

JUSTICE **MODERNIZATION** **PROGRAMME**



Approved by
the General Council
of the Judiciary Plenary
on 12 November 2008

- **1st SECTION:**

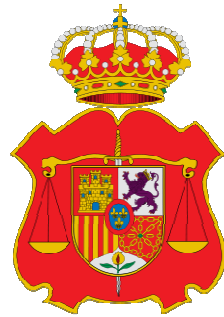
- Justice Modernization Programme
- Integral

- **2nd SECTION:**

- Immediate Action Programme for Justice Improvement
- Short term Actions



1ST PART:
JUSTICE MODERNIZATION
PROGRAMME



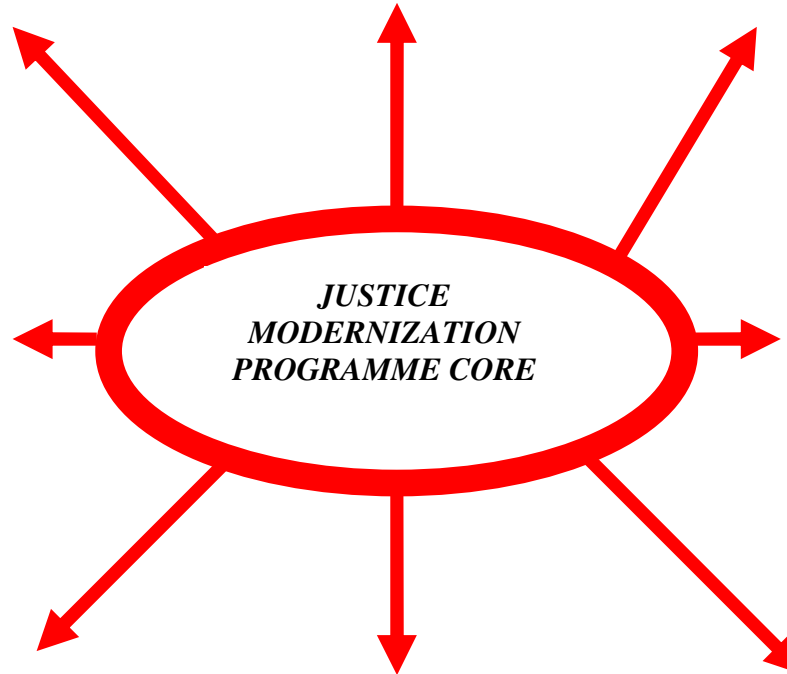
**GENERAL COUNCIL OF
THE JUDICIARY**

1.- SETTING UP THE LEGAL OFFICE
1.1) ORGANIZATION DURING THE SETTING UP
1.2) STRUCTURE
1.3) PERSONAL MEANS
1.4) MATERIAL MEANS
1.5) OTHER ELEMENTS

2. REESTRUCTURATION OF THE PREMISES AND JUDICIAL DEMARCATION
2.1) Study of the work load
2.2) New judicial map
2.3) Other elements

3. APPLICATION OF THE NEW TECHNOLOGIES (E-JUSTICE)
3.1) Sharing information (interoperability)
3.2) Transparency and accessibility for citizens (Law 11/2007)
3.3) Improvement of organization and judicial office
3.4) Improvement of means for judicial policy
3.5) Technical means for the courtroom

4.- EFFICIENCY OF THE BILL OF RIGHTS MEASURES AND OF THE LEGAL TRANSPARENCY PLANNING
4.1) Organization of the measures
4.2) More transparent justice
4.3) More understanding justice
4.4) More considerate justice
4.5) Justice adapted to vulnerable people
4.6) Personal data protection



5.- FOLLOW UP AND IMPROVEMENT OF LEGAL BODIES ACTIVITY
5.1) Follow up and control of the judicial activity
5.2) Incentives for the judicial activity
5.3) Rationalization of the interim situations
5.4) Human resources administration

6.- BOOSTING OF PROCEEDING REFORMS
6.1) Fast civil lawsuits
6.2) New criminal proceedings
6.3) Civil and penal mediation
6.4) Civil proceedings EU norms
6.5) Reforms for dispute reduction
6.6) Double instance in criminal procedures
6.7) Civil appeal reform
6.8) Specific authorities for minor cases
6.9) Settling Registry Office problems out of court

7.- STATUTE OF THE JUDGE
7.1) Structure of Law studies and professional promotion
7.2) Appointments and assignment provisions
7.3) Social protection of the Judge
7.4) Salary
7.5) Substitutions
7.6) Judge-Government authorities relationship
7.7) General Council of the Judiciary-Associations relationship

8.- TERRITORIAL ORGANIZATION OF THE STATE
8.1) Government Rooms
8.2) Autonomous Regions
8.3) Official Languages

1.- SETTING UP OF THE LEGAL OFFICE

1.1) Organization during the setting up	1.1.1.- Programming of the generalized setting up within all the territories
	1.1.2.- Homogeneous definition and setting up of the common legal proceeding services
	1.1.3.- Boosting of proceedings reforms
	1.1.4.- Collaboration mechanisms among institutions
1.2) Structure	1.2.1.- UPAD
	1.2.2.- Common Legal Proceeding Services
	1.2.3.- Administration Units
1.3) Personal means	1.3.1.- Judge duties
	1.3.2.- Judicial Secretary duties
	1.3.3.- Civil Servant duties
	1.3.4.- Civil Servant duties
1.4) Material means	1.4.1.- Judicial Architecture
	1.4.2.- Adaptation of proceedings administration systems
	1.4.3.- Repetition of judicial files
1.5) Other elements	1.5.1.- Inspection of the legal office
	1.5.2.- Coordination and conflict solution mechanisms
	1.5.3.- Training

2.- REESTRUCTURATION OF THE PREMISES AND JUDICIAL DEMARCATION

2.1) Work load	2.1.1. Serious and reasonable study of the work load
2.2) New legal map	2.2.1. Number and type of legal bodies
	2.2.2. Prevision of necessary posts within a 5 year prevision, taking into account the new jobs creation, the retirements and the foreseeable sick leaves, both the temporary and the permanent ones.
	2.2.3. Redistribution of administrative bodies.
2.3) Other elements	2.3.1.- Temporary Judges attached to the High Courts, with enough numbers to guarantee the substitutions
	2.3.2.- Reflection about the restructuration of the unipersonal bodies and their substitution by the Courts with a functional typeorganization, provided with a sufficient number of judges (better adaptation of the staff to the requirements, avoidance of problems arising from vacant posts, appointing cases objectively and with the guarantee of a natural judge as predetermined by the Law)

3.- APPLICATION OF THE NEW TECHNOLOGIES (E-JUSTICE)

3.1) Sharing information (interoperability)	3.1.1.- Internal internal interoperability (between judicial bodies): * Within a trial management system : repetition of issues, appeals, rogatory letters. *Between trial management systems: compatibility *Unified protocols for Recording and Filing
	3.1.2.- External interoperability: * With other Administrations and entities. Optimization of the Judicial Black Point (JBP) * With citizens and professionals
	3.1.3.- Connection to the Prosecutors Offices
	3.1.4.- Safe connection to State Law Enforcement Agencies (electronic reception of testimonials, bidirectional electronic communication, electronic delivery of arrest warrants and their recording, knowledge on the part of every judicial body about the arrest warrants issued by the same and pending execution)
3.2) Transparency and accessibility for citizens (Law 11/2007)	3.2.1.- Web site instruments: *Transparency * Improvement of the access to the justice *Use of the official languages * Digital Forms
	3.2.2.- Procedures with judicial effect through TIC
3.3) Improvement of organization and judicial office	3.3.1.- Electronic record and electronic test files
	3.3.2.- Electronic communications and electronic delivery of documents. Digital signature
	3.3.3.- Revision of the generalization and use of proceedings applications
	3.3.4.- Proceedings management systems: strengthening of the administration and efficient control of the judicial office by the responsible parties.
	3.3.5.- Computerized management of the internal government bodies of the Courts and Tribunals
	3.3.6.- Digitalizing of judicial files
	3.3.7.- Scanning of non-electronic documents and writings
3.4) Improvement of means for judicial policy	3.4.1. Statistics related to the proceedings management system
	3.4.2. Instruments for measuring the activity of the judicial bodies
3.5) Technical means for the courtroom	3.5.1. Recording of the hearings in all jurisdictional orders
	3.5.2. Videoconference systems
	3.5.3. Proyection of written or audiovisual documents

4.- EFFICIENCY OF THE BILL OF RIGHTS MEASURES AND OF THE LEGAL TRANSPARENCY PLANNING

4.1) Organization of the measures	4.1.1.- Bill of rights: Action program for the improvement of the quality of the public service of the justice in its relation to the citizens.
	4.1.2.- Program for the implementation of the Legal Transparency Planning
4.2) More transparent justice	4.2.1.- General information on legal procedures
	4.2.2.- Information on the activity of the jurisdictional bodies
	4.2.3.- Information on regulations
	4.2.4.- Information on the state of the proceedings for those with a legitimate interest in them
4.3) More understanding justice	4.3.1.- Terms for written proceedings
	4.3.2.- Language for public hearings and court appearances
	4.3.3.- Printed forms
4.4) More considerate justice	4.4.1.- Treatment, personal attention and identification
	4.4.2.- Punctuality and less onerous character of the court appearance
	4.4.3.- Witness and victim protection
	4.4.4.- Consideration for people who do not speak or understand the language of the judicial body
4.5) Justice adapted to vulnerable people	4.5.1.- Victims of the offense
	4.5.2.- Minors
	4.5.3.- Disabled people
	4.5.4.- Immigrants
4.6) Personal data protection	4.6.1.- Paper copy files
	4.6.2.- Computerized files
	4.6.3.- Court decisions publication
	4.6.4.- Publication of the agreements from the General Council of the Judiciary and from the internal government bodies of Courts and Tribunals

5.- FOLLOW UP AND IMPROVEMENT OF LEGAL BODIES ACTIVITY

5.1) Follow up and control of the judicial activity	5.1.1.- Statistics instrumentation: Homogenization and delivery of data in real time
	5.1.2.- Reorientation of the Inspection towards the problem diagnosis and the solution proposals (operation auditing)
	5.1.3.- Early detection program and urgent action within bodies with problems
	5.1.4.- Reformulation of the jurisdictional activity evaluation system, separating it from the productivity and, if possible, from the remuneration aspects
	5.1.5.- Program of evaluation on the quality of the justice, including a reflection on the suitability of external verifications on quality
5.2) Incentives for the judicial activity	5.2.1.- Program of incentives for Judges, Judicial Secretaries and Civil Servants of the Justice Administration
	5.2.2.- Models of quality and public acknowledgement
	5.2.3.- Participation on International programs that reward the good practices within the quality of the justice
5.3) Rationalization of the interim situations	5.3.1.- Suitable training, including specialized training programs, if necessary, in collaboration with the employment agencies before the appointment
	5.3.2.- Rationalization of the list of temporary staff, with an evaluation of the experience for specific positions and prescriptive report of the body he/she worked at, reducing rotation as much as possible
	5.3.3.- Quick designation of temporary staff
5.4) Human resources Administration	5.4.1.- Immediate coverage of vacancies
	5.4.2.- 5-Year programming of the necessary positions
	5.4.3.- List of possible substitutes in prevision of the coverage of sick leaves and substitutions
	5.4.4.- Limited functional and geographic mobility

6.- BOOSTING OF PROCEEDING REFORMS

6.1) Fast civil lawsuits

6.2) New criminal proceedings

6.3) New criminal proceedings

6.4) Civil proceedings EU norms

6.5) Reforms for dispute reduction

- * Extension of the monitoring procedure
- * Limitation of resources
- * Administrative reclamation bodies
- * Etc-

6.6) Double instance in criminal procedures

6.7) Civil appeal reform

6.8) Specific authorities for minor cases

6.9) Settling Registry Office problems out of court

6.10) Development of the statutory provisions

7.- STATUTE OF THE MEMBERS OF THE JUDICIAL CAREER

7.1) Structure of Law studies and professional promotion	7.1.1.- Law studies: structure and access model
	7.1.2.- Increasing the flexibility of the change of jurisdictional order
	7.1.3.- Suppression of compulsory relocation due to promotion
	7.1.4.- Specialization
	7.1.5.- Effective professional promotion
	7.1.6.- Reflection on a possible functional structure of the one-person legal bodies on the same district
7.2) Appointments and assignment (requirement of “immediately preceding” time)	7.2.1.- System of provision of assignments
	7.2.2.- Effects of providing a service within the same jurisdictional order for a period of time on the provision of assignments (requirement of “immediately preceding” time)
	7.2.3.- Discretionary posts. Criteria and procedure
	7.2.4.- Transparency in the provision of assignments and in the discretionary posts
7.3) Social protection of the Judge	7.3.1.- Effective conciliation of working life and family life
	7.3.2.- Workplace accident prevention system
	7.3.3.- Retirement due to age and disability
	7.3.4.- Partial retirement due to age or disability
	7.3.5.- Periodic medical revisions
	7.3.6.- Holidays
	7.3.7. Civil responsibility and legal defense insurance
7.4) Salary	7.4.1.- Remuneration adjustment
	7.4.2.- Remuneration system for time spent on duty
	7.4.3.- Frame of negotiation with the Ministry of Justice
7.5) Substitutions	7.5.1.- System of substitution by members of the judicial career
	7.5.2.- System of substitution by Judge substitutes and stand-in magistrates
	7.5.3.- Reflection on the existence of judicial posts for substitutions; and of unsettled Judges attached to the Presidents of the High Courts to cover vacancies
7.6) Judge-Government electronic mail “@poderjudicial.es” relationship	7.6.1.- Transparency program General Council of the Judiciary
	7.6.2.- Requests from Judges to the General Council of the Judiciary and to the internal government bodies of the Courts and Tribunals: digital signature, electronic mail “@poderjudicial.es”
	7.6.3.- Publishing system for the General Council of the Judiciary and the Government Courtrooms agreements
	7.6.4.- Optimization of the “Extranet de Jueces y Magistrados” and the electronic mail “@poderjudicial.es”
	7.6.5.- Electronic processing of the government body files
7.7) General Council of the Judiciary-Associations relationship	7.7.1.- Associations regulations

8.- TERRITORIAL ORGANIZATION OF THE STATE

8.1) Government Rooms of the High Courts	8.1.1.- Decentralization of the General Council of the Judiciary in favor of the Government Courtrooms
	8.1.2.- Reinforcement of the Government Courtrooms
	8.1.3.- Competences of the Government Courtrooms for the revision and execution of the program, as long as they do not involve any legal reforms
8.2) Autonomous Regions	8.2.0.- Development of statutory provisions
	8.2.1.- Full competences in matters of staff at the service of the Justice administration in Book VI LOPJ, save the exceptions required to guarantee their homogeneous nature: one only program, transfers, as well as a common disciplinary procedure and classification of infractions
	8.2.2.- Propitiate the participation of the Autonomous Regions in the deposit accounts and consignments as foreseen within the Statutes of Autonomy
	8.2.3.- Competence of the Autonomous Regions in matters of the Justice of the Peace and small claims
8.3) Official Languages	8.3.1.- Guarantee of the linguistic rights of the citizens (European Letter of Regional or Minority Languages)

CALENDAR

Short-term measures	31-5-2009
Half-term measures	31-5-2009
Long-term measures	31-12-2011
Revision of the application	End of the present mandate period of the General Council of the Judiciary

2nd PART:
IMMEDIATE ACTUATION
PROGRAM



GENERAL COUNCIL OF THE JUDICIARY

PLANNING FOR IMMEDIATE ACTION TO IMPROVE THE JUSTICE

NATURE:

* Short term actions

* Double scope:

- General Council of the Judiciary: adoption of measures

- Areas belonging to Institutions with Competences on material and personal resources: boost of actions.

BOOST AND COORDINATION OF GENERAL COUNCIL OF THE JUDICIARY WORKS:

* Modernization and Computing Commission

CONTENT:

* A) Coordination of State and Autonomous Regions' computing programs and applications

* B) Improvement of legal management computing systems

* C) Reduction and training of temporary civil servants, introducing urgent improvements within the staff

management of the Justice Administration, which should contribute to a higher efficiency of the public service.

* D) Boost of the necessary measures for an effective conciliation of working life and family life

* E) Encouragement for the adoption of workplace accident prevention systems that comply with the regulations in health and safety at work

* F) Other short term actions

A) Coordination of state and autonomous regions' computer programs and applications

*** Aims:**

- To guarantee the effectiveness of the Compatibility Test approved by the Plenary of the General Council of the Judiciary on 12th April 2007.

*** Actions:**

- A.1) Report on the application of the Compatibility Test
- A.2) Program of measures for the effectiveness of the Compatibility Test

B) Improvement of procedural management computing systems

*** Aims:**

- Obligatory nature of the utilization of the procedural management systems by their users
- Establishment of the minimum homogeneity standards these systems must comply with
- Normalization: homogeneity on the registration of data, procedures, resolutions
- Control and follow up: increase in the effectiveness of the management and control of the tasks in the law office by the persons in charge; control of deadlines and alarms
- Statistics: adaptation of the procedural management systems to allow for an appropriate statistics data handling
- Improvement of the relations with the citizens and professionals: access to the matter to inquire about its state, notifications, written submissions
- Improvement of personal data protection

*** Actions:**

- B.1) Reform of bye-law 1/2005, concerning the Accessory Aspects of the Legal Actions, in relation to those elements that are necessary for the effectiveness of the earlier aims related to the improvement of the procedural management computing systems
- B.2) Report on the running of the procedural management systems in relation to the earlier points: diagnosis and improvement proposals
- B.3) Follow up of improvement proposals

C) Reduction and training of temporary civil servants, introducing urgent improvements in the Justice Administration staff management, which should contribute to a higher effectiveness of the public service

* Aims:

- try to cover vacant positions immediately
- Procure an appropriate training
- Rationalize the list of temporary staff
- Guarantee the quick designation of temporary staff

* Actions:

- C.1) Report on the situation of the temporary civil servants
- C.2) Program of improvement on the management of temporary civil servants

D) Boost of the necessary measures for an effective conciliation of working life and family life

Aims:

* Aims:

- Adapting the statute of the judicial career to the improvements of the Public Service in matters of conciliation of working life and family life, considering the specific peculiarities of the jurisdictional function
- Facilitate the access to training activities to the members of the judicial career with dependents

* Actions:

- D.1) Boost of the reform of Bye-law 1/1995, of the Judicial Career, to adapt it to the public service regulations
- D.2) Report on the measures to facilitate the participation of persons with dependents in training activities; and later incorporation of the measures to the Training Program
- D.3) Report on the suppression of the compulsory transfer due to promotion and its consequences

E) Encouragement for the adoption of workplace accident prevention systems that comply with the precepts of salubrity and safety at work

*** Aims:**

- Establishing a workplace accident prevention system : necessary measures to promote security and health at work for Judges and Magistrates, applying the criteria and principles stated in Law 31/1995, related to Workplace Accident Prevention, to the organization peculiarities and specific features of the functions they are entrusted with.
- Improvement of the protection level of the members of the judicial career in the cases of professional illness.
- Reflection on retirement due to disability.

*** Actions:**

- E.1) Developing a Workplace Accident Prevention Program
- E.2) Setting up a commission for the safety and health at the workplace, with the participation of the Legal Associations
- E.3) Setting up a commission for the safety and health at the workplace, with the participation of the Legal Associations
- E.4) Study on the legal handling of occupational diseases: legal reforms to improve the protection level
- E.5) Study on retirement due disability

F) Other measurements

*** Aims:**

- Perform and promote a series of short term actions concerning the Justice Modernization Program

*** Actions:**

- F.1) Approval of the Associations Regulations
- F.2) Approval of the guiding criteria for the pending nominations
- F.3) Promote the reform of the regulations concerning remunerations in order to propitiate its separation from productivity
- F.4) Establish the criteria for the new Inspection
- F.5) Favor the necessary boost to introduce the new legal office
- F.6) Promote the establishment of a videoconference network
- F.7) Decentralization of the General Council of the Judiciary in the Government Courtrooms of the High Court Tribunals
- F.8) Reinforcement of the Government Courtrooms: provision of appropriate personal and material means , implementation of the computerized management system, including a digital link to the General Council of the Judiciary for the submission/reception of reports, agreements...
- F.9) Use of the digital signature in the Judges and Magistrates' relations with the General Council of the Judiciary: effectiveness of the provision of the digital signature to the members of the judicial career, and adaptation of the General Council of the Judiciary Register
- F.10) Web site [www.poderjudicial.es] in the different official languages
- F.11) Propitiate the participation of the Autonomous Regions in the deposit accounts and consignations as foreseen in the Statutes of the Autonomous Regions