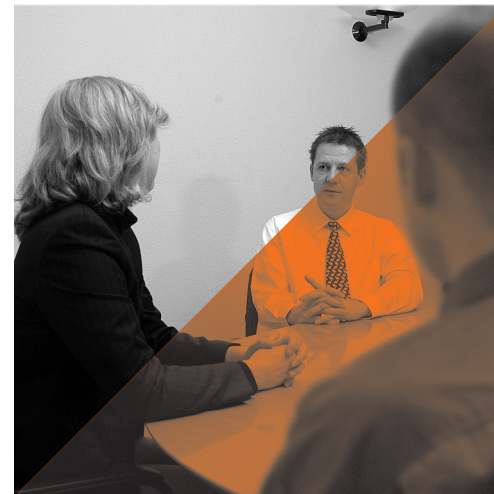


Judicial Reform in the Netherlands is published by the Netherlands Council for the Judiciary. The object of the periodical is to address issues concerning judicial reform which are aimed at improving the functioning of the Judiciary and strengthening its role in present-day society. It contributes to the ongoing debate on the necessity for further development of the judiciary.

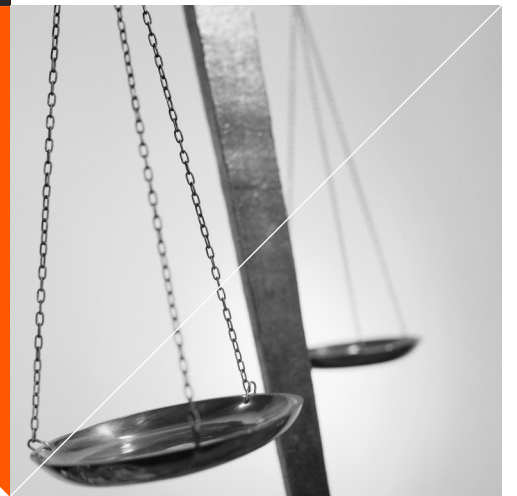
This issue presents the history, results and spin-off of several large reform projects the Netherlands Judiciary has undertaken over the last decades.

Judicial reform in the Netherlands



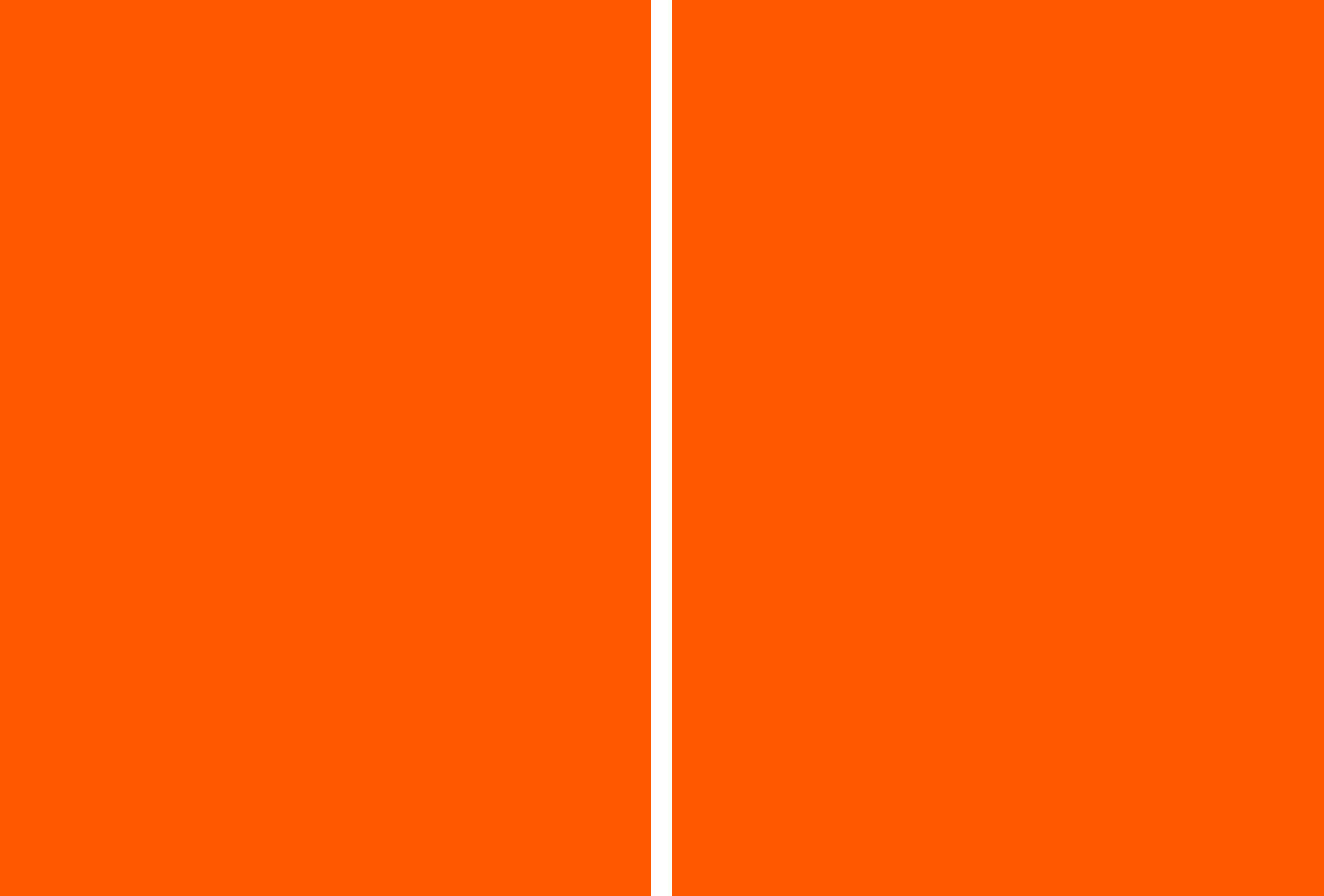
de Rechtspraak

Council of the  
Judiciary



## Judicial reform in the Netherlands

Change in broad outline



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# Judicial Reform in the Netherlands

## Change in broad outline

## Colofon

### Rechtstreeks

#### Scientific magazine for the judiciary organisation of the Netherlands

This periodical is published by the Netherlands Council for the Judiciary.

The magazine aims at making scientific research into the present legal and organisational developments within the Dutch Judiciary Organisation accessible to judges and legal support staff.

Rechtstreeks is published in Dutch, but some issues that are relevant to the international judiciary community are also published in English. This series in English is devoted to judicial reform.

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# Foreword

Independence, impartiality, integrity and professionalism are the core values of the Judiciary. Although these values have not changed, society has. The Dutch Judiciary finds itself in a rapidly internationalised legal order, both within and outside of the European Union. This demands a wide cross-border perspective with regard to judicial cooperation and international relations. The Council for the Judiciary and the courts share the responsibility to keep an international perspective and to stimulate the members of the Judiciary to take part in international justice. Judges in the Netherlands are nowadays European judges.

Since 1998, a number of large-scale reforms were implemented in order to bring the Judiciary into the 21<sup>st</sup> century. Court boards were made integrally responsible for the management of their own courts, while the Council for the Judiciary was established to carry full responsibility for the Judiciary as a whole. Furthermore, a radical reform of the budgeting system has further safeguarded and fortified the independent position of the Judiciary in the Netherlands. Even though considerable improvements were made, the Judiciary continues to strive for improvement and a better understanding of the demands society places on the Judiciary. These demands mainly concern the quality of justice in general and access to justice and digitization in particular. The Judiciary is

implementing the next multi-annual reform programme called Quality and Innovation, in cooperation with the Ministry of Security and Justice. The main goal is to simplify and unify procedures and to realise full internal and external digitization of the Judiciary in the coming years. These reforms were partly inspired by looking at best practices in other countries. Through the exchange of best practices and personal contacts with other judiciaries, we are able to benefit and improve our own justice system.

Therefore, it is not only necessary to inform society in this regard, but also to improve and strengthen the knowledge of the Judiciary in light of these reforms.

For that reason, this issue of the Judicial Reform in the Netherlands in English is devoted to the judicial reform that the Dutch Judiciary has undertaken over the last decades. In addition to raising awareness among the members of the Judiciary about these reforms, the Council also hopes to inform and inspire its counterparts abroad by sharing these experiences. I sincerely hope that this publication will contribute to awareness and inspires you in general to reflect on the international dimension of your work and responsibilities we all bear in this regard.

Frits Bakker  
Chairman of the Dutch Council for the Judiciary



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# Judicial reform in the Netherlands

Frans van Dijk and Rosanna Kouwenhoven

## 1 Introduction: change in broad outline

Judicial reform is a time consuming process. In the nineties of the last century the Netherlands Judiciary, in particular the presidents of the courts, came to the conclusion that it was at risk of falling behind on other public functions to the detriment not only of the clients of the courts, but also its employees. This led to a program for renewal, ranging from practical matters such as the introduction of public services like websites to the development of an overarching quality system and human resource management for the Judiciary. It was also concluded that the governance structure needed to change to allow the Judiciary to take responsibility for its own affairs. The dual system in which the president of the court was responsible for judicial matters and the minister of Justice for court management led to paralysis in decision-making. Also, this dual system did not provide for a sufficient separation of powers between the Judiciary and the legislative and executive branches of government. In 2002 this system was replaced by integrally responsible boards to govern the courts and a Council for the Judiciary (hereafter: Council) to govern the Judiciary as a whole within strict limits set by law that safeguard the independence of the judge and the autonomy of the courts. In the same year, the rather intransparent, ad-hoc allocation of funds by the ministry of Justice to individual courts was replaced by an objective, output based funding system. In this system the total budget of the Judiciary is allocated by the minister of Justice to the Council, and the Council allocates this budget to the individual courts. Both allocations are based on objective criteria. The funding of the Judiciary is always a major issue when it comes to the separation of state powers, and reform of the governance structure only makes sense if the issue of funding is also resolved. However, it was recognized that an output based funding system provides strong production-oriented incentives. Therefore, a common quality system was adopted in order to balance these strong incentives.

From 2002 onwards, the newly established boards of the courts and the Council worked hard to make the new governance structure effective. The Council continued the renewal activities that had already been set into motion. It provided judges with the financial means to improve diverse aspects of their work: big steps were taken to increase procedural uniformity within and across the courts, to innovate judicial procedures and to make verdicts in criminal cases in particular, easier to understand. A new procedure for administrative law

cases was developed and implemented by the courts. The Council started a research program to increase knowledge about diverse aspects of the functioning of the Judiciary. This program has given many impulses for innovation and reform. The Council also has the task to advise the government on the impact of new legislation on the Judiciary with regard to legal consistency, practicality and costs. This task has been taken up seriously, resulting in around fifty formal advisory memoranda annually.

During the first years it was increasingly felt that the strong emphasis on efficiency promoted by the output-based funding system did not leave enough room to improve the quality of the Judiciary. In 2006 several quality standards were adopted and funds were made available by the minister of Justice to implement these standards. At the same time standards for lead times of cases were developed.

Together with the boards of the courts, the Council established objectives for the years to come in successive strategic agendas. In the agendas the need for specialization and concentration of complex cases became a recurring theme. Close cooperation between the courts was deemed necessary, and at first it was thought that this could be achieved voluntarily. However, this proved not to be the case, because cooperation was only sought in win-win situations, meaning that some courts had a lack of capacity that a court with a surplus capacity could solve<sup>1</sup>. Also, flexibility to re-allocate cases across courts was deemed necessary to solve peak workload problems. This was achieved, but the Senate felt strongly that case allocation should be ruled by formal law. The solution of both problems was a redrawing of the judicial map to increase the size of the smaller courts. This took long discussions within the Judiciary and subsequently in Parliament. In January 2013 the new map was put into effect, with one late change made by parliament that was implemented in April 2013. The new map led to a reduction of the number of district courts from 19 to 11, and the venues of the courts where cases are heard decreased from 53 to 32. Within the courts a lot of work is currently being done to make the new courts work, and to reach the expected quality improvements. The next step in judicial reform is the further simplification and digitalization of procedures in all areas of law.

1 Erik van den Emster, Elske van Amelsfort en Frans van Dijk, *Re-structuring of the network of courts: Quality through collaboration*, Translation into English of an article published in the magazine *Trema*, no. 4 2011, p. 127-133.

**Table 1** Judicial reform in the Netherlands

2002:	establishment of integrally responsible boards of the courts and the Council for the judiciary
2002:	introduction of an output based funding system and an overarching quality system
2006:	establishment of quality and lead time standards
2011:	increased competence of small claims courts from 5,000 to 25,000 euro
2011/12:	new method of handling administrative cases
2008/12:	gradual expansion of digital access to the courts
2013:	new judicial map: <div>from 19 to 11 district courts</div> <div>from 5 to 4 courts of appeal</div> <div>from 53 to 32 court venues</div>
2013/17:	reform of laws of administrative and civil procedures, simplification and digitalization of procedures, reorganization of the administration of the courts

Despite broad progress (see section 2), procedures are still too complicated, lengthy and inefficient, and they often fail to resolve the underlying conflicts. It was concluded that within the current legal framework these issues could not be resolved adequately. This has resulted in a dual ‘Quality and Innovation’ programme. One part of the programme is handled by the Minister for Security and Justice (formerly, Minister of Justice) and is aimed at reform of civil and administrative procedural law. The Judiciary has made many suggestions for this reform of procedural law, most of which have been taken over by the Minister. The Judiciary is now redesigning procedures and work processes and realizing complete internal and external digitalization. Also, a large reorganization is being prepared.

Table 1 summarizes the main components of judicial reform in the Netherlands since the establishment of the Council in 2002. These components are separately described in the following sections. These sections give primarily factual information. We will start, however, with a broad evaluation of the results that so far have been reached by the reforms in terms of the performance of the Judiciary. Hopefully, this will motivate readers to examine these matters further. We will end on a more subjective note with a brief discussion on the debate that is currently going on within the Judiciary and with some conclusions.

## 2 Realized improvements

In 1998 the renewal of the Netherlands Judiciary was being discussed in Parliament. The report that formed the basis of this discussion made important and well-reasoned proposals about the organization of the Judiciary to strengthen its independence and capabilities, but did not provide an analysis of the gains for society that would be reached by the reorganization<sup>2</sup>.

A separate study was undertaken by the ministry of Justice to identify both the main problems experienced by the users of the courts and the improvements they thought necessary and possible, and to assess the benefits of these improvements in economic terms<sup>3</sup>. The idea was that the organizational changes would provide the courts with the capabilities to realize these improvements, and to set clear objectives to that end. The 1998 study consisted of a questionnaire among diverse organizations that have themselves practical experience with the courts or have collected the experiences of groups of clients, and an economic analysis to assess the benefits of addressing the identified bottlenecks.

Not surprisingly, by far the most serious and most frequently experienced problem at the time was the length of civil and administrative law procedures. Respondents frequently mentioned long lasting uncertainty and postponement of their business activities such as investments. Conversely, the damage incurred due to ongoing economic activities of others increased due to lengthy procedures. Long procedures also led to emotional damage as conflicts dragged on. This emotional damage could lead to reduced productivity of individuals and organizations. In particular it was felt to be extremely frustrating when hearings or verdicts were postponed: parties braced themselves for the hearing or verdict, emotions built up, and then too often the court announced a postponement of weeks or months. Unfortunately, this happened on a regular basis. Other problems experienced by the users of the courts were the – in their eyes – insufficient quality and consistency of judicial decisions. Many remarks were made about insufficiently substantiated and thus unclear verdicts, which left parties to guess what the judge(s) meant. Also, many complaints were made about the lack of consistency of verdicts. Both situations led to uncertainty and more procedures in first instance and in appeal than necessary. Respondents also mentioned that due to a lack of specialized knowledge on the part of the judges, decisions were taken that did not resolve the cases. Especially consumer organizations reported that procedures were so cumbersome and intransparent that many citizens refrained from going to court. In 1998 legal procedures differed between the courts. Respondents noted that this led to unnecessary procedural mistakes by parties or their lawyers, resulting in delay and other costs. Finally,

2 Report Leemhuis Committee, *Rechtspraak bij de tijd*, The Hague, January 1998.

3 Ministry of Justice, *Rechtspraak en rechtshandhaving; maatschappelijke effecten van verbetering. Werkgroep Effecten Rechtspraak*, Research group F. van Dijk, J. van Dijk and R. Teijl, The Hague, 1998.

many respondents complained about the lack of service the courts provided. They regularly had to wait in the court before their scheduled hearing started, hearings were often postponed, documents were not provided in time and requests for information were not answered quickly. Respondents missed the exchange of information by e-mail and internet. The report concluded that courts were not yet professional providers of public services.

Respondents were also asked about the solutions they thought desired. The outcomes were used to assess the potential for improvement. The improvements were expressed as much as possible in quantitative terms, and the economic benefits of the improvements were estimated. Thus, after identifying the bottlenecks and desirable improvements, the next steps were to define feasible improvements and quantify the benefits to be gained by these feasible improvements. Among others it was felt a reduction of the duration of civil procedures with eight months and that of administrative law procedures with six months was possible. Also, an improvement of the quality and consistency of judicial decisions, leading to a reduction of the volume of cases with 2-3%, was thought possible. So was an expansion of the knowledge of judges, leading to specific gains (for example in bankruptcy cases) as well as contributing to the resolution of the other problems. Furthermore, a drastic reduction of waiting times before hearings could be achieved. For civil and administrative law the benefits were calculated at 750 mln euro per year in 1998 prices or 0.2% of GDP. For criminal law the analysis was less detailed, but it arrived at similar estimates. It should be noted that at the time of the study actual performance measures of the Judiciary were largely lacking or inaccurate. For instance, the duration of cases was estimated on the basis of small samples of cases that did not use uniform definitions of the length of procedures.

**Table 2 Realized improvements 1998/2002–2013<sup>4</sup>**

Reduction of court delay:	
in civil law	6 months
administrative law	6 months
Change of percentage of (very) satisfied clients about:	
Higher quality of verdicts	from 59% to 83% (parties)
Greater consistency of verdicts	from 38% to 56% (professionals)
Greater specialist expertise	from 70% to 82% (parties)
Waiting times	from 48% to 78% (parties)
General satisfaction	from 66% to 78% (parties)
	from 74% to 81% (professionals)

4 F. van Dijk, *Improved performance of the Netherlands judiciary: assessment of the gains for society*, Netherlands Council for the Judiciary, The Hague, 24 July 2013.

When the Council was installed, one of its first endeavors was to systematically gather data about the performance of the Judiciary. For instance, with respect to the duration of cases, the Council cooperated with the courts to develop definitions and measurement methods, based on the digital court administration systems. Thus, the sample based, non-uniform statistics were replaced by consistent measurement. Performance measures with respect to the quality of the services of the courts were entirely lacking. As part of the new quality system, client satisfaction surveys among litigants as well as professionals such as lawyers and prosecutors were introduced, and systematically repeated. Table 2 shows the improvements that were realized. The reduction of court delay is based on the comparison of the current average of the duration of cases with the estimates of the 1998 study, while the change of client satisfaction compares the most recent survey to the first surveys, starting in 2002. Substantial improvements were reached. In these figures the reduction of the lead times and costs of procedures due to the increase of the scope of competence of the small claims courts in 2011 from €5000 to €25.000 euro is not even included. This change resulted in improved accessibility and speediness in a great number of civil cases. Costs are significantly reduced, not in the least because plaintiffs are not obliged to have a lawyer present in the small claims courts.

Applying the methodology of the 1998 study to the better data that have become available, the benefits for society that have been reached by these improvements can be assessed in economic terms. Table 3 provides a summary. It needs to be stressed that these benefits do not consist of a reduction of the costs of the Judiciary itself, but of faster and better adjudication of legal conflicts that makes it possible for the parties involved to proceed with their (economic) activities. It should be noted that reform is still underway. It is still too early to assess the structural impact of the new judicial map on the performance of the courts. Also, the reform of procedures is still in an initial phase.

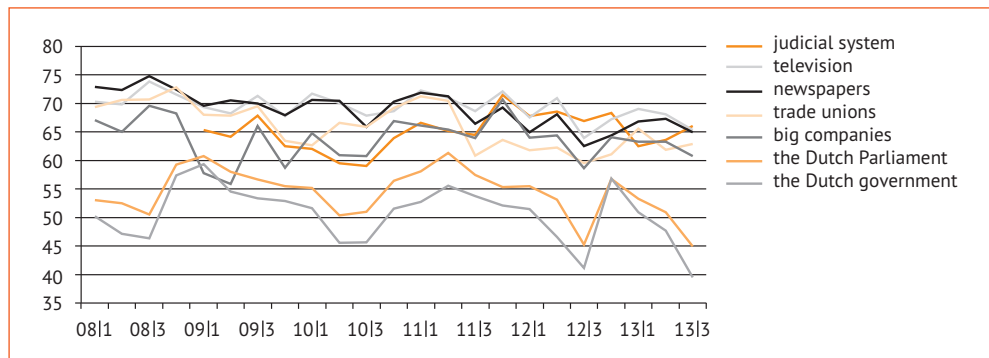
**Table 3 Realized benefits in 2013 in mln euro at current prices and volume of cases<sup>5</sup>**

	Potential benefits	Realized benefits
Reduction of court delay	920	600 – 775
Increased quality and consistency of decisions	135	not measured
Increased expertise:		
Higher debt recovery in bankruptcy cases	60	not measured
Reduced waiting times before hearings	135	90
<b>Total</b>	<b>1,250</b>	<b>690 – 865</b>
As % of GDP	0.2%	0.11 – 0.14%

5 Ibid note 3.

The potential benefits to society amount to 0.2% of GDP annually, of which 0.11 – 0.14% can reliably be shown to have been realized. While the quality and consistency of judicial decisions as well as the expertise of the Judiciary have increased, the benefits that accrue to society are difficult to establish empirically, and this has not been attempted yet. In any case the benefits surpass by far the costs of the change of the governance structure and the subsequent changes. To provide a broader perspective, Figure 1<sup>6</sup> shows the development of the trust of the public in general in diverse institutions including, since 2009, the Judiciary. Trust is high, in particular when compared to Parliament and the national government. While trust in the Judiciary fluctuates in correspondence to incidents such as a (alleged) miscarriage of justice, it is not declining, as the trust in these other institutions does.

**Figure 1 Institutional trust, of the Dutch population aged 18 years and older, 2008-2013/3 (in percentages)**



How much trust do you currently have in the following institutions in the Netherlands? Mentioned are the percentages of scores 6-10 on a scale from 1 (no trust at all) to 10 (complete trust).

Were the change of the governance structure and the subsequent reforms necessary to achieve these gains for society? This question of the counterfactual – what would have happened if this reform had not taken place – is difficult to answer. Change was already underway: gradually a new approach to procedures with less exchange of documents and more emphasis on oral hearings was introduced. However, organizational changes depended on the Council and the boards of the courts. This means that nearly all of the components of judicial reform as described in Table 1 were initiated and seen through by the Council and the boards of the courts.

6 Citizens' Outlooks Barometer 2008/1-2013/3, SCP Netherlands Institute for Social Research.

To conclude, the reforms of the Judiciary were expected to deliver substantial gains for society. It can be shown with confidence that performance has indeed improved substantially and that substantial benefits were realized. Also, a sound basis for more radical reform, e.g. to simplify and digitalize procedures, is now available. Having established that the reforms have had a positive effect, it is meaningful to discuss them in more detail.



### 3 Governance of the Judiciary

#### 3.1 Outline of the reform

By the end of the 1990's, Parliament expressed serious concern about the functioning of the Judiciary. Not only was there a need to strengthen the position of the Judiciary as an independent state power, society also placed increasing demands on the Judiciary in terms of judicial quality, including timeliness, accessibility and integrity. Finally, judges and other employees of the Judiciary were in need of an up-to-standard workplace. Therefore, the Judiciary needed to modernize and innovate.

In 1998, a Committee of experts was installed in order to examine the possibilities for a comprehensive re-organisation. Taking into consideration that the Judiciary would be equipped with a more autonomous governance structure, the Committee was asked to make recommendations on the following: the necessity and quality of existing policies and other concrete measures to be taken; the tasks, competence and composition of an independent body responsible for the Judiciary as a whole; and the design of the administrative incorporation of the small-claims courts into the district courts<sup>7</sup>.

The Committee reasserted that the organization of the Judiciary should be based on the principles of independence, quality and effectiveness. However, securing only independence not being enough, the Committee recommended that the classical quality norms such as speed, effectiveness, transparency and uniformity of law should be supplemented by, among others, norms of good governance, a service (or customer-)oriented focus, being sensitive to external signals and finally effective human resource management. One of the key recommendations of the Committee was that for the Judiciary to assume responsibility for the abovementioned tasks, each court should have its own board, which was to be responsible for the overall management of the court. Effectiveness, according to the Committee, also entailed a proper financing system, which would include an objective system of workload measurement, as well as reliable case- and time registration mechanisms, in order to achieve an adequate allocation of the budget. Moreover, the Committee recommended that an independent body be created, which was to be fully responsible for the governance of the Judiciary at the national level and would therefore take over responsibility for a number of important tasks from the Minister of Justice, thereby limiting political influence. Another major change was the incorporation of the small claims courts into the district courts<sup>8</sup>.

Around the same time, the Project for the strengthening of the Judicial organisation (in Dutch: Project Versterking rechterlijke organisatie, or PVRO)<sup>9</sup> was conducted by the Judiciary

7 Report Leemhuis Committee, *Rechtspraak bij de tijd*, The Hague, January 1998.

8 Ibid, p. 55-56.

9 The final results of the PVRO were published in the 'End report on evaluation of the PVRO' in December 2001.

itself, because it felt the need for change as well. Its main goals corresponded to those of the previously mentioned Committee of experts. An important step forward in what the Committee of experts called the ‘emancipation of the Judiciary’, was putting the ownership of the modernisation and innovation of the organisation with the presidents of the district and appeal courts collectively, thereby strengthening the independent position of the Judiciary, as well as ensuring the commitment from the courts.

The resolution to modernize the Judiciary was included in the coalition agreement of July 1998 of the political parties that formed the new government, after the Parliamentary elections. The recommendations of the Committee were taken as the basis for the reform of the governance structure of the Judiciary<sup>10</sup>. In a memo to Parliament, the contours of the new and modern Judiciary were outlined<sup>11</sup>. This memo also reiterated that a Council for the Judiciary was to be established, a trend which was also visible throughout the rest of Europe during that time. Between 1998 and 2002, the re-organisation was prepared and implemented. In 2002 these efforts eventually resulted in the coming into force of the Judiciary Organisation and Management Act and the Act on the Council for the Judiciary, whereby the Netherlands Council for the Judiciary was formally established and the new governance structure was introduced.

### 3.2 The governance model: Integral management of the courts

Before 2002, the district courts did not handle their own management of operations. The courts were responsible for the proper adjudication of justice in individual cases, but they had no say in the resources and means available to exercise this power – this was subject to the sole authority of the Minister of Justice. This dual system proved to be ineffective and often paralyzed the Judiciary system. All decisions at the local level had to be made by consensus, which led to indecisiveness and ineffective decision-making.

In order to improve the local governance of the courts, an integral management model was introduced. At the basis of this model lies the idea of the inseparability of judicial policy and resource management, as well as collegial management, which means, in short, that the courts are managed by a board that consists of several members, who bear collective responsibility for the decisions they make<sup>12</sup>.

10 Letter to the government from the Minister and State Secretary of Justice, announcing the memo on the contours of the new organization of the Judiciary, Parliamentary Papers 24352, no. 4.

11 *Countourennota modernisering rechterlijke organisatie*, Parliamentary Papers 26 352, no. 2.

12 *Ibid*, section 4.2. See also Explanatory Memorandum, Act on amendment of (...) the Act on organisation and management of the courts, Parliamentary Papers 27181, nr. 3, section 2.1.1.

According to the law, the court board is entrusted with the general management of, and is fully responsible for, the affairs within the court (article 23 of the Judiciary Organisation Act).

This means that the court board is responsible for the administration of justice as well as for the day-to-day management of the court, including financial management. In order to carry out this task, the board may give general or specific instructions to all officials working at the court, whether they be judges or staff members. These instructions may concern ICT, the budget, human resource management, the quality of working methods in terms of governance and organisation, housing and security. Instructions from the court board may never relate to the handling of individual cases by the judges. The board is supported by staff in areas such as human resource management, finance and information management. These support units are never in a position to take over responsibility of the board.

The courts were organised on the basis of the so-called sector model<sup>13</sup>. The sectors or divisions were defined by the different fields of law, so every court would have a criminal law, civil/family law, administrative law and small claims (or sub district) sector. The court boards consisted of a president, who is always a judge, an operational director, who is usually not a judge and of the heads of the sectors, who were all judges. This model of management was to bring unity within the court board regarding the main tasks and responsibilities. Within this framework, the heads of the sectors also kept a measure of freedom in the management of their own sectors.

The court boards were accountable to the Council with regard to the performance of the court in terms of, amongst other things, financial results, the number of cases they handled and quality management. The courts are not accountable to the Council for the way judicial decisions in individual cases are arrived at. In the next paragraph, the funding system of the Judiciary is explained in more detail.

In addition, it was thought that this strengthening of the organizational structure within the courts would inevitably lead to a need for more coherence between the courts as well. Until that time, there was little interaction between the courts, with regard to issues that require national policy, such as for example the quality of the Judiciary, human resource management, IT and housing. This underlined the need for a central authority to govern these issues.

### 3.3 The Council for the Judiciary

As part of the new governance structure, the Council was established in 2002. The Council is part of the Judiciary, but does not administer justice itself. The Council has a general duty

<sup>13</sup> The sector model was abandoned on the 1st of January 2013, when the court boards and the judicial map of the Netherlands were reformed.

to safeguard the independent position of the Judiciary as a whole and to ensure that the courts can perform their judicial functions properly and independently. In doing so, the Council has to pay special attention to safeguarding the independence of the judge in adjudicating cases, coordinating positions on national policies for the Judiciary as a whole and functioning as the central budgetary authority for the Judiciary. The Council is accountable to the Minister of Justice (currently, Minister for Security and Justice) with regard to the budget. By placing the Council in this position, the autonomy of the Judiciary was increased, thereby diminishing direct political involvement of the Minister. Within the constitutional structure of the Netherlands, ministerial responsibility for the overall functioning of the Justice system had to remain with the Minister. To this end, specific yet limited supervisory powers were given to the Minister.

### ***Tasks and responsibilities of the Council***

In order to perform its function as a buffer between the Minister for Security and Justice and the courts, the Council has been endowed with a number of statutory, as well as non-statutory tasks and responsibilities. The statutory tasks of the Council can be roughly divided into tasks of an operational character and tasks that are more content-driven. The most important operational tasks consist of the implementation, allocation and accounting for the Judiciary's budget (article 91 of the Act on the Judicial Organisation). This includes supervision over the budgets of the courts.

Another important operational task of the Council is to encourage and supervise the development of national policies on operational procedures that relate to the day-to-day management of the courts. In doing so, the Council pays specific attention to human resource policy, housing, IT and external affairs<sup>14</sup>. The Council is empowered to issue binding general instructions to the court boards with regard to operational policy. Finally, the Council organizes the recruitment, selection, appointment and training of judicial officials and makes binding recommendations with regard to the appointment of the members of the court boards. The tasks that are content-driven mainly relate to the quality of justice, which involves promoting the uniform application of the law and enhancing judicial quality. This task of the Council is limited to policy making only, for it may never interfere with the handling of individual cases by the judges in the courts. The quality system will be explained in detail in section 6. The Council also has an important advisory role with regard to legislative proposals that concern the judiciary system. This advisory task is performed in close cooperation with the court boards. The Council also cooperates closely with knowledgeable judges and appears regularly in parliament at hearings. While generally a harmonious cooperation, it has led to several severe discussions between the Ministry that drafted the proposal and the Council advising strongly against proposals, the main examples

14 Article 91 of the Judiciary Organisation Act.

being the proposals to drastically increase court fees, to introduce minimum sentences for repeat offenders and to alter dismissal procedures.

The Council also has a number of non-statutory tasks, which include the assignment of academic research on topics that concern the Judiciary and the role of the Council as the spokesperson for the Judiciary, both on the national and international level. And finally, the Council represents the Netherlands Judiciary in several forms of international cooperation.

### *Strategic planning*

The Judiciary does not exist in a legal vacuum, but finds itself at the centre of a rapidly changing society. In order to respond to these changes, the Judiciary must set long-term goals and determine long-term activities. These should provide answers to questions about the kind of societal changes that affect the Judiciary, the way the Judiciary should adapt to these changes and the results that have to be achieved. To face this challenge, the Council makes use of multi-annual strategic planning. From its establishment in 2002, the Council has set policy-priorities in cooperation with the court boards in the Agenda for the Judiciary. Every four years, the Agenda sets out the strategic goals of the Judiciary. These are translated into concrete proposals and projects in the annual plans of the court boards and the Council. In fact, all new plans have to relate to the priorities set in the Agenda. The first Agenda for the Judiciary, which was set for the period 2002-2005, was a direct consequence of the previously mentioned PVRO and built on the major changes that were initiated then. Subsequent Agenda's each focused on a specific theme, however, certain values were always included, not in the least the position of the Judiciary in society.

In 2009, some of the stakeholders of the Judiciary expressed the need to look beyond the four-year period. This led to the adoption of the Vision for the Judiciary in 2020. This report is based on two pillars:

- Reinforcing the core values of the Judiciary: independence, impartiality, integrity and professionalism;
- Meeting the needs of society as much as possible and closely monitoring its problems.

Based on these pillars, the mission of the Judiciary was reformulated: 'The Judiciary ensures ethical, efficient and effective dispute settlement and prosecution of offences by independent courts and judges. The Judiciary helps maintain the rule of law and public trust in the law'. The mission is leading in all the Council's efforts. In the following paragraphs, we will look more closely at specific tasks and projects of the Judiciary, as well as the instruments at its disposal and the incentives they have delivered for judicial reform.

## 4 Evaluation of the new governance structure: the half time score

At the time when the reforms in governance of the Judiciary were introduced, there were some misgivings that in practice the new system would lead to a better organization of the Judiciary, which would allow external actors to get a stronger grip on the Judiciary. This would make the Judiciary more susceptible for political interference. Flaws were seen in the legally weak position of the Council, since it had no position in the Constitution. Some misgivings still exist. However, the structure was evaluated in 2004, when the Minister of Justice installed the Committee for the Evaluation of the modernization of the Judiciary (hereinafter: the Deetman Committee, named after its chairman). The large-scale modernization of the Judiciary, described in paragraph 2, was formalized by the enactment of the Dutch Judiciary Organization and Management Act and the Act on the Council for the Judiciary. Both these acts provide that an evaluation was to be made five years after the date of enactment<sup>15</sup>. The central question this Committee had to examine was whether the stakeholders and the Judiciary itself were of the opinion that the organizational changes that were pursued through the modernization process had actually enabled the Judiciary to respond to societal demands<sup>16</sup>. In this paragraph, a short outline is presented of the recommendations and findings of the Deetman Committee. These can function as a measuring staff in order to assess where the Judiciary stands today, compared to 2006 when the report of the Committee came out, and what challenges still remain.

Overall, the Deetman Committee, in its ‘assessment of the half time score’, concluded that the Judiciary was on the right track. The Committee noted that the modernization of the Judiciary was not only influenced by the coming into force of the abovementioned Acts. Societal developments also had a great impact on the Judiciary, resulting in much higher demands with regard to transparency and professional standards, but also with regard to accessibility and digitalization.

The Deetman Committee saw no need to change the principal features of the system. The administrative and organizational changes, which constituted a complex and major system change, had been achieved in a smooth way. The Committee commended the Judiciary for improving accountability and transparency, as well as increasing administrative capacity of the courts by the introduction of integral management. The Committee also commended the increasing external orientation of the courts and the Judiciary as a whole, but at the same

15 Article XIX of the Dutch Judiciary Organization and Management Act and article IX of the Act on the Council for the Judiciary.

16 Committee for the Evaluation of the Modernization of the Dutch Judiciary, *Judiciary is Quality*, The Hague, December 2006, p. 7.

time recommended to pay continuous attention to digital access, lead times and uniformity of justice.

With regard to quality and productivity, the Deetman Committee recommended that existing instruments would be maintained and intensified and that new instruments for measuring quality should be examined and implemented. In section 6, the existing and newly introduced instruments will be explained in more detail, as many of the recommendations have been followed up on since the publication of the Deetman Report. However the Committee was also struck by complaints within the Judiciary on the dominance of production, bureaucratization and fear of quality loss. The Committee took note of the fact that whereas the general public perceived the quality to have remained the same or even to have improved, the judges and legal staff thought otherwise. This difference in appreciation reflects the ever present tension between maintaining professional quality standards and dealing with pressure to increase productivity. Also, the judges and legal staff felt that the focus of the court boards and the Council for the Judiciary was too much on financial consolidation and on shortening lead times. These criticisms are still heard today. In the perception of many judges, the introduction of the output based funding system is the cause (see section 10). Worth mentioning is that some recommendations are still very relevant today, such as structural collaborative relationships between the courts (see section 8) and digital access (see section 9). Recent developments on these issues will be discussed below.

The Committee recommended to the boards of the courts that they place quality high on their agenda's and that in staffing policy, judges and support staff should be held accountable for both efficiency and quality aspects. In addition, managerial quality had to be improved and the distance between adjudicators and supporting staff had to be diminished. The Committee also recommended that the scope of competence of the sub-district, small claims units within the courts had to be increased to 25.000 euro, as these units were very effective in resolving disputes rapidly<sup>17</sup>. In addition, the courts had to make an effort to improve the performance of the criminal justice chain.

Other recommendations with regard to the management structure within the courts and of the Council have been overtaken by time. Therefore, we will not discuss them here in detail.

17 The scope of competence has been increased to 25.000 euro on the 1st of July 2011.

## 5 Funding system

An important feature of the organisation of the Netherlands Judiciary is its financing system. With the establishment of the Council as the primary institution responsible for these matters, the direct relationship between the Minister and the individual courts no longer existed. The central position of the Council in negotiating and allocating the budget is fundamental to maintaining the independence of the Judiciary and minimizing political influence. The Judiciary has its own chapter in the budget of the Ministry of Security and Justice. The Judiciary is financed through a staggered system: the Minister makes an annual financial contribution to the Council and the Council makes contributions to the courts.

The financing system is regulated in the Act on the Organization of the Judiciary (Judiciary Act) and set out in more detail in the Court Sector (Funding) Decree 2005 (Decree). Whereas previously, the courts were funded on the basis of a cash commitment system, the Decree introduced a cost-benefit system. This implies that capital investment is not treated as expenditure that must be accounted in the year of investment, and also that courts can incur profits and losses. The courts are allowed to hold reserves up to 3% of their costs.

The Judiciary currently receives an annual contribution of around 1 billion euro's. The Council submits a budget proposal to the Minister. If the Minister rejects this proposal, he has to send the budget proposal of the Council to Parliament, together with his reasons for rejection. This has happened only once in 2005, when both proposals were put before Parliament and a motion was adopted that demanded that an extra 10 mln euro was to be allocated to the Judiciary. In recent years when the Minister and the Council cannot come to a full agreement, this was usually solved by making extra budget available by taking funds out of the so-called 'egalisation account'. This account is meant as a buffer to cover at the end of the year higher actual costs due to a larger volume of cases than foreseen in the budget.

The budget proposal of the Council has two basic components: cost price and volume of cases. The price component is fixed for three years. The cost prices per type of case are negotiated between the Council and the Minister, in a three-year cycle. Ten categories are distinguished, according to the field of law and number of judges in a panel (generally, one or three), which has a major impact on costs. A number of factors are taken into account, the most important of which are the cost prices negotiated in previous cycles, the consequences of new legislation and necessary improvements in quality. The Council performs time allocation surveys to assess the processing times of the categories of cases, which are then used as a basis for the negotiations.



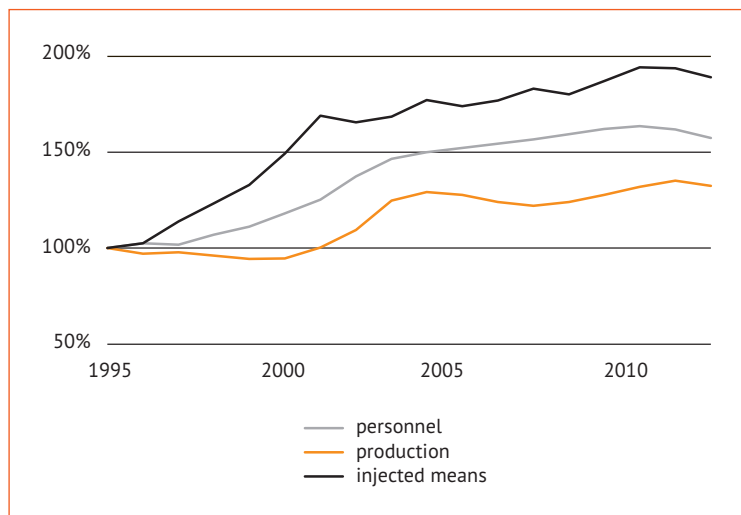
As to the volume of cases, each year forecasts are made of the inflow of cases and adjudication of cases. The inflow forecast is based on an econometric model that has been developed by the research branch of the ministry in close cooperation with the Council. These technical estimates are combined with the effects of policy changes that affect the inflow of cases. The Council bases its budget proposal on the resulting forecasts. If the actual number of cases disposed of by the courts is either higher or lower than the negotiated number, this excess or shortfall is settled at a rate of 70% of the cost price per case. In addition to the budget proposal, the Council prepares a detailed plan for the next year and a report over the previous year. Both documents are sent by the Minister to Parliament, together with his – generally concise – comments. The Council uses part of the contribution to fund the services it provides to the courts, such as housing and IT. Court fees are collected by the courts, but they are not part of the income of the courts. The full amount is turned over to the Minister of Finance.

The allocation of funds to the courts by the Council is based on a similar system. A court receives an integral budget, which it can use within the court at its own discretion. This budget is more detailed than the budget agreed between the Minister and Council for the Judiciary as a whole. It distinguishes between 53 categories of cases, in order to specifically tailor the contributions to the actual needs of the courts. In this system a court can make a ‘profit’, for instance if it adjudicates more cases than agreed with the Council and/or works cheaper than the cost price. The court can credit this ‘profit’ to its capital up to 3% of its costs. If 3% is exceeded, the funds are added to the capital of the Judiciary as a whole.

The budget system has served the Judiciary well, as the budget kept pace with the increasing volume of cases, even when total expenditure of the government was reduced. Figure 2 shows this. It also allows the Judiciary to handle capital investment easily, as these costs do not have to be incurred in one year, but are spread over the years.

A disadvantage of the system is its complexity. Currently, a simplification of the system is considered, one that would drastically reduce the number of categories of cases that are distinguished. Furthermore, the budget system is by its nature strongly focused on production, and thereby provides strong economic incentives. The judges, justly, attach high value to quality justice. Production incentives are often perceived by them to be counterproductive for the quality of the Judiciary. This is one of the reasons for having a comprehensive quality system, which is of course of much broader significance.

Figure 2 Development of budget, personnel and production since 1995<sup>18</sup>



18 Council for the Judiciary, figure on the development of productivity of the Judiciary between 1995 and 2012, [www.rechtspraak.nl](http://www.rechtspraak.nl).

## 6 Quality system

### 6.1 RechtspraakQ

When the Council was established in 2002, systematic attention for quality was deemed to be essential in maintaining public confidence in the Judiciary. Improvement of quality was therefore included as one of the core statutory tasks of the Council. The primary mechanism for safeguarding the quality of the Judiciary is the system of appeal and appeal in cassation (internal quality). This system focuses of course on the content of judicial decisions, and does not cover all aspects of the organization of the courts also contributing to the quality of the performance of the courts in a broad sense, including the services provided to the public. This broader notion of quality, referred to as external quality, relates to the degree to which the Judiciary complies with organisational values as well as prevailing societal requirements. An overarching quality system, called RechtspraakQ, was developed in close cooperation with the courts, combining already existing quality initiatives. RechtspraakQ makes the quality of the judicial system visible, discussable and measurable. As a result, it makes the Judiciary accountable to society. Furthermore, part of the quality system was specifically designed as a complement to the financing system, in order to counterbalance the economic incentives the new financing system would impose. Table 4 below shows the components of the RechtspraakQ quality system.

**Table 4 RechtspraakQ**

<b>Normative framework</b>	<b>Measurement</b>
Court Statute	Self-diagnosis of court performance
Sector Statute	Client satisfaction survey
Measurement system of judicial performance	Employee satisfaction survey
	Specific audits
	External review
Peer review	Complaint procedure

RechtspraakQ consists of a normative framework and measurement instruments. The normative framework is made up of quality regulations. Also under the normative framework, use is made of the (voluntary) Judicial Performance Measuring System, which includes norms to measure a range of different aspects of the work of the judge. Measurement instruments that are used under RechtspraakQ are the self-diagnosis of court performance (now out of use), the customer satisfaction survey, the employee satisfaction survey, specific audits and, as culmination of the measurement cycle, a review committee, which is established every four years. The committee is presided by an authoritative neutral chair

who doesn't work within the Judiciary. Half of the committee consists of persons who work within the Judiciary, the other members are from different walks of life. All courts conduct a self-evaluation. The committee studies these self-evaluations, pays visits to all courts, where it conducts in-depth interviews. It produces a public report about the quality of the Judiciary. Below we will briefly describe the outcomes of the two external reviews that have taken place so far. Another part of RechtspraakQ is peer review, in which all judges are expected to participate annually. Generally this takes the form of collegial observation of the performance of the judge at a hearing and providing feedback afterwards. Finally, a complaint procedure was also introduced at all courts in the context of RechtspraakQ. This procedure is not meant for complaints about judicial decisions in individual cases. It relates to complaints about matters such as, amongst others, the conduct of judges and other court staff, length of procedures, court fees and administrative errors.

## 6.2 Quality standards

Quality standards were established as part of RechtspraakQ, and the additional financial means to implement the standards were provided by Cabinet and Parliament. The quality standards are about the improvement of the written motivation of, and mainly the use of evidence in criminal law judgements (in Dutch: Project verbetering Motivering Strafvonnissen, or Promis), giving collegial feedback with regard to written judicial decisions of single judges, the percentage of cases that are to be handled by a three-bench panel of judges, standards for permanent education of judges and legal support staff (minimum of thirty hours per year) and lead times. Norms for the duration of cases were agreed upon by the Judiciary for most categories of cases. These norms are not meant to be applied strictly in individual cases. It is up to each judge to give cases the required attention. Also, the judge does not have full control over the procedure, as parties have much freedom to choose procedural steps. This is accommodated by standards prescribe x% of the cases are to be adjudicated with y days. For instance, 70% of commercial cases with a financial claim larger than 25.000 euro must be finished within a year.

In 2012, a special working group evaluated the quality norms and their recommendations have yet to be implemented by the boards of the courts. Most importantly, the working group concluded that even though lead times had been shortened in the previous period, they remain problematic and need to be shortened further<sup>19</sup>.

19 End report on Quality norms 2012, January 2012, p. 6.

### 6.3 External review

#### *Report 2006*

The External Review Committee paid attention to impartiality and integrity, professionalism, treatment of clients of the courts, uniform application of the law, lead times, external orientation and the development of the quality system.

The main conclusions of the Committee were positive. Many activities had been developed related to independence and integrity, a lot of progress had been made to shorten lead times and the newly introduced quality instruments were already frequently being used by the courts. However, the Committee saw room for further improvements. Even though there was a strong sense of the importance of integrity amongst the judges, there was a lack of clear policy on paid or unpaid positions of judges outside the Judiciary. With regard to professionalism, the Committee found there were many different approaches in the courts with regard to safeguarding and developing professional standards, an issue which is still relevant today, as will be explained in the final paragraph. A point of concern was the feeling amongst judges and support staff that due to the workload, little or no time was left to keep one's knowledge of new jurisprudence and other developments up to date. The Committee noted the lack of a collegial feedback culture within the courts, and that the external orientation of the courts was still weak. The Committee saw a lack of systemic approach to achieve not only procedural, but also material uniformity of law.

Even though the Committee concluded that lead times had improved in previous years, it emphasized that uniform definitions of the beginning and end of procedures as well as uniform work processes were still not in fully place to tackle the issue of timeliness.

Probably most worrying, however, was that quality instruments were often felt to be something that is imposed by the Council and the court boards instead of a joint responsibility of the whole of the Judiciary.

#### *Report 2010*

In 2010, a second external review took place. Focus was again on the abovementioned subjects, but an important new element was added: quality standards. The Committee concluded that a lot of progress had been made since the previous external review especially with regard to the understanding and acceptance amongst the judges of quality being an important and common responsibility. It noted, however, that attention to quality should be integrated into daily practice more, because it was still felt by the judges to be something separate from their daily work in handling cases. Still, the overall picture was positive. The Committee was unable to ascertain that instruments for evaluating internal quality such as peer review were given a structural integrated place in daily practice. The Committee urged the courts to give these instruments a firm basis.

The Committee also felt leadership to be lacking in some courts regarding the governance of quality. The Committee found there were many different ways in which this was approached by the courts. Strongly developed leadership aimed at changing court culture seemed to have a positive effect on quality management. In addition, the Committee also found that the court boards were often rather passive in stimulating and developing an integrated and uniform approach to quality management. The Committee recommended that the governance structure of the courts be re-evaluated on a national level from this perspective<sup>20</sup>. According to the Committee, quality management should be handled through an integrated approach and should not be left to individual professionals. Quality management should be the explicit responsibility of one of the court board members, in order to prevent it from becoming too isolated from the other core management tasks. Other points the Committee mentioned related to positive developments with regard to the quality norms. However, in areas such as permanent education and peer review of verdicts, progress could be made in implementing and fortifying the norms. The Committee recommended a better human resource management policy to be put in place in order to keep up with the development of the economy and labour market. It also recommended sharing of best practices with other courts with regard to lead times and saw opportunities for further development of a feedback culture within the courts.

### ***External review 2014***

In 2014, a new external review will be conducted. The Committee will focus on the following topics: further development of professionalism and specialisation, development of internal review of the quality of judicial work, including the further development of an internal feedback culture, improving external orientation and finally again management of and further development of the quality system.

20 Alongside the reform of the judicial map, the governance structure of the court boards has been changed as well. See section 8.

## 7 Research program

### *Research program*

In order to adequately fulfil its duties the Council for the Judiciary needed to have a well-informed view of the functioning of the courts and of relevant developments impacting on the administration of justice. This could only be achieved by sound empirical, socio-legal research. Therefore, shortly after the establishment of the Council a research program, which is renewed biannually, has been put in place. The research program has the following three main objectives:

- mapping relevant developments for the administration of justice;
- supporting policy interventions by providing an understanding of the context or the consequences of these interventions;
- providing information relevant for defining the vision and strategy of the Council.

The research program has been in place for over ten years now. Close to 50 research projects have been commissioned. In order to give an impression of the variety of subjects that have been addressed we will discuss a few of the projects commissioned by the Council. Most of the reports generated have been published in our series ‘Research Memoranda’<sup>21</sup> and all of them have been published on the website of the Council.<sup>22</sup>

### *Judicial decision-making*

Research projects focusing on judicial decision-making mainly relate to criminal law. Being in the spotlight of public attention the emphasis on this field of law was necessary. Some of the research projects have focused on comparing the judgments of judges to that of lay people (Wagenaar, 2008; De Keijser, van Koppen en Elffers, 2006). It became clear that the gap between the official judicial decisions and the judgment of lay people is not as big as is often thought. By increasing the amount of information lay people have about a case and by having the decision-making taking place in a panel, the judgment of lay people approximates that of judges.

Two other projects (Ten Velden & De Dreu, 2012; Van Dijk, Sonnemans & Bauw, 2012) addressed judicial decision-making in panels of (three) judges. The first project centered around the socio-psychological determinants of judicial decision-making. It established that judicial decision-making by panels adds to the quality of that of individual judges when it concerns complex cases in which large amounts of information need to be processed. However, panels are not immune to the use of heuristics with the resulting risk of errors in

21 <http://www.rechtspraak.nl/ORGANISATIE/PUBLICATIES-EN-BROCHURES/RESEARCHMEMORANDA/Pages/default.aspx>

22 <http://www.rechtspraak.nl/Organisatie/Raad-Voor-De-Rechtspraak/WetenschapsOnderzoek/publicatieswetenschappelijkonderzoek/Pages/default.aspx>

decision-making. This risk can be reduced by diminishing time pressure and promoting discussion among the judges of the panel.

The study Van Dijk et al. corroborates these findings. They found that panels make less errors in decision-making than individual judges. However, from this it does not follow that it is always necessary to deliberate in all cases. In simple cases errors can be avoided simply by aggregating individual opinions. In difficult cases however, discussion among the judges leads to improved quality of the decisions.

### ***Judicial case management and interaction with the litigants***

In 2002 fundamental changes of the Dutch Code of civil procedure took place. Some of these changes were focused on judicial case management and hearings. For instance, the revised code of civil procedure made it an explicit duty for the court to prevent undue delay. But the most noticeable change was that ‘after the introduction of statement of defence the judge has a duty to order a personal appearance of the parties in the court unless this would in his opinion be superfluous’ (Van Rhee, 2008:10). In other words, a hearing became the standard in civil procedures.

Several research reports published by the Judicial Council (not all of them commissioned by the Council) have focused on judicial case management and the interaction of judges with litigants (Van der Linden 2010; Barendrecht et al., 2011; Robroek, 2012). They show the importance of procedural justice and it has also become clear that adequate case management by judges can expedite procedures.

### ***The organization of the judicial procedures***

Over the past ten years several research projects commissioned by the Council explicitly dealt with the way judicial procedures are organized. Worth mentioning for example is the evaluation of the way the courts deal with tax cases after a law revision preordered an appeal procedure for tax cases (Widdershoven et al. 2006, 2009, 2010). Another study focused on the way juvenile law was embedded in the courts – with often a strict separation between criminal and civil juvenile law. The report has triggered organizational reform in many courts. The ambition of these reforms was to improve the coordination between civil and criminal law in order to further the pedagogical ambition of juvenile law (Verberk & Fuhler, 2006). Two other research projects focused on court specialization (Böcker et al. 2010; Havinga et al., 2012). The results of the 2010 study show that companies and law firms are very satisfied with existing specialized court provisions such as the one for maritime law in the court of Rotterdam. The follow up study showed that in some fields the need for more specialized court provisions is felt such as procurement law, construction law and IT law.



### ***Economical and statistical research***

The Council for the Judiciary has a tradition of economic and statistical research. Unlike the other projects of the research program, most are executed by members of the staff of the Council instead of third party organizations. Part of the economic and statistical research addresses the effects of financial and economic incentives on the use of courts. Another part of projects revolves around the impact of court organization and court procedures on the Dutch economy. Research commissioned by the Council shows a significant impact of the judicial infrastructure on economic prosperity. Protection of property rights is very important as well as judicial independence. A 2006 study showed the Netherlands to have a (very) good judicial infrastructure but with also room for improvement with respect to timeliness and the need to accommodate ICT developments (Van Velthoven, 2006).

### ***Judicial innovation***

The current research program emphasizes the need for proper (experimental) research on court innovations. The KEI Programme (see section 10 below) provides the contours for innovation of the Dutch justice system. The actual realization and operationalization will take place in the individual courts. The research programs aims to support the individual courts in doing so. Research is meant to contribute to successful innovation by disclosing existing and by generating new (scientific) knowledge. In order to generate new and reliable information on the judicial innovation several experiments will take place. These experiments are still in the process of being developed but the general idea is that they will focus on: 1) the benefits of differentiation of court procedures; 2) effective styles of supervising court hearings; 3) improving the public effectiveness of criminal law; 4) improving judicial competence and knowledge.

## 8 Reform of the judicial map

In 2005, the Council for the Judiciary and the presidents of the courts instituted a Committee to investigate what forms of collaboration between the courts were needed to guarantee continuity in the quality of the judicial system<sup>23</sup>. A number of courts were found to be too small to be able to handle the caseload as an independent unit in a cost-effective manner at the required high quality level<sup>24</sup>. Continuity in case of, for instance, illness or pregnancy leave was an issue as well. Both the adjudication of cases and the administration of the courts were also becoming increasingly vulnerable. Whereas the adjudication of cases was influenced by a more critical and demanding society, specialisation of lawyers and other professional parties, and increasing ‘europeanisation’ to the law, the administration of the courts had to comply with higher standards with respect of quality, responsibility and accountability.

The Committee was of the opinion that centralisation of tasks in these matters on a national level, for example organized by the Council or by a committee of representatives of the boards of the courts, would not benefit the judicial system, mainly because the courts would lose their autonomy. Instead, increased regional cooperation was recommended, thereby combining forces within a region in order to face common problems. It seemed that stronger incentives were needed to realise the desired cooperation. The Deetman Committee, that wrote its report roughly at the same time, even argued that collaboration between courts should be enshrined in law. In practice however, voluntary cooperation did not work out as planned. In fact, collaboration was usually used to cover a temporary lack of capacity, but it did not lead to structural forms of collaboration or for example to concentration of specialised cases<sup>25</sup>.

When it became clear that very little had come of the recommendations of the 2005 Committee, a new Committee, in correspondence to the Agenda 2008-2011, was assigned to draw up a policy framework for collaboration between the district courts. Quality, specialisation and a reduction in vulnerability were widely shared, and more and more urgently required, goals. In addition, external pressure increased. The Minister of Justice wanted to push through a small change of the judicial map. This small change was rejected by Parliament, which demanded a complete reform of the judicial map of the Netherlands. Eventually, a draft law was submitted to Parliament which had the support of the Council

23 Report of the Van der Winkel Committee: *Goede rechtspraak door sterke regio's*, The Hague, October 2006.

24 Ibid, p. 7.

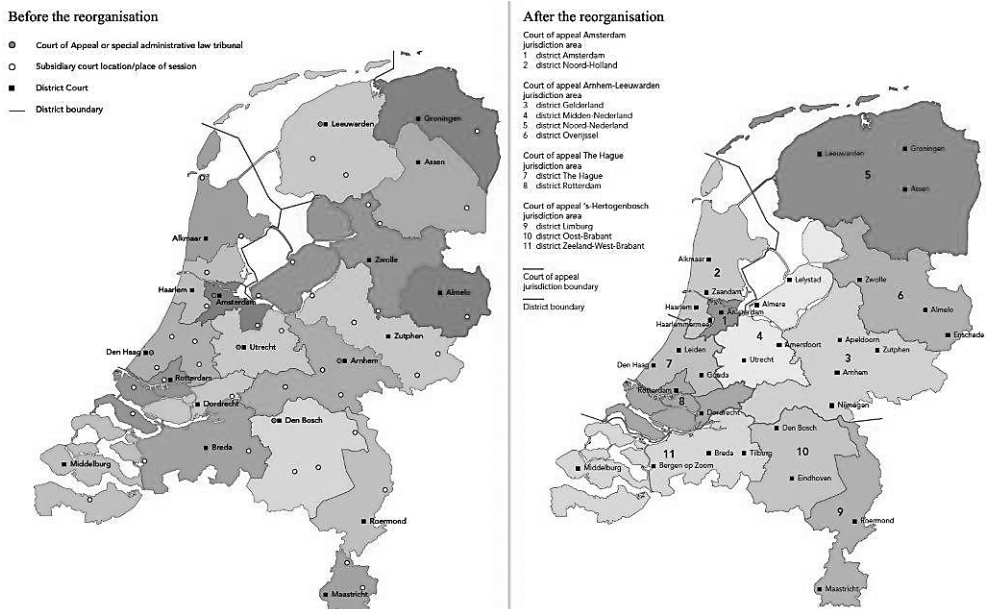
25 Erik van den Emster, Elske van Amelsfort en Frans van Dijk, *Re-structuring of the network of courts: Quality through collaboration*, Translation into English of an article published in the magazine *Trema*, no. 4 2011, p. 127-133.

and the Presidents of the Courts. Only one contentious issue remained which was about the large size of one of the new regions, East Netherlands. The law was adopted by both chambers of Parliament. The support of the Senate was conditional on the splitting of the region just mentioned. This split was effected by a subsequent law. On the 1st of January 2013, the law reforming the judicial map came into force, with the law to split the East Netherlands region following on the 1<sup>st</sup> of April.

Figure 3 shows the judicial maps before and after the reform. To summarize, the major changes are:

- From 19 to 11 district courts
- From 5 to 4 courts of appeal
- From 53 to 32 court venues
- From 19 to 11 court boards

**Figure 3 Judicial Map of The Netherlands Before and After the Reform**



Before the reform, court boards generally consisted of five members. It was felt that a reduction of the size of the boards would make the decision making process more efficient and effective. Therefore, in the same law the size of the boards was reduced to three members.

Every court board now consists of three members: two judges and one non-judicial member coming from other walks of life. The president of the board is always a judge, the other judge functions as vice-president.

As a court can have several locations where cases are heard, the Council and the boards of the courts have determined within the areas covered by a court which cases are handled where, which locations will have an office and where the board will have its seat. Important considerations in choosing the locations for the courts were the need to have courts in the eleven largest cities in the Netherlands, the need to keep the main locations open and the distance between the courts, which should be at least 15 km. As of the 1st of April 2013, the reform of the judicial map has been fully implemented, albeit that some small court venues will still be shut down in the next couple of years.

The reform of the judicial map demands a drastic change in organisation and working methods. These changes are still underway. Also, the enlargement of the courts must be done in a smart way, as increases of scale can also lead to more bureaucracy and to a more anonymous organization. Both dangers are feared by many judges and support staff. Enlarging the courts enables more specialisation, which in turn will make it possible to organize the work in specialized, small-scale teams. Currently, the courts are experimenting with different organizational models, also reflecting their local needs. In the coming years it has to show whether a dominant model emerges,

## 9 Need for further reform

With the revision of the judicial map we have arrived in the present. In section 2 we presented an overview of the improvements that have been realized so far. It can readily be argued that these improvements are not enough to fully meet the – changing – demands of society. In the first place the anticipated and realized reductions of court delay are not sufficient anymore, given the speed and further acceleration of economic and other processes in society and the related increasing expectations. Evidence of this can be found in the customer satisfaction surveys. In 2001–2004 41% of the citizens seeking justice were (very) satisfied about the duration of cases. In 2011 the satisfaction had increased, but still was not higher than 55% with 29% being (very) dissatisfied. Professional users of the courts were more negative, but they did also see a stronger improvement: at the first measurements, only 28% were (very) satisfied, while in 2011 46% were so, with 27% (very) dissatisfied. One would have expected higher scores, given the objective improvements. A recent study mapping the opinions about the Judiciary by important decision makers and opinion leaders in the Netherlands shows that for these persons court delay is a major issue<sup>26</sup>. In the original 1998 study<sup>27</sup> the business sector already expressed the wish that civil procedures without a summary procedure should be adjudicated within 6 to 8 months<sup>28</sup>. This fitted in with the timeframe of budgeting and reporting cycles of companies. This timeframe seems also reasonable for other parties in commercial and administrative law cases. A different study showed that plaintiffs as well as defendants in administrative law cases prefer a duration of six months<sup>29</sup>. The current standards for the duration of cases falls short of the target of 6 to 8 months. The practice of administrative law cases is moving in the direction of six months. In civil law much has to be achieved, and especially appeal procedures need to be shortened radically. To illustrate, if a reduction of the duration of civil cases from the current 436 days to 180 days would be realized, the benefits for the economy would be an additional 460 mln euro, using the methodology of section 2. A specific challenge is mass tort litigation. Recent examples show that legislation and Judiciary are not well equipped to deal with these problems, and the plaintiffs have to wait very long to get clarity about their legal positions.

26 P. Frissen, P. 't Hart en S. Sieckelink, *Reputatie overwogen: Beelden over de rechtspraak bij beslissers en publieke opinieleiders*, Research Memoranda 8/4, Raad voor de rechtspraak, 2012.

27 See note 2.

28 Summary procedures are only applicable if a decision needs to be taken immediately.

29 P.O. de Jong, *Beroep op tijd: Een onderzoek naar het tijdsbeslag van beroepsprocedures in eerste aanleg in het bestuursrecht*, Boom uitgevers, 2004.

In the 1998 study<sup>30</sup> digital access of the courts was not a big issue: it was mentioned in passing that e-mail and internet are not used sufficiently to speed up and facilitate the exchange of information. The needs and expectations of society are rapidly increasing in this area. While the Judiciary offers a range of digital services, these services are far from complete. Further digitalization will speed up procedures. It will also reduce the litigation costs for parties, as, for instance, communication with the courts becomes less time consuming. It may also become easier for parties to represent themselves at court. And it may lead to a higher efficiency of the courts, which in the current economic climate, is an important side effect. In view of these arguments the need for further reforms is inescapable.

30 See note 2.

## 10 Innovation of procedures

After the organizational reform of the judicial map the procedures as such are now addressed. The procedures will be simplified and digitalized – still maintaining the oral hearing –, and judges must be empowered to really manage their cases. This requires the revision of procedural law, the overhaul of work processes within the Judiciary and the digitalization of the new processes. It was decided not to digitalize the current procedures but to redesign them first. To this ambitious end – to unify and simplify procedures, improve lead times and realize complete digital access – the Judiciary has initiated a multidisciplinary program, called Quality and Innovation, in close cooperation with the Ministry for Security and Justice, which is responsible for redrafting procedural laws and has instituted its own program. Table 5 gives an overview of the targets that have been set for the programme. As to the reduction of lead times, it can be added that the proposal for the new civil procedure stipulates that for standard civil cases the length of the procedure will not be longer than 5.5 months.

**Table 5: Objectives of Quality and Innovation for 2020<sup>31</sup>**

Objectives	Key performance indicators (indicative)
<ul style="list-style-type: none"> <li>Reduction of lead times</li> <li>Digital procedures and work processes</li> <li>Higher client satisfaction</li> </ul>	43% on average Possibility for 100% of all cases; actual use 90% Timeliness: 55% → 68% (parties), 46% → 60% (prof) Digital access: 67% → 81% (parties), 40% → 73% (prof)
<ul style="list-style-type: none"> <li>More time for judges to handle complex cases</li> <li>Change of judicial organization and culture to support change</li> </ul>	6% more time for judges
<ul style="list-style-type: none"> <li>Cost reduction for society</li> <li>Higher efficiency of Judiciary</li> <li>Maintain international position</li> </ul>	>> € 220 mln € 60 mln Improve score in international benchmarks

prof: professional parties such as lawyers.

Not only will the citizen benefit from simplified procedures, because these are faster, less bureaucratic and easier to understand, simplified procedures will also be easier to digitalize. Digitalization has an external and an internal dimension. The external dimension relates to the accessibility for citizens and professionals dealing with the Judiciary. Digital files can

31 Master planning program Quality and Innovation, 2013. Council for the Judiciary, not published.

be exchanged faster than paper files, and used simultaneously by multiple parties. As a positive side effect, this will also reduce the so-called ecological footprint of the Judiciary. Access to justice is improved for the citizen seeking justice. Once fully implemented, the citizen will be able to handle his affairs online by logging in on a “My case” environment with a personal identification device, and he can follow the progress of his case from home. This will make the Judiciary more customer friendly and effective. It will also have a positive effect on lead times. The internal dimension relates to the way the Judiciary works. Judges and legal and administrative staff will use “My work environment” that gives them digital access to all case files, case registration systems and knowledge systems of the Judiciary. It will also create flexibility in working place and working hours, as well as to a large extent a “paperless” office.

A reform of this magnitude also has considerable consequences for the people who work for the Judiciary, both for judges and for support staff. A part of the programme is therefore devoted to manage these consequences with care. It has been calculated that due to, in particular, the digitalization approximately 45% of all administrative functions and 5% of legal support functions will disappear. The remaining tasks will be qualitatively different from the current tasks, and will require more skills. It is not expected that less judges will be needed, as the time that is actively spent to adjudicate cases will increase, due to the demands of strict case management. Once the program has been fully implemented, net structural cost savings of up to 60 mln euro are expected. According to the planning, full implementation of the new procedures will be achieved in 2017, although the reduction of staff and the associated cost savings will take (much) longer to realize. In the meantime the program requires substantial resources. To implement all these changes and to take care of superfluous staff a vast reorganization is being prepared. It will ask a lot from the managers within the courts. They will be trained in preparing and adapting their staff to enhance their digital skills and to start working with the new procedures in a new digital environment, as well as in handling the emotional impact this reorganization will have. Strict case management will require a change of judicial culture that will be difficult to achieve for part of the judges. Careful coaching will be needed.



## 11 Debate within the Judiciary

Judicial reform cannot be realized without the support of the individual boards of the courts and collectively as represented in the assembly of court presidents, as well as from the judges and support staff in the courts. It is important that the need for change is felt at all levels and is not only initiated by the Council, but also by the people who do the actual work. From the outset, the Council has secured the financial means to handle the caseload of the courts (see figure 2), has defended the position of the Judiciary in its advice about new legislation rather aggressively, and has been the initiator of judicial reform. Still, many judges do not feel represented by the Council; in particular, they feel their caseload is too high. The Council has often been accused of being out of touch with the courts and being too close to the political reality in The Hague, being the political heart of the country. Not surprisingly therefore, there has been opposition to the reforms promoted by the Council, in particular the reform of the judicial map. The latter reform was not popular, as it affected many staff personally for instance because they have to travel further from home to work, but also because many doubted the advantages of increasing the scale of the courts. As the perspectives of the Council on the one side and the judges and staff working at the courts on the other are very different, tensions are inevitable. This is in itself a big challenge for the Judiciary as a whole. In light of its function to safeguard the independence of the Judiciary as well as its function as agent of change, from the outset the Council has had to find a balance between, if reasonable, the demands of the Minister of Justice and those of the courts, in adverse economic conditions for much of the period. The Council has therefore had to make some unpopular but in its view necessary decisions of a strategic and operational nature in the last couple of years.

Many judges expressed their discontent by supporting a manifesto in December 2012. The manifesto was written by appeal court judges, and was supported by approximately 700 judges, about a quarter of the total number of judges in the Netherlands. In short, the judges voiced the following complaints. They did not feel represented by the Council for the Judiciary. They felt that the appointment procedures for court presidents and court board members that were used when the new judicial map was implemented were not transparent. They also objected to judges having little influence with regard to candidacy and appointment of members of the Council itself, half of whom are not judges. They expressed that the Judiciary is starting to resemble a large cooperation, in which production and financial incentives are leading. The output based funding system was seen as the most important manifestation of this way of thinking. Quality should go before quantity, which principle in their opinion the Council did not put into practice. Since the publication of the manifesto, the Council talked with and, in particular, listened to judges and staff of all courts. The discussions showed that a large communication gap exists between Council and professionals

in the courts, and that many policies of the Council were in need of a much better explanation. In particular, societal and political realities for the Council are not experienced in the same way by the judges. Also, the Council cannot be explicit about negotiations with the other state powers. In addition, some of the grievances did not concern policies of the Council, and should have been addressed to the boards of the courts that due to the new constellation of the judicial map still need to establish themselves. But the Council has also adjusted some of its policies, for instance, with respect to the balance between quantity and quality. It has expressed its willingness to accept financial deficits of courts that despite serious efforts cannot maintain the quality standards within their current budgets. The Council also strongly encourages and facilitates judges to develop professional standards that – in addition to the existing quality standards – define what good justice actually is.

Obviously, much of the criticism that previously went to the minister for Security and Justice is now directed at the Council. Also, many judges feel threatened by managerial thinking (“New Public Management”) that, in their eyes, disregards the values of the profession, and by the relatively high pace of the reforms. While the Council was caught somewhat off guard by the way the criticism was expressed, it has embraced the debate as an opportunity to bring the tensions and fears within the Judiciary in the open, and to address them explicitly. As more change is underway, the gaps between Council, boards of the courts and (groups of) professionals need to be bridged.

## 12 Conclusions

Since 2002 a range of reforms was carried through and further reform is underway to bring the Judiciary “up to date”. The start was the change of the governance structure that introduced boards of the courts and the Council for the Judiciary. In 2006 a broad, independent evaluation of the functioning of the new governance structure was conducted, and it was concluded that the Judiciary was on the right track. Subsequent reforms ranged from the introduction of a new funding system and a quality system to the revision of the judicial map (see Table 1). Comparing the situation as it is now to that at the time of the discussion about the governance of the Judiciary at the end of the nineteen nineties, the performance of the Judiciary has improved in many respects, resulting in substantial benefits for society, and it can be shown that most of these gains were made possible by the reforms. Some of the effects of the reform of the judicial map are still underway, as the new organizational structure was only implemented at the first of January of 2013.

Still, further reform is needed to keep pace with the changes in society and the associated rising expectations. This requires the modernization of procedural law to simplify, speed up and digitalize procedures. A very ambitious Quality and Innovation programme has been developed to actually realize these goals. The programme not only deals with logistical and IT issues, but also with the change of culture within the Judiciary needed to significantly shorten procedures. In particular much stricter case management by judges is required. Once the changes have been implemented, a standard civil case will take no longer than 5.5 months. A large scale reorganization is foreseen, as many administrative support functions will gradually disappear. This program opens exiting prospects, but involves also risks for instance with respect to the timely completion of large IT-projects. However, to deliver high quality justice that meets the current and future needs and expectations of citizens in a rapidly changing society, risks must be taken. If this is not accepted, the role of the Judiciary is in danger of getting marginalized, to the detriment of the rule of law.

The main goal of the large scale reforms that started at the beginning of the century was to strengthen the independent position of the Judiciary as the third state power. An important question is whether the Judiciary has in fact succeeded so far in achieving that goal. While the new governance structure has definitely made a big difference, the impact of the introduction of an objective budgeting system should not be underestimated. It has made the Judiciary largely independent from the executive, for it is no longer bound by most of the rules that are in place for the other state powers. However, this responsibility automatically entails that the budget is fixed annually, and that during the year the Council has to fend for itself. This means that the Council is obliged to monitor the activities of the courts closely, which inevitably creates tension between the Council and the courts on issues such as work-

load. Conversely, choosing to avoid this tension by having no budgetary independence, would have entailed a much bigger influence for the executive in all financial and related matters, thereby making the Judiciary much more dependent on the Minister for Security and Justice in all its endeavors. Looking at the current state of affairs, regardless of the challenges the Judiciary still faces, the conclusion must be that having introduced greater budgetary independence was necessary to secure a truly independent position for the Judiciary as the third state power.

As was mentioned in the previous section, the reforms are not always popular among all judges and staff of the courts. The introduction of the output based funding system just discussed and the new judicial map are cases in point. Also, the change of the governance structure has not insulated the judges from criticism and pressure from media, politics and society in general. However, the reforms have increased the capabilities of the Judiciary to respond to the challenges of society, and thereby to play its role forcefully as independent state power, which was the most important need for change underlying reform.





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# Reflection on the reform of the judicial map in the Netherlands

Christa Wiertz-Wezenbeek

## Introduction

On 1 January 2013, the Act on the Reform of the Judicial Map came into force. The initial thoughts on reforming the judicial map were formed in 2010. Weak areas in quality and operations needed to be remedied. The new structure lays a foundation for the deeper organisational development that is needed to maintain the level of quality in the judiciary.

## Structure

In order to achieve the reform, the Council for the Judiciary, together with the presidents of the courts, installed the core team for the Reform of the Judicial Map. Chaired by the president of the Amsterdam District Court, the core team commissioned the Reform of the Judicial Map Programme. In 2012, the emphasis was on setting up the programme office, putting together the managements to be merged and hammering out a local vision. Three projects were launched: reform of the governance model, categories of cases and legal position. These projects defined the areas that the Reform of the Judicial Map needed to cover. In 2011, preparation of the reform entered a new phase. The interim evaluation showed that the programme needed to be intensified in order to achieve the envisaged objectives. Extra staff were assigned to the programme office as a result.

From the beginning, the programme office worked closely with the senior policy adviser of the Council and with officers from the Ministry of Security and Justice in order to supply the Council, courts and the Minister with the proper information. This close working relationship was a sensitive issue for the presidents of the courts. So as a general rule, they agreed that the programme's deliverables, such as fact sheets with a summary of local vision and plans, had to be submitted to the courts for approval before they could be shared with others. That worked to satisfaction.

## Management

Together with the assembly of court presidents, it was decided that the chairs of the teams (which were organised according to the different fields of law) would no longer be part of the board of the court in the future, which would thereby be reduced from six to three

persons. As a result, the number of managers in the Judiciary would be reduced from 130 to 49 when the Act took effect. In fact, this meant about two-thirds of the managers tasked with realising the reform would lose their position in the future. The selection process for the new managers would have to wait until the Senate passed the law. Job uncertainty and the feeling that they were being scrutinised took a heavy toll on many managers. While most of them naturally saw the necessity of reform, some had their doubts about the chosen solution. For a reform to succeed, the managers themselves have to believe in it. When managers asked for proof of the benefits of the coming reform, the answer was based on past experience and expectations of the new model. That's all there was to work with. Be that as it may, the managers had to prepare for the reform locally and develop improvement plans for judicial and organisational quality, culture and leadership. For the courts that were to merge – and that was most of them – it was time to get acquainted with their merger partner. This was a challenging process for the court boards involved in merging.

### Staff

The reform will have an impact on staff. Some will be forced to relocate and will have to deal with longer commuting time. Some job positions will cease to exist as operating activities are concentrated. Some staff had an aversion towards the changes facing them. Even staff who were not affected often failed to see the need for reform. Many hoped that the reform of the judicial map would not make it through Parliament. The programme office therefore organised inspiration sessions where staff were invited to get the latest news and to share their thoughts with colleagues. These staff can be seen as agents of change.

### Co-determination

In practice, the managers who involved the staff's input in the thought process on local changes from the very beginning made the most progress. The Council and the programme office constantly kept the national co-determination council well-informed of the latest developments. That established trust served as a basis for working quickly and professionally.

### Legislation

In order to dispel the uncertainty surrounding the courts and managers, it was vital for the legislative process to shift into high gear. The Minister of Security and Justice and his officials and the Council for the Judiciary understood that the period of uncertainty needed to be kept as short as possible. So they set 1 January 2012 as the date for the law to take effect: a date that many saw as impossible. Their efforts were rewarded, for in July 2012, the Senate passed the bill on the proviso of dividing the East Netherlands region. The legislative procedure took only two and a half years.



Another aspect that had a significant effect on preparations for the reform was that the courts were not allowed to take any irreversible steps during that time. After all, it was up to Parliament to decide whether or not the reform would get the green light. Not taking any irreversible steps meant that local plans could still be made for quality, culture and operations but that they could not be implemented. This meant that the implementation process could not begin until 1 January 2013.

### Communications

The importance of good and timely communication, both nationally and locally, cannot be overestimated. It took too long for the national and local communications advisers to gain the momentum necessary for preparing the reform. In hindsight, it would have been better if a senior communications adviser of the Council had joined the core team earlier. When it became clear that communications about the reform needed to be intensified, a communications team made up of the communications advisers of the Council, representation from the court and the programme office was convened that took decisive action.

### Connecting and sharing

The courts formally merged on 1 January 2013. The new managers were appointed in the period between 1 January and 1 April 2013. Almost all managers had to implement plans for quality and operations that were conceived by their predecessors. Now that it boils down to implementing the merger plans, this can actually start meaning something for the staff. And one thing is already certain: the speed and degree to which change is implemented by the courts will vary. In order to make the Reform of the Judicial Map a stepping stone towards the new programme Quality and Innovation, it is vital for everyone involved in the judiciary, whether internally or externally, to connect and share their expertise.



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# The new digital procedure in civil and administrative law cases

Wilfried Derksen

## **Towards a new digital judicial procedure**

Society develops rapidly. Citizens, businesses and public administration require a high standard of the Judiciary. A modern and service-oriented Judiciary. A Judiciary that communicates in a digital environment with process parties. An accessible and understandable justice system with simple and where possible, uniform procedures.

The Dutch Judiciary started the programme Quality and Innovation (in Dutch: KEI). The main feature of this program is the development of a new digital procedure for civil and administrative law. With this program, the Dutch judiciary wants to meet the demands of the public and politicians to have shorter procedures at the courts. It creates a sustainable procedure which can be maintained in the future in a digital society. Key words for this procedure are speed, understandable high quality, simplicity, uniformity, and transparency.

## *Innovation for the citizen by the courts*

Law makes living together possible. Society is getting more and more digital. In this modern society, the Judiciary has to adjust to its environment. An increasingly digital environment where almost everybody uses computers, tablets and /or smartphones.

The Dutch Judiciary is honest and professional. Public trust is still high. Nevertheless, at the same time the public is not satisfied about the length of procedures and the digital accessibility. Procedures are considered to be bureaucratic, intransparent and not accessible enough. Depending on the claim at hand, there are different ways to bring a case to the court.

Therefore, the KEI programme of the Dutch Judiciary aims at creating a new fast, understandable, high quality, simplified, uniform and transparent digital procedure. A procedure based on the core values of an independent Judiciary, an independent Judiciary, impartiality, integrity and professionalism.

In the future the litigant can login at My Case (in Dutch: Mijn Zaak), a portal which will be part of the website of the Judiciary, [rechtspraak.nl](http://rechtspraak.nl). At this portal, the litigant – in a convenient and secure way – can produce a claim (including appeal) in both civil and administrative cases. He has to include the particulars of the claim and can attach documents to his file. He has to state the decision of the court he seeks and provide the court with the available evidence. To make it convenient the portal helps the litigant to meet the necessary requirements before issuing the claim. Underlying problems can be indicated. He is supported by a helpdesk and can make the claim at home, on location at the court or at other public institutions. If he needs an attorney, the attorney can do the same through his own judicial portal. If the litigant decides to issue the claim, he pays the court fees through digital payment systems. The portal ensures that the claim is sent to and examined in the (relatively) competent court. Where he has a choice of court, he can indicate this choice.

In civil cases, it is up to the litigant to provide the defendant with information about the claim, so that he knows that a procedure is pending. The defendant can login to My Case and produce his defence, attach his documents and pay the applicable court fees. The private defendant, in cases in which it is not obligatory to have an attorney present, can state his defence orally at the court itself.

Thus, the digital file – the input from parties – is created with a clear claim, the detailed positions of the parties and the available evidence. Parties may submit documents but cannot change what is included in the file. Deadlines are clear and extension of these deadlines is only possible in exceptional circumstances.

As soon as possible parties can indicate at My Case, for example in a system like Doodle, the possible date for the hearing so that the hearing can be planned at short notice.

After this hearing the judge can decide how to proceed further or to give a judgement. This judgement will be added to the digital file.

Digital process for everyone. Moreover, for the private person opportunities remain available for written communication and / or conducting an oral defence.

This is an outline of the new civil and administrative law procedure.

The KEI program aims to realize this new procedure by simplifying and standardizing procedures, which is considered necessary to create digital communication. The new digitized procedure will continue to meet the fundamental principles of law and the values of due process: uniform where possible, different where necessary. A procedure that gives space to modern craftsmanship of judges and other professionals within the law and is compatible with the developments in society.

The new procedure will be designed to widen access to justice for litigants and should lead to a more attractive work environment for professionals within and outside the courts. Less bureaucratic, more attention to the content, a good digital file.

To digitize the procedure, much has to be done in a relatively short period. Parliament has to enact law reforms to be proposed by the Ministry of Security and Justice. The texts of the law proposal has been in public consultation and in the upcoming months the ministry will bring the proposals to parliament. The courts have to renew and align process regulations, update and tune the (administrative) procedures and update task descriptions. The ICT-environment has to be modified and supplemented to enable a digital portal, automatic registration and accessible digital files. KEI will have to take care of the changes in the organization and the supervision and training of the employees of the courts to the new way of working. Timely and comprehensive communication is an important condition. Professionals outside the courts, like attorneys and bailiffs, have to adapt to the new digitized way of working.