

Provisional Case Assignment Rules for the NCC District Court and the NCC Court of Appeal

General provisions

1. The Governing Councils of the Amsterdam District Court and the Amsterdam Court of Appeal, respectively, have final responsibility for the assignment of cases to judges. No one outside the Governing Councils is involved.
2. The president of the NCC District Court and the president of the NCC Court of Appeal, respectively, make case assignment decisions on behalf of the Governing Council and under that Council's final responsibility. The term "president" in these rules means the president of the NCC District Court or the president of the NCC Court of Appeal, as the case may be.

Case assignment

3. The president assigns cases to the judges and designates one of the judges as the presiding judge in the chamber. As set out below, in certain cases it is appropriate to make a specific assignment, and in other cases such an assignment is not required.
4. As a rule, the president is the presiding judge in each chamber. However, the president may designate another judge as the presiding judge in a chamber. The president may sit as a member of the chamber. These rules apply.

Cases where it is not appropriate to make a specific assignment

- 5.1. In cases where it is not appropriate to make a specific assignment, assignments are made, as a rule, in the order of submission. The first cases submitted are the first cases assigned. A random list of judges is used for purposes of assignments. For the sound administration of justice, caseloads, seniority, balance, synergy and force may be taken into account.
- 5.2. The names of new members of the NCC District Court and the NCC Court of Appeal are entered at the end of the list.
6. Where cases are consolidated or are closely connected, or are allocated to a category for administrative purposes, an exception may be made to the rule that the first cases submitted are the first cases assigned.

Cases where it is appropriate to make a specific assignment

7. There is a high degree of diversity in the nature and substance of the cases in the workflow, so that no concise definition would work. However, in general, it is

appropriate to make a specific assignment in cases that require specific expertise or experience.

8. As a rule, every judge may be assigned to any case in a field in which the judge is experienced.

Where a specific assignment is made, utilization, experience and expertise in relation to the substance of the case are taken into account. For the sound administration of justice, seniority, balance, synergy and force may also be taken into account.

Court in summary proceedings

9. The above rules apply where a case is assigned to the NCC Court in Summary Proceedings (CSP). However, such an assignment may only be made to the members of the CSP chambers. Furthermore, if the president of the NCC District Court is a member of the CSP, the assignment is made by the president of the NCC Court of Appeal.

Miscellaneous provisions

10. To schedule a hearing in a case or to prepare a case management plan, there is limited scope to consider the availability of the lawyers on certain dates they may provide to the court. Where a hearing is postponed, the lawyers or anyone else representing a party must not in any way attempt to influence which judge or judges will deal with the case.
11. In all cases, every judge will review the judge's curriculum vitae, the judge's current and former work or additional functions, and the Additional Functions and Impartiality Guidance, and make an assessment as to whether there is a reason not to be assigned to a case. Where a case has been assigned to a judge and the judge by law is required to submit a formal request to withdraw, the judge is not permitted to withdraw informally, but must submit such a formal request. If the judge determines that the judge cannot deal with a case, but that the judge's involvement does not require a formal request to withdraw, the judge may decide to withdraw informally. In such a case, the judge will notify the president. The president will assign the case to another judge, in accordance with the above rules, unless the president determines that the judge does not have grounds for a withdrawal, or must submit a formal request to withdraw first.
12. The names of the judges will be notified to the parties no later than one week in advance of the hearing. After this notification, as a rule, no changes in the chamber are allowed.
13. An exception may be made to this rule in the following situations:
 - Where a judge has presided over fact-finding in the case and no final decision has been made.
 - Closely connected cases and follow-on cases: in some circumstances it may be preferable for a different judge to deal with a connected or follow-on case (meaning a case involving the same parties and facts and/or interests). In other circumstances, however, a connected or follow-on case may be

inextricably linked to another case, such that it is appropriate for the cases to be dealt with by the same judges.

- Where a successful challenge or request to withdraw has been made.
14. For compelling reasons, it may be necessary to replace a judge, but this must be done with the assent of the respective judge and the president. Absent such assent, a replacement may be made with the assent of the governing council. The above rules apply to the assignment of the case to the new judge. The parties are notified of the replacement no later than at the start of the hearing.
- 15.1. Wherever possible, an NCC District Court chamber that gives a judgment ordering a party to pay damages to be calculated in follow-on proceedings will deal with the follow-on proceedings to calculate the damages.
- 15.2. Where the NCC Court of Appeal has ordered a party to pay damages to be calculated in follow-on proceedings, the follow-on proceedings will be dealt with by a different NCC District Court chamber from the chamber that previously dealt with the matter in first instance.
- 15.3. Where the NCC Court of Appeal remands a case to the NCC District Court or the CSP, the case will be dealt with by the NCC District Court or CSP chamber that previously dealt with the case.
- 15.4. Where the Supreme Court remands an NCC case to the NCC Court of Appeal or the NCC District Court, the case will be dealt with by a different chamber from the chamber that previously dealt with the case.
- 15.5. To assign the case to that different chamber, the above rules apply.
- 15.6. The case will not be assigned to a different chamber where:
- the previous chamber decided the case solely on procedural grounds and did not express a view on the merits of the case, or
 - the president determines that there are grounds not to assign the case to a different chamber, such as the costs the parties must bear and the efficient administration of justice, having regard to due process.

In such a case, the president will assign the case to the same chamber, wherever possible.

Final provisions

16. These rules take effect at the time stated in Article III of the NCC legislation.
17. These rules are provisional and will be evaluated six months after they take effect. As these rules are intended to assist in gaining experience in the assignment of cases, they have not been formally adopted by the Governing Councils of the Amsterdam District Court in the Amsterdam Court of Appeal.