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**Rule of Law Institutional
Strengthening Program (ROLISP)**

REPORT ON THE STUDY VISIT TO LATVIA

April 13-20, 2013

Rule of Law Institutional Strengthening Program (ROLISP)

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REPORT

on the Study Visit to Latvia
organized and funded by USAID ROLISP on April 13-20, 2013

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INTRODUCTION

The activities for implementing Task 1.3.5 set forth in the USAID ROLISP's workplan for Year 1 include a study trip for Moldovan judges and court staff to countries in which the courts are using a modern and efficient Integrated Case Management System (ICMS).

After consulting with the Moldovan Superior Council of Magistracy, the Ministry of Justice and the Department of Judicial Administration and with approval from the USAID Mission to Moldova, USAID ROLISP selected Latvia as the destination for a regional study trip, which it organized on April 13-20, 2013.

Latvia has a modern and efficient Court Case Management System with advanced features and functionality that the Moldovan judicial system representative will benefit learning about and potentially implementing in the ICMS. Latvia also employs efficient court administration practices and uses performance-based-budgeting formulas for court budget allocations – areas that the Moldovan judiciary is striving to reform and improve with assistance from the USAID ROLISP.

The Moldovan delegation consisted of thirteen persons working on the justice sector reforms in Moldova.

The delegation met with the representatives of the Latvian Ministry of Justice, the Court Administration Department, the Supreme Court of Justice, two regional courts, a district court, representatives of the Bar Association, and the NGO "PROVIDUS Center for Public Policies." Thus, the study trip participants have been exposed to different views and experiences involving the functioning of the Latvian judicial reform.

During the meetings and court visits, study tour participants discussed the roles and duties of various Latvian entities in the areas of court administration, court automation, equipment procurement, budgeting, assessment of court performance, and public relations. The discussions focused especially on the functionality of the Case Management System, of the judicial web portal and the procedure for the audio recording of court cases.

During the study visit, the Moldovan delegation met with the representatives of the following institutions:

- The Ministry of Justice
- The Court Administration Department
- The Supreme Court of Justice
- The Latvian Bar Association
- The Valmiera District court
- The Zemgale Regional Court
- The Vidzeme Regional Court
- The NGO „Providus”.

For reader's convenience, this Report is structured in six sections: section I contains a brief overview of the structure of the Latvian judicial system, section II describes court administration in Latvia, section III provides details on the state of court automation in the Latvian judiciary, section IV describes court budgeting and procurement procedures, section V

– public relations, and section VI lists the conclusions and recommendations of the delegation members who met on April 26, 2013 for a debrief.

SECTION I. THE LATVIAN JUDICIAL SYSTEM

Latvia has a three-tiered judicial system: district (municipal) courts, regional courts and the Supreme Court. District (municipal) courts are the courts of first instance for civil, criminal and administrative cases.

Regional courts can be both courts of first instance and courts of appeal. A regional court is the court of first instance where procedural legislation lays down that a specific case must be heard in a regional court at first instance. This usually applies to cases which are more complex or have a greater scope. Regional courts operate as courts of appeal for civil, criminal and administrative cases that have been heard in a district (municipal) court or by a sole judge.

There are six regional courts in Latvia. Land registry departments, which are part of the judicial system, are established for the purposes of registering immovable property and recording the rights associated with such property in land registers. Land registry departments fall under the jurisdiction of the regional courts.

The Supreme Court of the Republic of Latvia consists of the Senate and two chambers: the Chamber of Civil Cases and the Chamber of Criminal Cases. The Chambers serve as courts of appeal for cases heard at first instance in the regional courts. The Supreme Court Senate acts as the court of cassation in all cases heard in district (municipal) courts and regional courts.

The Constitutional Court is an independent court authority that hears cases on the compliance of acts and other legislation with the Constitution and other cases assigned to it under legislation.

Latvia also has Regional Administrative Courts authorized to monitor the justice of administrative acts issued by an authority or an authority's actions and aspects of their expedience, to ascertain the public legal obligations and rights of private individuals, and to hear disputes arising from public legal conventions.

Conference of Judges

The Conference of Judges is a self-regulation authority. All the country's judges participate in the work of the conference. It examines current issues relating to case law, submits applications relating to the interpretation of legislation to the chair of the Supreme Court for debate at the Supreme Court Plenary, debates issues on the provision of material and social security and other significant matters relating to the work of judges, elects a professional judges collegium, including a collegium chair, by secret ballot for a term of four years, and elects a judges disciplinary collegium for a term of four years.

SECTION II. COURT ADMINISTRATION

The Latvian Ministry of Justice is the leading state authority with regard to court administration. Its Court Administration Department (CAD), established in 2004, is responsible for ensuring the effective daily operation of 34 district (city) courts, 6 regional

courts, the District Court of Administrative Cases (with 4 courthouses) and 27 district (city) court Land Registry offices.

The CAD is headed by a director approved by the Minister of Justice. The CAD has three departments: Human Resource Department, Court and Land Registry Office Department, and the Finance and Administrative Department. The functioning of the CAD is secured by 83 employees.

The CAD is involved in handling a variety of tasks, ranging from human resource management in the courts and budget planning to organizing the works of the Judicial Ethics Commission and coordination of judicial reform projects implemented with donors' assistance.

Budget and procurement

The CAD is planning the income and expenditures of the budget of the courts, Land Registry Offices and the Court Administration, manages the finances of the courts, and analyzes the economic performance indicators of the courts. The results of the analyses are used to estimate and allocate funds for each court.

The CAD conducts the procurement of all goods and services for the Latvian judiciary by organizing tenders and supervising the implementation of contracts with the vendors. Thus, all renovation and construction works are organized and supervised by the CAD at the request of courts. When courts need certain goods and services, they order them on-line with the CAD.

The CAD even outsourced the summoning of parties to attend court hearings from the courts to a private company. The CAD entered into a contract with the company that receives electronic information from courts about the parties that must be summoned. It prints out and mails the summons, and sends to courts the receipts confirming that the summons has been dispatched. This is a very convenient arrangement to the courts, as it is rapid, efficient and saves time.

Information systems and technologies

The CAD supervises the maintenance and development of the Court Information System and the courts' web portal, owns the State Unified Computerized Land Register, secures the dissemination of Land Register information, maintains and develops the Register of Enforcement Cases, compiles statistics about the court and Land Registry Offices performance, as well as secures the information and communication technology infrastructure to the courts and the Land Registry Offices. The CAD efficiently supervises the work of the IT developer that has been contracted to perform the works of upgrading and maintain the functionality of the Court Information System, and makes sure that when laws and other legal acts change, the System is upgraded accordingly.

Human Resources

The CAD assures human resources management for the Latvian judiciary. Thus, it keeps personnel files of judges and the staff of the courts and Land Registry Offices, selects judge candidates, fulfills the performance appraisal of judges, executes documents and carries out activities with regard to appointments to the office and the approval thereof, as well as

suspension, dismissal or removal from office, prepares documents for the disciplinary cases of judges, secures the process related to the hiring and dismissal of the staff of courts and the Land Registry Office, administers the staff of courts and the Land Registry Offices, and imposes disciplinary punishment for breaches by the staff of the courts and Land Registry Offices.

Material and technical support

The CAD supplies goods and services to courts and the Land Registry Offices, authorizes and supervises renovation and all maintenance works on court buildings, secures work premises in 48 courthouses and 27 Land Registry Offices, secures the services of translators and interpreters, and assumes responsibility for compliance with work and fire safety procedures.

As the Latvian court representatives mentioned during the meetings with the Moldovan delegation, this is a very convenient arrangement for the courts which no longer have to worry about issues not directly related to justice-making.

Project management and international cooperation

The CAD secures the design and implementation of development projects related to the Court Administration and the judicial system, and coordinates cooperation with international justice institutions.

Other functions

The CAD secures the operation of the Commission on Judicial Ethics and the Judicial Qualifications Committee, is compiling and maintaining the Forensic Experts Register and secures the operation of the Forensic Experts' Council.

SECTION III. COURT AUTOMATION

Since 2009, Latvia benefits from the assistance of the Swiss Government for implementing the project "Modernization of courts in Latvia." The project includes three main areas of focus: 1) videoconferencing and audio recording in courts, 2) e-Services offered by courts, and 3) courts' process and cost optimization. The progress in the first two areas is described below, while the current situation in the third area is described in section III *infra*.

1. Videoconferencing and audio recording in courts

Since 2009, every Latvian court has been equipped with videoconferencing equipment – a total of 58 court rooms were equipped. In addition, 16 prison videoconference rooms have been set up, and 7 mobile videoconference units with voice distortion were purchased. The videoconferencing equipment allows communication between courts and prison facilities, hospitals, home, child room, foreign courts, police, prosecutors, etc. It allows the simultaneous use of 12 end-points. The benefits of videoconferencing equipment use include financial cost savings on prisoner convoy and paperwork, cross border court hearings, general public safeguarding and decreased health threats due to infectious diseases of inmates. As of March 2013, 1757 videoconferences have been conducted. By end of 2013, 13 more rooms will be equipped with videoconferencing equipment.

A total of 312 court rooms were equipped with audio recording equipment, and, as of January 2013, courts have already audio recorded 5000 court hearings. The district courts that audio record case hearing, are no longer required to write detailed minutes of the hearings; they only send the electronic case files together with the CDs containing the audio recordings to the appellate courts.

Note: During the Moldovan delegation's visit to the Zemgale and Vidzeme appellate regional courts, judges complained that, due to the absence of a tagging system of the audio protocols of court hearings, they need to spend a lot of time listening to the audio files of case hearings received from the district courts. The CAD, on the other hand, mentioned that the tagging system is currently being developed, which will help solve the issues mentioned by the regional court judges.

2. E-services offered by courts

The e-services project that Latvia implements with assistance from the Swiss Government aims at achieving two goals: improve direct access to the courts through use of new technologies, and improve information and service delivery to the inhabitants and business.

In order to achieve these goals, the Latvian Court Information System has been modernized to process electronic documents and to provide new services. Thus, the System's data input forms and database platform have been redesigned. The System has also been adjusted to be able to rapidly and efficiently process electronic documents and exchange data with external registers (Transport Register, State Revenue Service, State Land Register, Landbooks, Register of Criminal Offenses). The System also allows 71 types of court application forms to be submitted electronically.

A new web portal www.tiesas.lv was developed and launched, which provides easy access for both private persons and representatives of legal entities and state institutions to online e-documents (court decisions, court case e-documents), as well as additional functionality. Thus, it allows the on-line submission of court application forms and other court documents, has a calendar for advocates that lawyers can use to avoid overlap of court hearings that they attend, offers the possibility to monitor court proceedings process, and advanced search for court decisions, anonymization of court decisions, and court statistics publishing. One can also find the templates of various court documents on the portal, which ensures the uniformity of documents submitted to courts. On the web portal, one can also calculate the state fees associated to bringing a certain type of action into court.

In addition, 140 electronic information boards have been supplied to courts, 46 new electronic kiosks have been installed on which one can access the www.tiesas.lv portal and 85 additional work places have been equipped with document scanner infrastructure allowing processing of court applications from paper into electronic form.

A complex Intranet solution for Courts, Landbook offices and Court Administration (~2500 internal users), electronic processing of vacation requests, material and equipment requisitions, IT problems has been created. This greatly facilitates the interaction of users and documents and information exchange.

Based on the agreement among ministries, the Court Administration secures data exchange with the Maintenance Guarantee Fund Administration, the State Land Service, the Register

of Enterprises, the Prison Administration, and cooperates with the Courthouse Agency.

SECTION IV. BUDGETING AND PROCUREMENTS

The CAD's main activity in court budgeting is improvement of cost management of the courts.

Every year, the CAD receives the annual ceiling for the judiciary from the Ministry of Finance. It uses the ceiling to distribute the available funds among courts in equitable ways. For capital investments, for instance, it uses a multi-annual investment plan that identifies the courts that are in highest state of disrepair; these courts will receive investment for capital repair work in a priority manner.

For operational costs, the CAD uses a formula that takes into account, inter alia, the number of judges and court staff and cases examined during the year by a particular court. For office cleaning supplies, the area of the court is taken into account.

As a result of the Swiss Government's assistance, the CAD has developed a cost analysis tool of court processes. It determines the cost elements and drivers behind these, and uses a business analysis tool integrated with accounting software, which allows for continuous analysis and modeling of process reengineering and cost optimization options in a particular court. As of April 2013, the tool has been piloted for 8 selected pilot courts.

The benefit of this tool's implementation is a more accurate estimate of courts' budgetary needs. The result of the analysis will also help identify ways to shorten court procedures, optimize workload across courts and streamline the effectiveness of the whole legal process in general by sharing best practice of court organization. The CAD anticipates that the tool will be finalized by the fall of 2013 and subsequently implemented for all courts.

SECTION V. PUBLIC RELATIONS IN COURTS

The Latvian Supreme Court of Justice (SCJ) undertakes considerable effort to develop and strengthen its relations with the public and the court goers. On its website, the SCJ publishes information about the structure and functions of the Latvian judicial system, about the functions and working procedures in the SCJ, court statistics reports, all case law decisions, and the press releases. On the SCJ's website, one can access the 2010-2012 issues of its newsletter.

In 2011, the SCJ conducted a survey of legal professionals and court-goers assessing the participants' level of trust in the judiciary. The results of the survey showed that 77% of respondents had a high level of trust in the judiciary.

The SCJ places a high importance on educating the public about their legal rights and the functioning of the court system. In this regard, SCJ judges participate in a street law program, during which they interactively teach high school students about various topics.

The SCJ also runs a “days of shadows” program during which high school and university students follow a SCJ judge for one working day and witness how s/he performs his/her duties.

The SCJ’s young professionals’ program allows law school students to complete internship programs by assisting judges with their professional duties.

During the Moldovan delegation’s visit to the Zemgale Regional court, the court president mentioned that, while the court is very open and interested in forging a strong relationship with the public and the press, the court usually requires from the press the questions in writing beforehand. Thus, the court can better prepare for answering the questions, and the press cannot usually “twist” the statements.

The Latvian NGO “PROVIDUS Centre for Public Policy” has conducted several studies on the functioning of the judiciary in a variety of fields such as child-friendly justice, the quality of court judgments, restorative justice and juvenile delinquency. The publications issued by this reputable NGO are published on their website www.providus.lv, and are widely circulated to the leaders of the Latvian judiciary.

CHAPTER IV. CONCLUSIONS AND RECOMMENDATIONS

Upon return to Moldova from Latvia, on April 26 2013, the study visit participants met for debrief. Besides the delegation members, Ms. Dina Rotarciuc, Superior Council member and ROLISP staff members Ms. Natalia Vîlcu and Mr. Mihai Grosu attended the meeting. During the meeting, participants discussed the arrangements and approaches they saw and learned about in Latvia that would be beneficial to be implemented in Moldova. The following recommendations transpired from the debrief meeting:

1. The Moldovan Integrated Case Management System (ICMS) should be centralized, which will allow for an improved and complete search for information through the system;
2. A centralized court web portal where one could search for and find information about the activity of every court should be created. The portal needs to be structured in a way that would allow the delivery of court information in a user-friendly manner, and provide various services to the public. Among such new services can be the e-filing of court complaints and other documents by parties, lawyers and prosecutors, on-line court fees calculator, and availability of templates of court documents that parties and lawyers can use to fill out;
3. The creation of an electronic calendar in the ICMS that lawyers and prosecutors could use to schedule and keep track of their court hearings, would be very beneficial for solving the issue of overlaps between court hearings. The calendar should be accessible through the centralized court web portal, when it will be created;
4. The ICMS should be connected to the existing Moldovan state electronic registers (eg. Populations’ Registry, the Cadaster Registry, etc.), which will facilitate efficient and rapid information exchange between the courts and various state entities;

5. Introducing the use of the electronic signature for attorneys, with which they can sign the complains and other court documents to be electronically submitted to courts;
6. An electronic module for the Superior Council's use that will accept and keep track of electronically submitted petitions from citizens should be developed and implemented;
7. The Moldovan legislation providing for the obligatory drafting of court hearings minutes should be amended to provide that courts that audio record all court hearings should have the right to keep only summaries of the court proceedings, and not full written minutes;
8. All paper registries that courts keep should be replaced by electronic registries (only when the ICMS will function in a highly secured and reliable manner, without risks of shutdowns);
9. The electronic summoning of parties should be introduced as an alternative to summoning by paper. A feasibility study on outsourcing the summoning of parties from courts to a public or private entity should be conducted;
10. Centralized procurements of various goods should be introduced including buying uniform furniture for the courts, so that they have similar sober looks;
11. An Intranet system for the judiciary should be created, which will facilitate information exchange between the SCM, DJA and the courts. It would allow for the electronic processing of vacation requests, material and equipment requisitions and IT problems;
12. The cost analysis tool of court processes that will be finalized by fall of 2013 should be requested from the Latvian counterparts and analyzed for potential use and adaption to Moldovan budgeting procedures;
13. Judicial authorities such as the SCM, SCJ or DAJ should periodically conduct public opinion polls in order to assess the legal professionals and court-goers' level of trust in the judiciary. The results of the survey could be then used to plan and implement activities aimed at improving areas that the public assessed as deficient.