by the European Neighbourhood Policy ([http://ec.europa.eu/enlargement/tenders/twinning/index\\_en.htm](http://ec.europa.eu/enlargement/tenders/twinning/index_en.htm)).

<sup>3</sup> E.g. the E-Justice Portal, the European Payment Order, the EULIS Service – the European Land Information Service).

<sup>4</sup> DEVELOPMENT STRATEGY FOR IT-SUPPORTED COURT BUSINESS PROCESSES, Ljubljana, September 2012, p. 6.



**Picture 2: Organisational model of ICT support of courts in Slovenia**

[Rz 11] The DEVELOPMENT STRATEGY FOR IT-SUPPORTED COURT BUSINESS PROCESSES<sup>5</sup> (hereinafter: the IT Strategy) defines strategic guidelines and standards for the development of IT support for judicial business processes. According to the IT Strategy, it would have been virtually impossible to achieve exceptional results without the close cooperation of the court management, providers and beneficiaries, and their commitment to the common strategic aims. Information technology as such cannot replace the basic mission of the judiciary – adjudication; however, it can help considerably, particularly by the following:

- optimising business processes on the basis of a functional analysis in planning IT support for a procedure;
- supporting business decision-making and subsequent verification with the use of business data collected by using case management systems (identifying bottlenecks, lengthy tasks, etc.);
- accelerating business processes by using case management systems, for example:
- savings in data entry through the principle of «enter once, use many times»;
- savings due to easier file tracking;
- savings due to the automatic generation of frequent writs (by using verified templates);
- savings due to the optimisation and automation of logistics tasks;
- better organisation of work due to uniform working methods;
- easier access to data in external records that are required in court proceedings;
- easier access and analysis of data collected in relation to individual proceedings<sup>6</sup>.

[Rz 12] Based on the above-mentioned legal basis and strategic documents, some basic characteristics of ICT support in the Slovene judiciary will be summarised. The Supreme Court has been competent to provide ICT support to the Slovene judiciary for more than 20 years. The judicial organisation itself provides a stable development environment that safeguards the possibility of

<sup>5</sup> The Users» Council adopted the last IT Strategy on 28 September 2012.

<sup>6</sup> DEVELOPMENT STRATEGY FOR IT-SUPPORTED COURT BUSINESS PROCESSES, Ljubljana, September 2012, pp. 4 and 5.

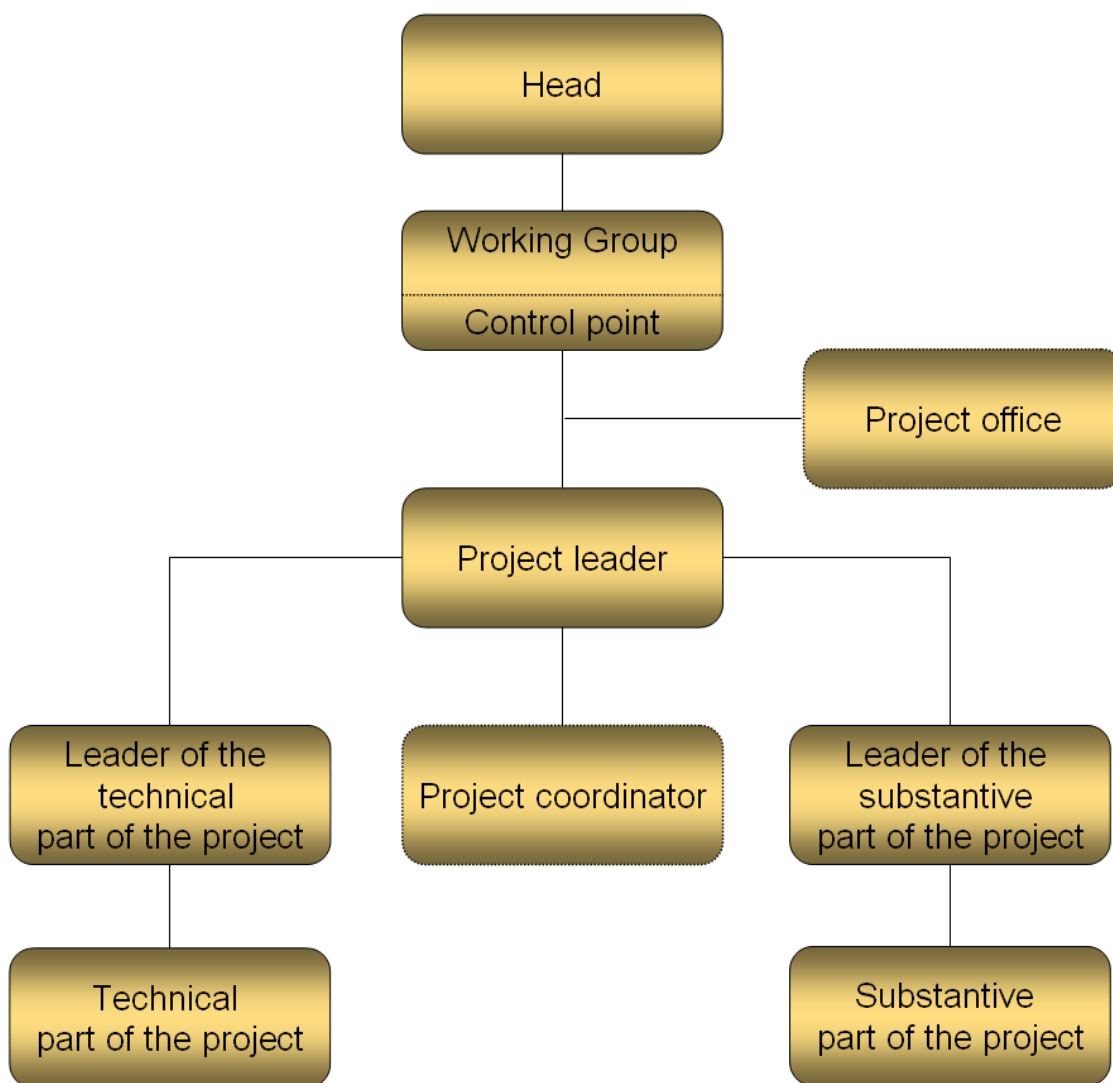
long-term strategic planning and long-term continuous development independent of external factors. Consistent and active co-operation with all beneficiaries from the operational to strategic levels became the *condictio sine qua non* for the implementation of e-justice in the Slovene judiciary. It ensures the promotion of confidence and constant close cooperation with beneficiaries. A high level of technological uniformity<sup>7</sup> is ensured through the competence and role of the IT Centre, which is also competent for the procurement and distribution of hardware and software. Uniform project management organisation based on the active cooperation of substantive and technical experts ensures the final acceptance of project deliveries. An important feature of project management organisation is the close co-operation of beneficiaries, primarily the judges temporarily assigned to the Supreme Court who are directly faced with substantive or organisational issues and the IT experts and analysts tasked with «converting» the beneficiaries» demands into the information system.

### **3. Project management organisation**

[Rz 13] The implementation of project tasks within IT-support for the work of the courts provided by the IT Centre is ensured through project management organisation (Picture 3). The project management organisation ensures maximum effectiveness and transparency, and enables users on all levels of the organisation to perform a decisive role. The key persons in project management organisation are the Head of the Working Group and the Project Leader. The Head of the Working Group represents the sponsor of the project – usually the President of the Supreme Court, who entrusts responsibilities to the Project Leader – a person who should thoroughly know and understand the entire field of the judiciary and justice from the legal and organisational perspectives, with additional expertise in the specific topics covered by the project.

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<sup>7</sup> Standard software packages are used in the operation of courts: Open Office 3.0, standardised centralised case management systems for particular types of court procedures (criminal, civil, enforcement, misdemeanour), the use of service modules based on SOA, and the standardised legal information system.



Picture 3: Typical project organisation of work on IT projects<sup>8</sup>

[Rz 14] In projects relating to case management systems, judges who are temporarily assigned to the Supreme Court<sup>9</sup> are usually nominated as project leaders. This guarantees the direct transfer of practical expertise from the first instance court administration and, together with technical input, ensures the essential preconditions ensuring that the system has high quality design.

[Rz 15] At the lower level, work is carried out by the *project group* led by the project leader. Generally, the project group consists of the following two parts:

- the *technical part of the project*, which deals with technical issues within the project, determines technical standards and solutions, checks the quality of software, and communicates with outsourcers; and

<sup>8</sup> DEVELOPMENT STRATEGY FOR IT-SUPPORTED COURT BUSINESS PROCESSES, Ljubljana, September 2012, p. 8.

<sup>9</sup> With their written consent, judges may be permanently transferred to another court or another body (transfer) or temporarily assigned to another court or another body (assignment) (Judicial Service Act, Art. 4, Para. 3). Assignment may last no longer than three years, and may be repeated with the consent of the assigned judge (Judicial Service Act, Art. 71, Para. 4).



- the *substantive part of the project* which deals with the functional specifications, user requirements, lists of business processes, and the organisational and legal frameworks.

[Rz 16] Each of the two parts of the project group has a leader who is responsible for the group's work. One of the two leaders is also the leader of the entire project and is responsible for all project-related issues.

[Rz 17] The project leader decides on the need to appoint a *project coordinator* (normally an outsourcer), who brings new knowledge into the environment and is in charge of coordinating all stakeholders, of project control in accordance with the chosen project management methodology, and also of the production and gathering of project documents.

[Rz 18] The project leader provides project status reports to a *working group*, which normally consists of representatives of all the stakeholders in the project (e.g. the representative of the Users» Council, the representative of the Ministry of Justice, the representative of the Ministry of Public Administration, the Director of the IT Centre, the Head of the Registry Department, etc.).

[Rz 19] The project organisation described above ensures the following positive effects:

- it prevents project group members from dealing with a field in which they are not proficient;
- it enables project group parts to meet separately, so that proposals are adopted and enforced more quickly and efficiently;
- it enables the leader of the substantive part of the project to be interpreted as the representative of the client, and the leader of the technical part as the representative of the service provider, and in this way facilitates a distinction between their obligations.

[Rz 20] At the top of the organisational scheme is the *working group*, led by its head, which works as a collective supervisory and steering body and in effect represents the person responsible for the project – the sponsor. Given this arrangement, the participation of the director of the IT Centre (technical supervision), and the project leaders (operational management and ensuring communication between the steering and production parts) in the working group is essential. As all working groups usually meet at joint meetings (usually once a month), coordination among all projects and project components, proposing solutions, and adopting strategic decisions alongside all projects is of utmost importance.

#### **4. E-justice projects**

[Rz 21] Slovene legislation provides a sufficient legal basis for the introduction of e-justice and offers a full range of organisational and substantive challenges in the development of ICT systems. E-justice is becoming a concept integrated into all fields of the judiciary, from communication with clients, to internal business process management, court administration, and court performance. On the organisational level, e-justice is closely linked, internally, to the professional community within the Slovene judiciary, and externally to governmental and EU strategic guidelines which address and are focused on the relevant constituency.

[Rz 22] Substantive challenges are reflected in individual legal amendments directed at particular *e-justice features*, such as e-filing, e-communication, e-delivery, interoperability, and the concentration and centralisation of court business processes. Some recent amendments have implemented

the above-mentioned e-justice features and considerably improved judicial services and the performance of the entire judiciary in this regard<sup>10</sup>.

[Rz 23] Although in both the organisational and technical parts, the development and implementation of information systems in the Slovene judiciary is independent, it is essential that in specific parts development is linked or open to other systems within (G2G<sup>11</sup>) or outside (G2B<sup>12</sup>, G2C<sup>13</sup>) of the public sector. The basic purpose of the system is naturally to support the internal business needs, but the judiciary as a public service cannot be isolated but is closely connected to the outside environment. The expectations and needs of external beneficiaries must be considered in this regard. Strategic guidelines in the development of IT solutions reflect the Supreme Court's commitment to the e-justice concept<sup>14</sup>. Analysis of individual segments of information systems show that common objects or features appear in all information subsystems. The common objects or features dictate a uniform approach in the concepts of systems, both on the level of analysis and design, on one hand, and on the level of implementation and maintenance, on the other<sup>15</sup>.

[Rz 24] All projects recently implemented in the Slovene judicial environment follow e-justice concepts that are the guiding focus throughout every development and implementation of the system. The following focuses can consequently be identified:

- a focus on necessary legal changes directed at the implementation of e-services and interoperability;
- a focus on organisational changes and improvements directed at the concentration and centralisation of business functions and business processes and the improvement of business processes directed at better court performance;
- a focus on technical changes directed at the implementation of the key building blocks of e-services that are common to every IT system in the judiciary.

[Rz 25] Two projects that represent the above-mentioned concept will be briefly presented below:

- the Automated System for Enforcement on the Basis of an Authentic Document (COVL); and
- the Judicial Data Warehouse and President's Performance Dashboards.

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<sup>10</sup> The Enforcement and Securing of Civil Claims Act [Slovene: Zakon o izvršbi in zavarovanju], the Civil Procedure Act [Slovene: Zakon o pravdnem postopku], the Land Register Act [Slovene: Zakon o zemljiški knjigi], the Court Register of Legal Entities Act [Slovene: Zakon o sodnem registru], and the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act [Slovene: Zakon o finančnem poslovanju, postopkih zaradi insolventnosti in prisilnem prenehanju] have all introduced e-justice features in the past seven years.

<sup>11</sup> G2G – Government to Government data communication.

<sup>12</sup> G2B – Government to Business data communication.

<sup>13</sup> G2C – Government to Citizen data communication.

<sup>14</sup> The IT Strategy defines eight strategic guidelines in the development of IT solutions (p. 13 et seq.): 1. Uniform architecture of IT solution development; 2. Modular design of IT solutions; 3. Reusability; 4. Interoperability; 5. A standard data exchange format; 6. Standard formats for processing and saving documents; 7. Programme code ownership; 8. Programming languages and the programming environment;

<sup>15</sup> The IT Strategy defines them as key building blocks of e-services in the judiciary and specifies the following (p. 18 et seq.): 1. An electronic filing (e-filing) system; 2. An electronic mail register; 3. An electronic case file.

#### 4.1. The Automated System for Enforcement on the Basis of an Authentic Document (COVL)<sup>16</sup>

[Rz 26] Backlogs in the enforcement procedure previously represented two thirds of all backlogs in the Local Courts. As the situation in the land register substantially changed due to the computerisation of the land register and the backlog mitigation project in the period 2002 – 2007, the share of backlogs in enforcement even rose. Systemic and organisational problems were determined to be the reasons for the backlogs. The law on civil enforcement enabled several legal remedies in all phases of the court procedure, several procedural actions were available to the parties to proceedings, and access to external sources of information was limited. Forty-four Local Courts were especially overburdened with cases concerning enforcement on the basis of an authentic document (a generic term for a number of classes of monetary claims, which includes invoices, bills of exchange, cheques, etc.), which in most EU countries are a part of civil procedure concerning a payment order.

[Rz 27] Also from the organisational point of view, the enforcement procedure was extremely fragmented, most Local Courts did not have a separate enforcement department or judges and clerks specialised in enforcement. In practise, judges and also clerks only partially covered the field of enforcement. This was unacceptable especially regarding judges, as civil enforcement is primarily a straightforward procedure that can be performed mainly with lower levels of competence.

[Rz 28] These were the reasons that led the Supreme Court to the decision to launch the Project «The Central Department for Enforcement on the Basis of an Authentic Document (COVL)». COVL is an Slovene acronym for *Centralni Oddelek za Verodostojno Listino*. The Project was partly performed also within the international EU Transition Facility Twinning Project «Backlog Mitigation in Enforcement Procedures» in cooperation with the German Foundation for International Legal Cooperation<sup>17</sup> and was divided into legislative, organisational, technological, and public relation components. The strategic goal of the project was to reduce judicial backlogs and improve the efficiency of courts in enforcement procedures. The first business objective set the disposition time to two working days and the second objective was to reduce backlogs by 15% by the end of 2007.

[Rz 29] Some good EU practices were considered during the implementation of the Project<sup>18</sup> and it was decided that some basic e-justice concepts and improvements were to be implemented from the very beginning of the Project:

- e-filing<sup>19</sup>;
- the centralisation of business processes;
- access to external registers;

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<sup>16</sup> For more details, see: GREGOR STROJIN, Central Department for Enforcement on the Basis of Authentic Documents – Building Interoperability in European Civil Procedures Online Case Study – Slovenia, Ljubljana, 20 April 2012 – [http://www.irsig.cnr.it/BIEPCO/documents/case\\_studies/COVL%20Slovenia%20case%20study%2025042012.pdf](http://www.irsig.cnr.it/BIEPCO/documents/case_studies/COVL%20Slovenia%20case%20study%2025042012.pdf).

<sup>17</sup> The Project was carried out from 2004–2008.

<sup>18</sup> E.g. the payment order in Germany – <http://www.mahngerichte.de/> and the on-line money claim in the UK – <https://www.moneyclaim.gov.uk>.

<sup>19</sup> The first concept of e-filing in the European judiciary was presented by Dr. Martin Schneider at the 10<sup>th</sup> Colloquy, Ankara, 1992, «Present state and further development of legal data processing systems in European countries». E-filing for *small clients* through the web portal and for *bigger clients* using B2G concepts of bulk filing is supported in the Slovene concept.

- case files would only be in electronic form;
- central printing by an external service provider.

[Rz 30] In order to enable and implement e-filing, procedural codes (the Civil Procedure Act<sup>20</sup>, the Enforcement and Securing of Civil Claims Act<sup>21</sup>) were amended and additional functionalities were developed. XML schemas for larger clients were published and clients adapted their business ICT systems in order to enable bulk filing. In order to implement centralisation of the business process at one location, the Courts Act was amended<sup>22</sup>. Before the Project, 44 Local Courts used to perform the enforcement procedure on the basis of an authentic document. In accordance with the mentioned amendments to the law, the Local Court in Ljubljana assumed competence for such and a special organisational unit (The Central Department for Enforcement on the Basis of an Authentic Document) was established. The Enforcement and Securing of Civil Claims Act also introduced the exclusive competence of the Higher Court in Ljubljana for appeals against the decisions of the Local Court in Ljubljana<sup>23</sup>. G2G interoperability with registers and external systems was implemented by the amendments in 2008<sup>24</sup> and enabled connectivity between several IT systems and registers provided by courts or different state bodies (the Land Register, the Register of Spatial Units, the Register of Bank Accounts, the Tax Register, the Clearing House Register, the Central Register of Citizens, the Public Payment Administration, the Employment Office, the Companies» Register and the Business Register).

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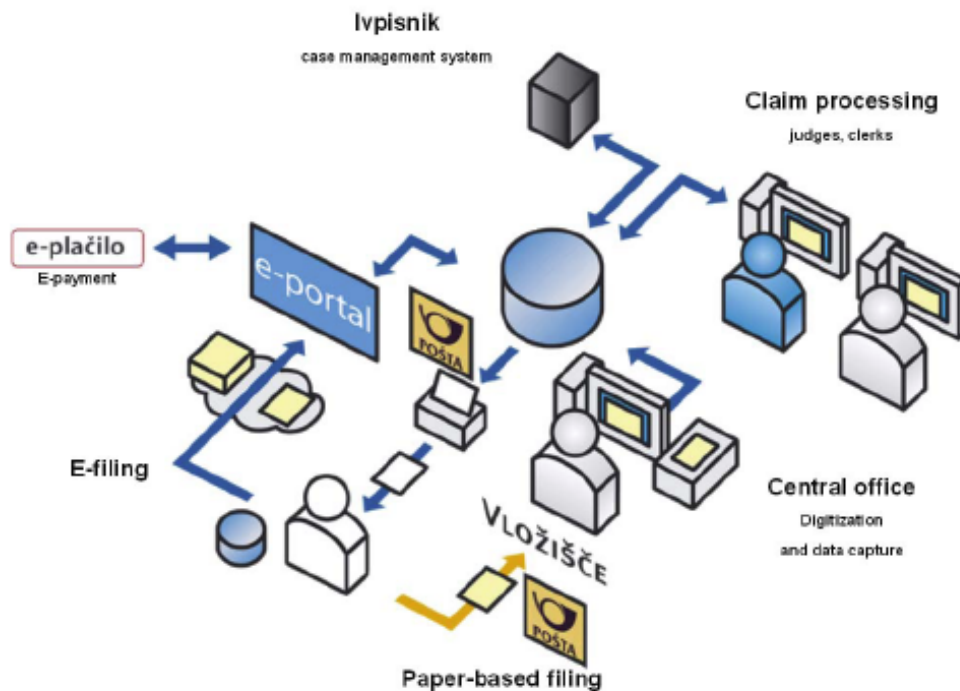
<sup>20</sup> Official Gazette, No. 52/2007, Arts. 16a, 23, 105, 105b, and 132 (use of the e-file, e-signature, e-filing, e-delivery, and access to the case management system was introduced).

<sup>21</sup> Official Gazette, No. 115/2006, Arts. 6a, 29.

<sup>22</sup> Official Gazette, No. 127/2006, Art. 99a.

<sup>23</sup> Official Gazette, No. 115/2006, Art. 6a.

<sup>24</sup> Official Gazette, No. 45/2008, Art. 13.



Picture 4: Automated System for Enforcement on the Basis of an Authentic Document<sup>25</sup>

[Rz 31] Some important conclusions are summarised below based on experiences implementing the «Automated System for Enforcement on the Basis of an Authentic Document (COVL)» Project:

- **concentration and centralisation of the business process** – The business process, which had previously (until the end of 2007) been performed at 44 locations by more than 250 judges and court staff, and with an influx of less than 115,000 cases, is now performed at one location by 5 judges and 65 court staff with an influx of more than 210,000 cases in 2012.
- **e-filing** – In 2012 more than 99% of applications for enforcement were filed electronically (55.37% on-line and 43.81% as bulk filings).
- **accelerating the business process** – In nearly 60% of cases, the enforcement order was issued within two working days of receiving a complete application for enforcement, while 75% of enforcement orders were issued within five working days of receiving a complete application for enforcement.
- **the e-case file** – The Central Department for Enforcement on the Basis of Authentic Documents operates practically paperlessly, with only an electronic case file, as all incoming cases not sent through the portal are digitalised (scanned) and transferred to the case management system.
- **interoperability** – Automatic collection of data (G2G) on a debtor’s assets and other information (from the company register, the business register, bank accounts, the debtor’s employer,

<sup>25</sup> Gregor Strojín, Central Department for Enforcement on the Basis of Authentic Documents – Building Interoperability in European Civil Procedures Online Case Study – Slovenia, Ljubljana, 20 April 2012 – [http://www.irsig.cnr.it/BIEPCO/documents/case\\_studies/COVL%20Slovenia%20case%20study%2025042012.pdf](http://www.irsig.cnr.it/BIEPCO/documents/case_studies/COVL%20Slovenia%20case%20study%2025042012.pdf) p. 30.

the land register, the clearing house register, the tax register, the health insurance register, the register of spatial units, and the register of citizens) was introduced, which considerably improved the quality of the process and unburdened human resources.

- **bulk printing** – All documents delivered through the case management system are centrally printed and automatically put in envelopes not within the court building but by an external service provider (outsourcer) selected through a public procurement procedure. A special common building block also useable by other systems (the land register, the insolvency case management system) was introduced in this regard.
- **modular design** – some modules (bulk printing, e-filing, access to external registers) which were introduced into the system are used also by some other case management systems implemented in the court business process (insolvency, the land register).
- **reducing backlogs** – Despite the (nearly 100%) higher influx of cases, backlogs were considerably reduced after the implementation of the new concept. The number of pending enforcement cases on the basis of authentic documents was reduced by nearly 42% (from 239,100 as of 31 December 2007, to 139,700 as of 30 September 2013) and the number of all pending cases at Local Courts was reduced by more than 42% (from 424,900 as of 31 December 2007, to 244,800 as of 30 September 2013). This also confirmed the Supreme Court's strategic approach to intervening in fields that are «*labour intensive*» in order to unburden judges and court staff, re-engineer the business process in the sense of lowering the level of decision-making to the lowest possible level, and enable them to focus on the substantive part of the process.
- **reusability** – An approach similar to the «Automated System for Enforcement on the Basis of an Authentic Document (COVL)» Project was also implemented in the «Redesign of the Land Register» Project in 2010, with the exception that 44 Local Courts continued to be competent to decide in the registration procedure, but with the abrogation of territorial jurisdiction concerning the filing of applications and jurisdiction according to *lex rei sitae*. This enabled the assignment of cases to clerks on the basis of the amount of their workload and balancing the workload of the land register personnel throughout the country. Electronic filing of all applications and their attachments through the unique E-Justice Portal for all professional users (notaries, attorneys-at-law, real estate companies, and certain state administrative bodies) became mandatory. Furthermore, the exclusive jurisdiction of the Higher Court in Koper to hear appeals, which ensured unified case law, was introduced.

## 4.2. The Judicial Data Warehouse and the President's Performance Dashboards

*It is not only about statistical data analysis. It is also about a change in the habits, work methods, and mentality of judges and other employees at the courts.*

**Alenka Jelenc Puklavec – former Head of the Registry Department of the Supreme Court**

[Rz 32] The different information systems relating to the judiciary (case management systems, human resource information systems, and financial information systems) contain a wealth of information. Effective governance of the judicial system and good court management must rely on

reliable information. In order to provide reliable information to management on all levels of the judiciary, the Supreme Court has had to face two main challenges:

- how to integrate the set of data from the various above-mentioned systems and sources into one unified data model and database; and
- how to meet the different needs and expectations of different stakeholders in the judiciary, the entire organisation of justice, and also the public.

[Rz 33] In 2008 the Supreme Court launched the «Data Storage and Provision of Business Information» Project, which should eventually result in the provision of quality business information. The Supreme Court was encouraged by the developments and achievements of some concrete in-house projects where the project management team introduced the monitoring of court performance and the reduction of backlogs in some courts which were faced with a large workload and backlogs, on one hand, and suffering from a lack of information and court management expertise, on the other. Basic information needed for managerial decisions (the number of filed, resolved, and pending cases, age of pending cases, the duration of the procedure, human resources) were generated from legacy case management systems limited to only the specific court procedure (e.g. the land register, civil enforcement) and some basic key performance indicators (time to disposition, clearance rate, ratios regarding filed, resolved, and pending cases per court employee, age of pending cases) were introduced locally to individual case management system.

[Rz 34] On the other hand, the Supreme Court was facing unacceptable backlogs and delays in almost all court procedures in almost all courts. The number of new court cases nearly tripled in a period of 20 years and was still increasing. Increasing public awareness, which resulted in greater pressure and expectations regarding a more efficient and swift judiciary, encouraged the Supreme Court to take concrete actions focused on certain priorities and supported by concrete measures. In order to identify suitable priorities and appropriate measures, accurate and prompt figures were needed. The Supreme Court was also encouraged by achievements in the business sector (especially the banking and telecommunications sectors) and combined them with industry-based business-intelligence (BI) technology in order to optimize court management and improve the efficiency and quality of judicial performance on a national level.

[Rz 35] The courts were also overloaded with different types of reports for different purposes and different state bodies (most frequently for the Supreme Court, the Ministry of Justice, the Judicial Council, the National Assembly, and the CEPEJ). The reports were not harmonised among the different beneficiaries and most frequently *ad-hoc* reports, which were not supported by legacy case management and other systems, were required. Although these reports presented the appropriate situation, they were limited to particular types of procedures (several case management systems are used in Slovenia) and no integrated and comprehensive report available at a glance for the entire judiciary for a certain time frame was possible. In the long run, the figures also became less and less accurate as they were based on manual or semi-manual compilation of data. Any strategic planning or decision-making with focused interventions was nearly impossible. Moreover some good initiatives failed also due to a lack or absence of appropriate data, on one hand, and due to a lack of expertise and commitment, on the other. A specific problem in the Slovene judiciary was also that human resources were not allocated to a particular court according to the workload or other objective criteria, but on the basis of the persuasive abilities of the individual court's management.

[Rz 36] After building the data storage system in 2011, the establishment of a system for providing business information began. The aims of the project were focused on the automatic preparation

of reports and publications in a prescribed form, and on efficient use of the latest data from the data storage system by way of an interactive search. Due to the fact that the purpose of the project was to support business decision-making, the end-users of the system were presidents and court managers, the analytical service of the Supreme Court, and the Judicial Council. Several internationally accepted court performance indicators were implemented (clearance rate, time to disposition, age of pending cases and the duration of proceedings, caseload per judge, productivity, and various ratios)<sup>26</sup>.

[Rz 37] The implementation of an analytic tool that could provide business information caused a paradigm shift in Slovene judicial management and business intelligence became indispensable. The focus on the individual type of court procedure or individual problem, which was usually based on individual experience, feelings, or intuition, which had been considered critical, switched to a comprehensive overview of the entire system. Strategic thinking based on business intelligence information was initiated, strategic managerial decisions started to be justified upon figures based on case management systems, the quality of data stored in the case management systems became increasingly important, and figures became more and more accurate, and after systematic training, court management started to work with figures based on business intelligence data.

[Rz 38] Some important outputs or initiatives and actions for all levels of the governance of the judicial system should be explicitly stressed and are briefly introduced below<sup>27</sup>:

- annual publications;
- the President's Performance Dashboards;
- a new Court Management Methodology; and
- a new Human Resource Balancing Methodology.

#### **4.2.1. Annual publications**

[Rz 39] According to the Courts Act<sup>28</sup>, two documents should be delivered by court presidents every year:

- the annual work programme; and
- the annual report on the performance of the court.

[Rz 40] A court president should receive the annual work programme 30 days prior to the start of the implementation of the state budget. The annual work programme, which also contains the court's annual implementation plan with a business results plan, should form the basis for ascertaining the effectiveness and efficiency of the individual court. The President of the Supreme Court, the Judicial Council, and the minister responsible for justice address proposals and the realisation of the annual work programmes, and take harmonised measures twice a year at joint meetings with the presidents of the courts that adopted the annual work programmes. The annual work programme contains an assessment of the anticipated annual caseload, time standards, the

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<sup>26</sup> Financial indicators (e.g. different costs per case) are in the phase of implementation.

<sup>27</sup> Beside these outputs, also standard necessary deliverables such as statistical reporting for different beneficiaries (e.g. the Supreme Court, the Ministry of Justice, the Judicial Council, university faculties, and other research institutions) should not be neglected.

<sup>28</sup> The Courts Act, Paras. 60a and 71a.



planned number of resolved cases, the planned number of resolved cases per judge and court staff, and planned costs per case<sup>29</sup>.

[Rz 41] The annual report on the performance of an individual court contains an efficiency and effectiveness analysis of the work of the judges. In addition to general information regarding the particular court, the annual report contains a set of important figures, performance indicators, and benchmarks important for evaluating the performance of the individual court (e.g. data regarding the number of judges and court staff, the number of filed, resolved, and pending cases, the number of legal remedies, the number of confirmed, amended, or annulled decisions, efficiency rates – the number of resolved cases per judge, clearance rates, times to disposition, the age of pending cases, and some other time standards and the assessment of the achieved objectives set by the adopted annual work programme for the previous year)<sup>30</sup>. Beside this information, the annual report of the Supreme Court also contains additional analyses and comparisons that represent a comprehensive overview of the entire judiciary.

[Rz 42] Both documents – the annual programme of work and the annual report – are based on information from the case management systems and other court information systems and are to a large extent generated automatically by the BI system. Furthermore, figures regarding forecasting (the planning of individual data – e.g. the anticipated caseload) are offered to the court management, which can then alter them according to their expectations. The fulfilment of the planned figures can subsequently be monitored through the President's Performance Dashboards.

#### **4.2.2. The President's Performance Dashboards**

[Rz 43] The President's Performance Dashboards contain the following tabs (Picture 5):

- Human Resources
- Case Flow Data
- Backlogs
- Efficiency
- Quality of Work

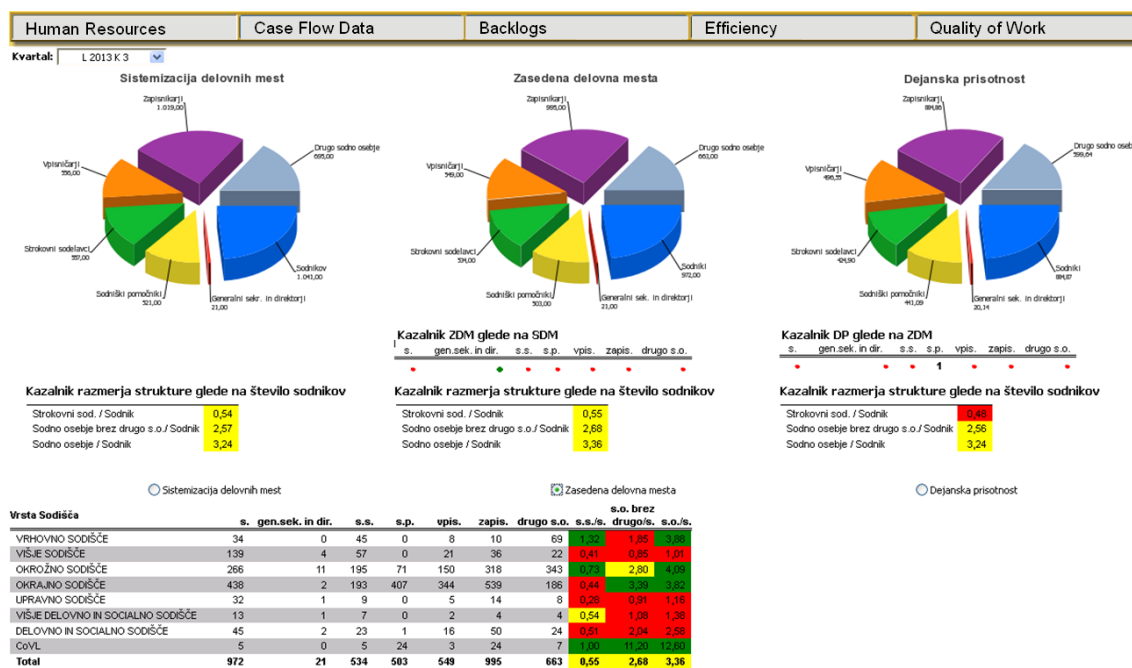
[Rz 44] By visualising the results of searches at the highest level, they enable a broad and clear view of the operations of the courts and support the presidents of the courts when business decisions need to be made. The Methodology is based on comparing the results of an individual court with the average results of all courts of the same type, which enables benchmarking.

[Rz 45] Through the set of tabs, the President's Performance Dashboards provide court management on all levels the most important information needed in order to gain an overview of an individual court, the types of courts, or the whole judiciary. At any moment the court management can have all necessary information about the current status of the most important figures and key court performance indicators (clearance rate, time to disposition, age of pending cases, efficiency rate). A comparison of different data, which based on visualisations by means of thresholds, pie charts, and tables, enables benchmarking and some basic analysis and forecasting. Some basic data-mining functionalities also provide in-depth analyses regarding particular types of cases.

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<sup>29</sup> The Courts Act, Para. 71a.

<sup>30</sup> The Courts Act, Para. 60 a.



Picture 5: The President's Performance Dashboards

#### 4.2.3. New Court Management Methodology

[Rz 46] According to Art 62b of the Courts Act, a candidate for the position of president of a court (including a candidate for the position of president of the Supreme Court), should include with the application a six-year strategic work programme for the

[Rz 47] court. The six-year strategic work programme for the court should contain, in particular, an assessment of the situation at the court, a risk assessment, and an assessment of opportunities for improving the productivity of the court, a description of the areas of operation, and a definition of the business objectives in relation to access to the court, including an alternative dispute settlement procedure, quality of services, impartiality, responsibility for results, efficiency and transparency, an indication of the measures for every area of work, a definition of the bodies responsible for measures, deadlines for their implementation, and criteria for measuring effectiveness and estimating the achieved business objectives.

[Rz 48] A Court Management Methodology was drafted in order to implement and also monitor the six-year strategic programme of the Supreme Court President. The main objective of the Methodology is to improve the quality and efficiency of the Slovene judiciary. The Methodology was accepted as a standard and uniform manner of reporting. Five basic fields of court management were defined, similar to the President's Performance Dashboards, but more thoroughly analysed by means of business intelligence tools for every particular court and group of comparable courts:

- human resources;
- productivity;
- workload;
- pending *old* cases;
- quality of work.

[Rz 49] Based on the Methodology, a set of priorities and measures is defined and presented to the professional and lay public at the *Opening of the Judicial Year* public event. The purpose of the event is to express the explicit commitment of the entire judiciary to the constituency and the present projects and activities which the Supreme Court will carry out in the following year in order to achieve the defined priorities and measures.

[Rz 50] For the year 2013, a set of seven priorities were identified based on analyses of key court performance indicators as key areas for improving the performance of the Slovene judiciary<sup>31</sup>. A common characteristic of all seven priorities is that they are focused on the business targets that were identified as critical areas for ensuring better performance of the entire judiciary and also for meeting the expectations for a better judiciary of the professional and lay public. On the other hand, the focused and transparent operation of the entire judiciary through the presentation of the mission, vision, and fundamental values increases trust in the judiciary, which is of utmost importance for public support and confidence. Concrete projects in all areas of court operation are performed based on accepted priorities.

[Rz 51] Business Intelligence has proved to be an efficient tool for monitoring the implementation of the Methodology, and a set of reports for individual priorities is published on the website of the Supreme Court<sup>32</sup>.

#### 4.2.4. Balancing human resources

[Rz 52] One of the major issues of the Slovene judiciary was the inconsistency between the workload of the individual courts (the influx of cases, the number of pending cases, and the backlog of cases) on one hand, and the number of judges and court staff, on the other<sup>33</sup>. Especially in the last ten years, these inconsistencies have even increased due to the engagement of additional judges and court staff within backlog mitigation initiatives in some courts. The increase was mainly a result of the persistence of individual presidents and not always the consistent policy of the Ministry of Justice, which was competent for filling judicial posts and court staff positions<sup>34</sup>.

[Rz 53] In 2011 the Supreme Court started to draft a Methodology entitled «Balancing Human Resources» in order to support the fifth priority, «balancing human resources». Three main objectives were pursued:

- Courts shall have sufficient support of judges and court staff in order to control the influx of cases (the clearance rate should be close to 100%);
- Courts with an increased number of pending cases shall temporarily increase the number of judges and court staff in order to reduce the number of pending cases – the target was set at a 5% decrease in backlogs in a given year;

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<sup>31</sup> **First Priority:** «Court management»; **Second Priority:** «Resolving older pending cases»; **Third Priority:** «Time standards»; **Fourth Priority:** «Unburdening judges»; **Fifth Priority:** «Balancing human resources»; **Sixth Priority:** «Criminal procedure»; **Seventh Priority:** «Special programmes in *critical* courts».

<sup>32</sup> [http://www.sodisce.si/sodna\\_uprava/statistika\\_in\\_letna\\_porocila/prioritetna\\_podrocja/](http://www.sodisce.si/sodna_uprava/statistika_in_letna_porocila/prioritetna_podrocja/).

<sup>33</sup> In December 2005, the Ministry of Justice launched the «*Lukenda Project*». In order to reduce disposition times, which in Slovenia, according to the European Court of Human Rights, were not in accordance with Article Article 6 § 1 (the right to a fair hearing within a reasonable time), the Ministry engaged additional judges and court staff, but not equally according to the real workload of individual courts.

<sup>34</sup> In accordance with the most recent amendments of the Courts Act in July 2013, the Supreme Court shall determine the number of judicial posts and court staff for every particular court.

- The Supreme Court shall have a virtual «Pool of Human Resources» in order to support individual initiatives regarding backlog mitigation at particular courts.

[Rz 54] A special report was introduced in order to support the Methodology. The report consists of data regarding the workload (the number of filed, resolved, and pending cases), human resources (judicial posts, court staff workplaces broken down by individual types) based on occupied posts and actual work presence, court performance indicators (clearance rate, time to disposition, efficiency rates), and different ratios within every particular type of court (Local Courts, District Courts, Labour and Social Courts, Higher Courts).

[Rz 55] The various ratios that were introduced into the Methodology especially proved to be an efficient tool for human resource balancing and also planning. The author of the present work realised that there is a strong correlation between ratios regarding the workload of a particular court within comparable types of courts and ratios regarding human resources. The final goal is that human resource ratios for judges and particular types of court staff (court advisers, judicial assistants, docket keepers, typists) represented within the particular types of courts correspond to the workload ratios which represent new, resolved, and pending cases within the particular types of courts. There are several combinations and legalities in comparing different ratios – e.g. if the ratios for new and pending cases are lower compared to human resource ratios, then the individual court is overstaffed (Picture 6 – Court 3), and if the ratios for new and pending cases are higher compared to human resource ratios, then the individual court is understaffed (Picture 6 – Court 1 and 4). Naturally, also the average productivity of a certain type of court should be the minimum objective of any individual court.

	Court 1	Court 2	Court 3	Court 4
Ratio of new cases	36%	13%	11%	8%
Ratio of resolved cases	37%	12%	11%	10%
Ratio of pending cases	43%	10%	12%	9%
Ratio of judges	35%	13%	13%	7%
Number of judges (present)	84	32	30	18

**Picture 6: Balancing human resources**

[Rz 56] The Methodology is used as a standard tool in human resource management on all levels of the judiciary – from the Local and District Courts for operational decisions, to the Supreme Court for strategic planning and also for individual business decision-making. In the past three years the conditions in the courts concerning the number of new and pending cases per judge and court staff has levelled off and the number of judges per 100,000 inhabitants decreased due to a strategic approach to replacing judicial posts with lower level posts.

## 5. Conclusion

[Rz 57] The effective organisation of ICT support in the operation of courts and the e-justice is dependent on many linked and complementary factors. It must stem from the characteristics of the user environment and must take into account some basic principles that ensure success. In Slovenia, the legal basis for the organisation and guaranteed independent sources of funding are

important factors of success, but it appears that training, top management and user support, and the use of uniform standards in constructing the system are just as important.

[Rz 58] The COVL Project encompassed all these premises and fully integrated the business needs of internal users and the expectations of external beneficiaries. Taking into account different good practices in the EU and also good or worse experiences, it enables an adaptable solution not only for one type of court procedure, but is as a concept applicable to the entire field of the e-justice.

[Rz 59] The basic strategic goal of the Judicial Data Warehouse and President's Performance Dashboards Project was to unburden judges, court management, and court staff of administrative and routine tasks connected to the collection and analysis of data. Implementation of the project saved considerable human resources with regard to data collection. The resources saved regarding analysis and planning, however, are immeasurable and priceless, as they have enabled a complete paradigm shift regarding court management.

[Rz 60] While the main outputs of the system are seen in the form of automatically prepared reports, their main effects lie in the complete information they provide to the court management stakeholders, and their ability to use it effectively. The integration of data from multiple sources into a single database, the Judicial Data Warehouse and interactive President's Performance Dashboards diminished the need for the management to know the technical specifics of individual automated case management systems or to depend on analysts for time consuming queries and reports, allowing the management to focus on decision making. The President's Performance Dashboards and ad-hoc queries, which are available in the business intelligence system, have become the basic source of information for the adoption of different measures and policies on all levels of decision-making.

[Rz 61] In order to monitor the progress of the implementation of measures, different managerial reports were defined and a special Methodology was implemented for court performance monitoring. As all Slovene courts are observed and compared through predefined common key performance indicators, the new approach allowed the introduction of benchmarking. Proper use of the President's Performance Dashboards represents a comparative advantage for court presidents and their teams and should ensure the success of their courts in reaching the set business goals, as well as the stability of their own positions. The new managerial approach contributed to significant improvements in overall court performance, most notably to a substantial decrease in pending cases and especially old pending cases.

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