

Conference EFFECTIVE JUSTICE: CHALLENGES AND PRIORITIES FOR (ADMINISTRATIVE) COURTS

in commemoration of the establishment of the Division of Administrative Courts of the Lithuanian Association of Judges, Law Institute of Lithuania and the Law Faculty of Vilnius University

Lietuvos Respublikos Seimas, 6 May 2016, Vilnius, Lithuania

ROUNDTABLE DISCUSSION

Speech of Dr. Holger Bohmann

Vice-President of the Association of European Administrative Judges, Judge of the High Administrative Court of Mecklenburg-Western Pomerania, currently acting as Head of Personnel Department in the Ministry of Justice of Mecklenburg-Western Pomerania.

In my opinion, there are three main topics, regarding effectiveness of justice.

One of the point to ensure increased effectiveness of the judiciary is to increase staff.

In times of mass influx of refugees, security threats due to terrorism, the competition between state institutions on state budget is abundantly increased. Most of the state institutions require bigger funding. The competition between state institutions.

What is the standing of judiciary in relation to other state institution to get adequate funding? Question to the politicians is how much judiciary we can afford and how much we must afford? Do we need more police, detention centers or more jury? In my experience, if the judiciary is able to give an objective prove on the demands, than the standing is not too bad. But how can we objectively evaluate it? There must be a system, which evaluates various fields of works of courts in a way, which you can calculate. Such system is implemented in Germany. So first thesis is national courts must have an objective measuring of the work of courts if they want a standing in budget negotiations.

Second point is organizational. What can be done with respect to organization of courts? There are solutions like limiting the procedures, limiting instances and etc. In my experience, if the court hears cases from one specific legal field, it enables the court to finalize more cases from this specific legal field in a faster and more effective way. The solution would be a concentration of competences and the concentration of number of specific cases in one specific court. To sum up organizational measures are essential to increase effectiveness of judiciary.

Finally, the change of a court organization must fit to the legal traditions, national constitutional law and to the will of decision makers to increase efficiency and not only to attempt to save money. For the increase of the efficiency of the judiciary all participants must be willing to openly assess established court system and proceeding and may not fall back to the decisions because of the traditions.

Speech of Prof. Dr. Vigintas Višinskis
Judge of the Court of Appeal of Lithuania

Considering cases in Lithuanian courts are completed fast and smoothly, Lithuanian courts looks positively in the context of Europe. On the other hand social ratings shows that public's confidence in Lithuanian courts is one of the lowest. So I would like to ask - who are we working for? Is it the State or is it Public? So one of the biggest challenges for Lithuanian courts is to get the Lithuanian people's confidence in the courts.

Administrative courts resolve disputes between the state and the individuals. It is essential for administrative courts to have the trust of the people. If a person does not feel safe before starting a dispute in court against the state, he may not even start one, even if his rights were violated.

Nowadays, when we face globalization, migration problems and the threat of terrorism, the development of economic relations requires joint action by all EU member states. The problem is that when the country become more admitted to international regulations, the more limited sovereignty it has.

Currently, there are initiated legal proceedings on the constitutional amendment, introducing assessor's institute in the Lithuanian courts. These amendments should increase public confidence in the judicial system. So maybe we should consider the introduction of the assessor's institute to the administrative courts.

Another point, how we could increase the judicial efficiency in Lithuania, in my opinion is shortening the court ruling. Based on statistics, only four percent of the first instance court decisions are appealed. In my opinion, it requires a lot of time and effort to write decisions of ten or more pages.

Speech of Egidijus Laužikas
Judge of the Supreme Court of Lithuania, Chair of the Judicial Council

My speech about the efficiency of the administrative courts will start by mentioning mediation in civil procedures. Implementation of this extrajudicial process in Lithuania was a long and difficult

process, which started in 2005. Last year one hundred twenty three cases were transferred to mediation. Administrative courts should consider whether it is worthwhile.

Another topic that I would like to mention is E-Cases. This system in Lithuania has its advantages and disadvantages. One of the main problems is that the E-Case and maintenance of this system is extremely expensive.

Lastly, talking about efficiency of judiciary, we have to talk about procedural fairness. The problem with procedural fairness. Do we always abide the procedural requirements?

There problem is that court decisions have become very long. The Judicial Council, in order to improve the situation in this area, is preparing the drafting of judgments standards (guidelines) related to the content sand the structure of the judgment. The decision of the court, based on these guidelines, must be clear, transparent and understandable to the dispute parties. The aim of these guidelines is to shorten the length of rulings.

Attached: report of Dr. Ernestas Spruogis, report of Dr. Giedrius Mozūraitis, report of Dr. Danutė Jočienė