

Evaluation Rotterdamse Regelrechter and Haagse Wijkrechter

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The pilots with the Rotterdamse Regelrechter and the Haagse Wijkrechter started in the fall of 2018, against the background of the program Judging with Social Impact (Maatschappelijk effectieve Rechtspraak in Dutch) of the Dutch court system. In total, 263 cases were reported in the pilots, of which 81 were eventually heard in court. This concerns tests with an alternative civil procedure, based on article 96 of the Code of Civil Procedure. This requires one of the parties to file a request and the other party to agree to the case being heard by the (District) Court. Cases can also be presented jointly.

The pilots with the Rotterdamse Regelrechter and the Haagse Wijkrechter are broadly comparable in their objectives and design. The same elements are central in both tests and the procedure is largely designed in the same way. The pilots are intended to increase access to the judiciary for people seeking justice. The procedure is therefore characterized by a *low threshold* in both pilots: parties can submit their cases with a simple digital registration form and can speak at a hearing without legal representation, cases are handled quickly during a hearing and court fees are considerably lower than in a normal procedure. The pilots are also both *solution-oriented*. The aim is to approach disputes less legally and for parties to reach an agreement and to find solutions that contribute to solving the problem experienced by the parties. The pilots do have different target groups since the pilot in The Hague has the explicit goal of contributing to the quality of life in the neighbourhood.

In the context of this evaluation, discussions were held with both litigants and professionals who made use of the pilot procedure, as well as judges and legal employees who participated in the pilots. Judges and legal staff consider it very important to increase the accessibility of the judiciary. They are committed to the pilots and show great enthusiasm and

dedication. The solution oriented procedure is the most important motive for parties to participate in the pilot. Elements of accessibility, such as speediness and low costs, are also mentioned as important arguments for choosing the procedure. Evaluation forms show that litigants value the pilots greatly. A substantial part of them also indicate that they would not have brought their case to the regular procedure.

The pilots aim to contribute to the resolution of disputes between citizens. For a large part of the cases agreements were made between parties to terminate the dispute. In Rotterdam, this was the case in 84% of the cases that were heard in court, and in The Hague in 61% of the cases handled. It should be noted that the extent to which parties reach mutual agreements at a session is not the only indicator for a solution-oriented approach. In some cases, a judgment delivered by the judge can also solve the problem experienced by the parties, for example because the judge provides clarity about a point on which the parties differ.

The objectives of the pilots have largely been achieved. The evaluation shows that a proper selection of cases is an important precondition. The selection ensures that cases not suitable for the pilots are not admitted. In addition to the selection of cases, a well-functioning administrative support office of the (district) court is an important precondition for success. Compared to the regular procedure, a lot of work in this pilot procedure will be done by this bureau, especially with regard to communication with parties. A third important precondition is the awareness about the procedure. Both pilots show that a lot of investment is needed to bring the procedure to the attention of the public. The last precondition is that judges and other court staff must be selected for the pilot who have the desired competences, or that investments must be made in the development of these skills. The

pilots use the competences of the professionals involved in the pilots, in addition to those necessary for handling regular cases, such as the communication skills of court staff to have a fruitful telephone conversation with litigants and the creativity of judges to find an appropriate solution with the parties.

Although not a large number of cases were handled in these pilots, they still seem to be a valuable addition to the existing regular procedure. The added value of the pilot procedures is, among other things, that cases are quickly scheduled for a hearing, which prevents further legalization of the dispute. The pilots thus provide an additional colour to the palette of civil justice. The judges involved in the pilots regard the working method as an extension of their professional repertoire. The pilots can be seen as an answer to the changes in the system of handling of small claims. They try, by simplifying the process and emancipating the litigant, to bring the judge back to the neighbourhood judge who once was the subdistrict judge. The hope is that this will contribute to greater visibility of the subdistrict court in society.