

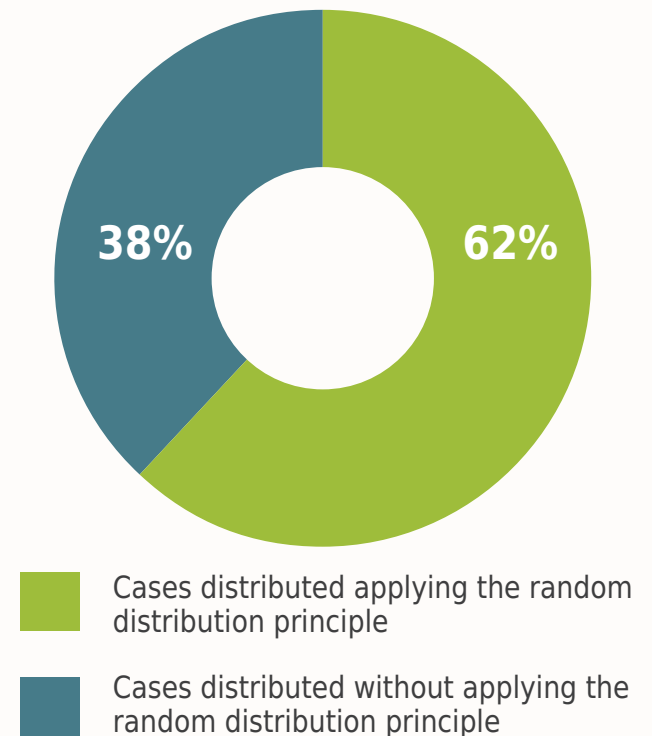


A NEW SYSTEM OF CASE DISTRIBUTION IN COMMON COURTS

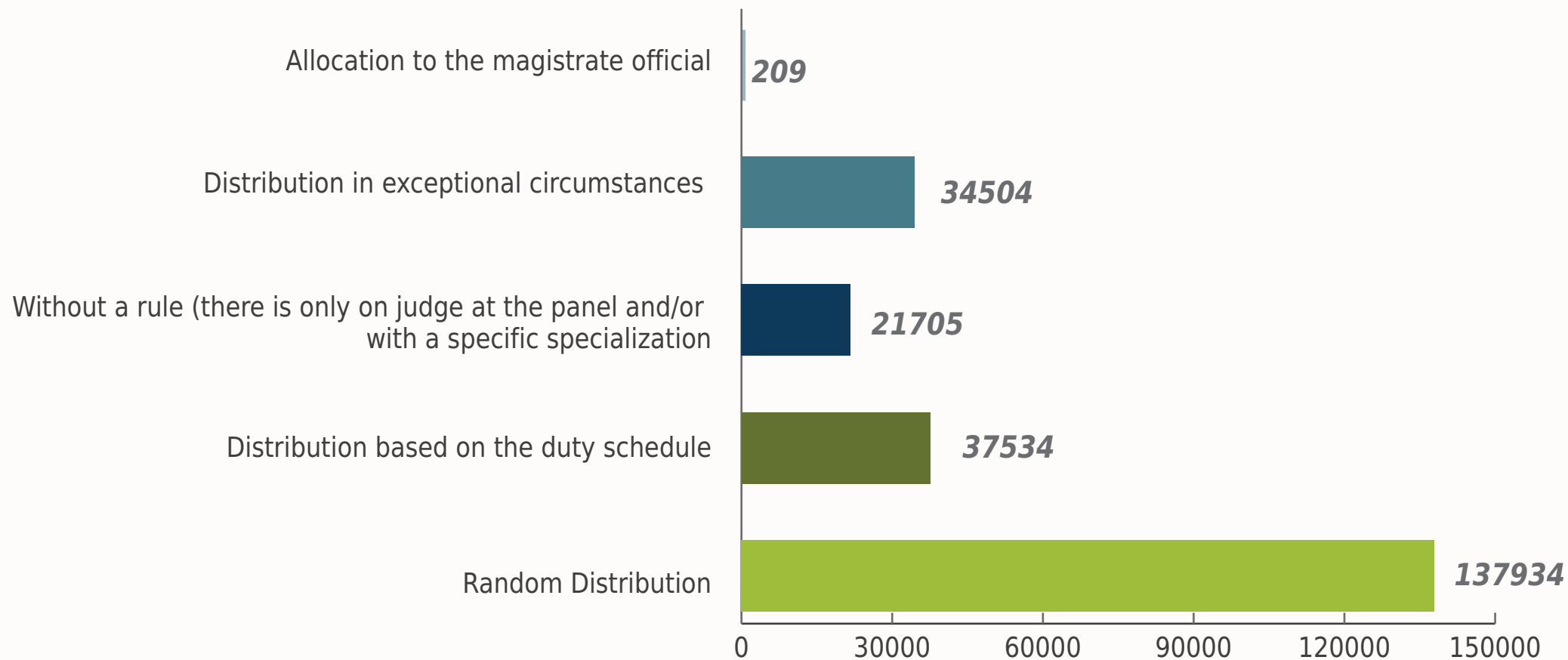
Introduction of the electronic system for case distribution in Common Courts is one of the most important novelties introduced under the "Third Wave" of judicial reform. One-year monitoring revealed the following significant challenges with regards to the full implementation of the new system:

- The insufficient number of judges excludes the possibility of the random distribution in every court;
- Due to the fragmented and intermittent changes adopted by the High Council of Justice the list of exemptions from random distribution has been dramatically increased;
- The Chairmen of the Courts have maintained several vague and problematic authorities. Authority of Chairperson to assign judges to narrow specialties raises special concerns;
- During the system failure, the process of distributing cases by the Chancellery staff between the judges based on the sequential rule is flawed. The important rules applicable during delays of the system are regulated by the normative act of the High Council of Justice;
- Number of provisions of the procedural legislation are not in line with the fundamental principles of random distribution;

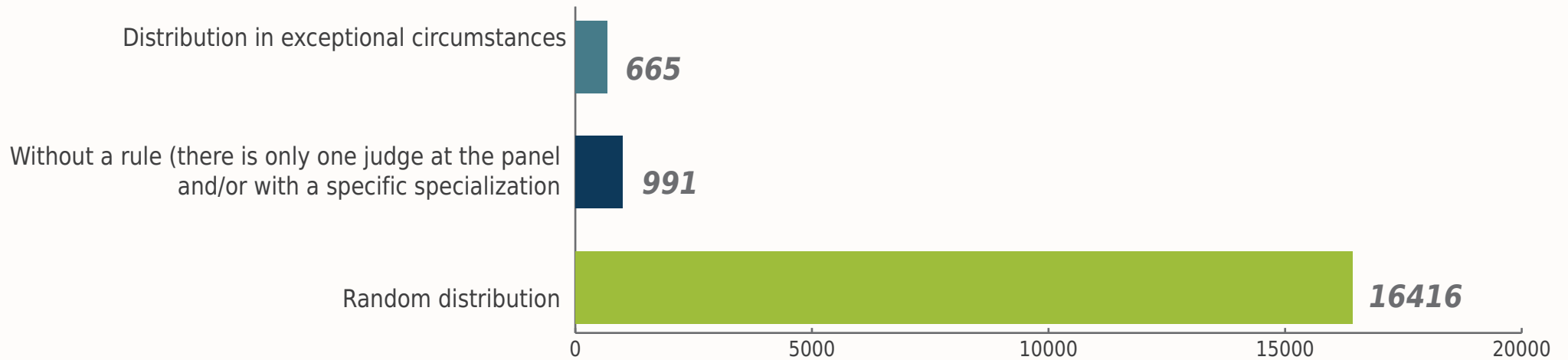
Cases distributed between December 31, 2017 and December 31, 2018



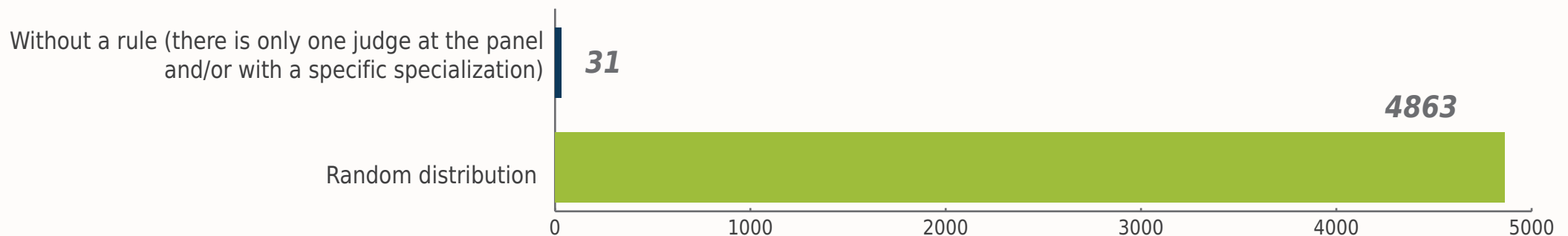
Cases distributed between December 31, 2017 and December 31, 2018 at First Instance Courts



Cases distributed between December 31, 2017 and December 31, 2018 at Court of Appeals



Cases distributed between December 31, 2017 and December 31, 2018 at the Supreme Court



What are the next steps?

- **The stages of distributing cases through the electronic system should be prescribed on the legislative level;**
- **Random distribution of cases should be enforced in all courts, including the magistrate courts, by means of ensuring the needed number of judges;**
- **The duty schedules of judges should be developed so that to restrict the possibility of directly allocating the case to one specific judge disregarding the requirement for specialty and random distribution;**
- **The High Council of Justice should assign the judges to the narrow specialties established by the Council itself, in a justified, transparent and clear manner;**
- **All three judges for panel hearing of cases should be randomly selected by the electronic program;**
- **Procedures and deadlines for re-distribution of cases after recusal/self-recusal should be clearly defined and should exclude the participation of the court chairperson in the process;**
- **The grounds and procedures for temporary allocation of the case to another judge in the event of “special circumstances” should be clearly defined;**
- **The court Chairpersons should be stripped of the authority to reduce or increase the workload of judges;**
- **Fair and objective consideration of the volume of the case should take place during equal distribution;**
- **Electronic platform for processing statistical data about case distribution should be created and executed in order to collect, process and analyze the data from each court in a timely and comprehensive manner.**