

JuWiLi - Justice Without Litigation



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Indicator

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INDICATORS

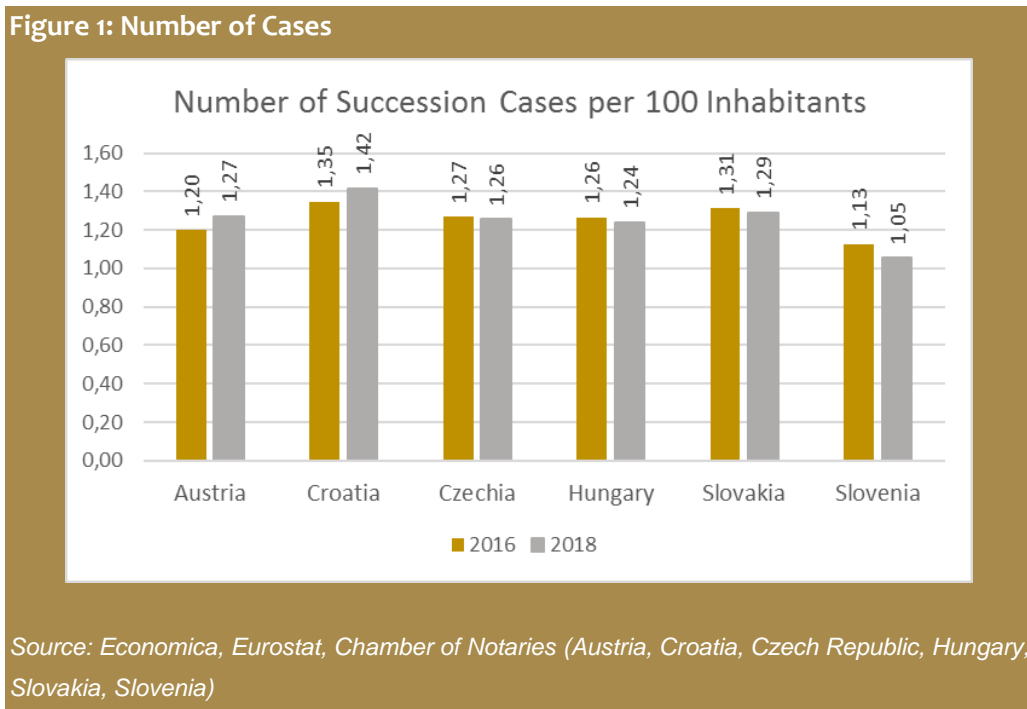
In the following, we present some proposals for indicators in the field of non-contentious judicial procedures by notaries acting as court commissioners or equivalent to courts

1 Efficiency

In the field of efficiency, the workload, the time of handling a case and the percentage of treated cases are key figures.

1.1.1 Number of cases

First of all, the number of succession cases can be used to show the demand for this special legal service.

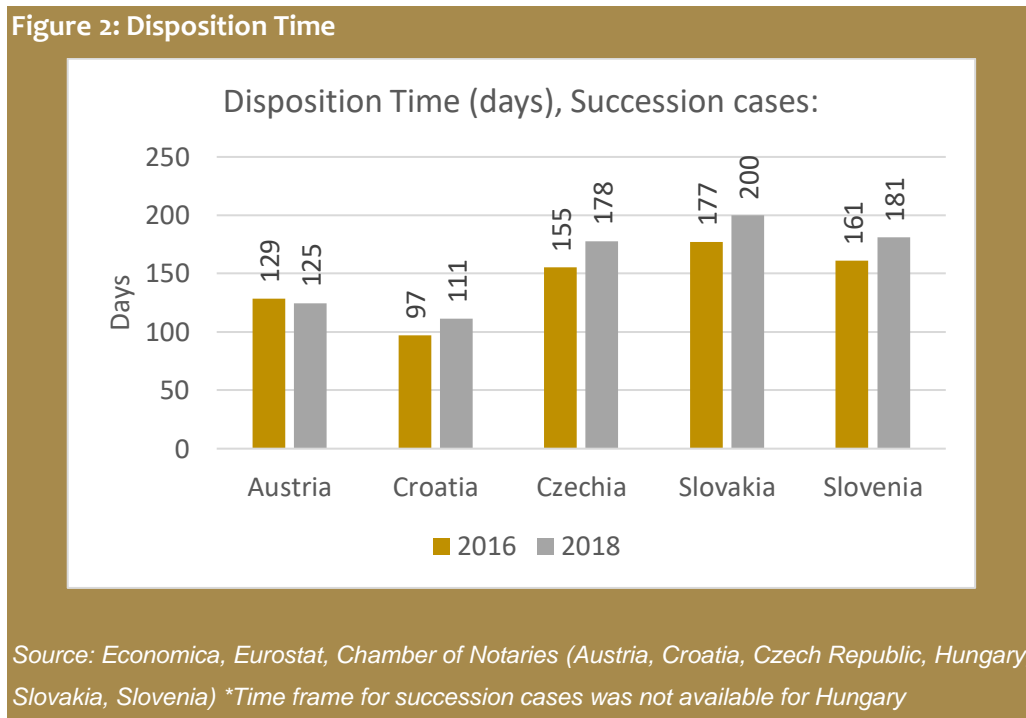


Since we are dealing with different sizes of population, a process of normalisation has to be implemented to make the various national numbers comparable.

Accordingly, to the economic approach gross domestic product per capita, we propose an indicator number of succession cases per 100 inhabitants, which is shown as an example the Hexagonale countries.

1.1.2 Disposition time

The time it takes to solve an average succession case is one of the key figures in the field of efficiency. The disposition time is defined as the number of pending cases divided by the number of resolved cases multiplied by the number of days in a year (365). This definition is in accordance with statistics from the CEPEJ¹ framework.



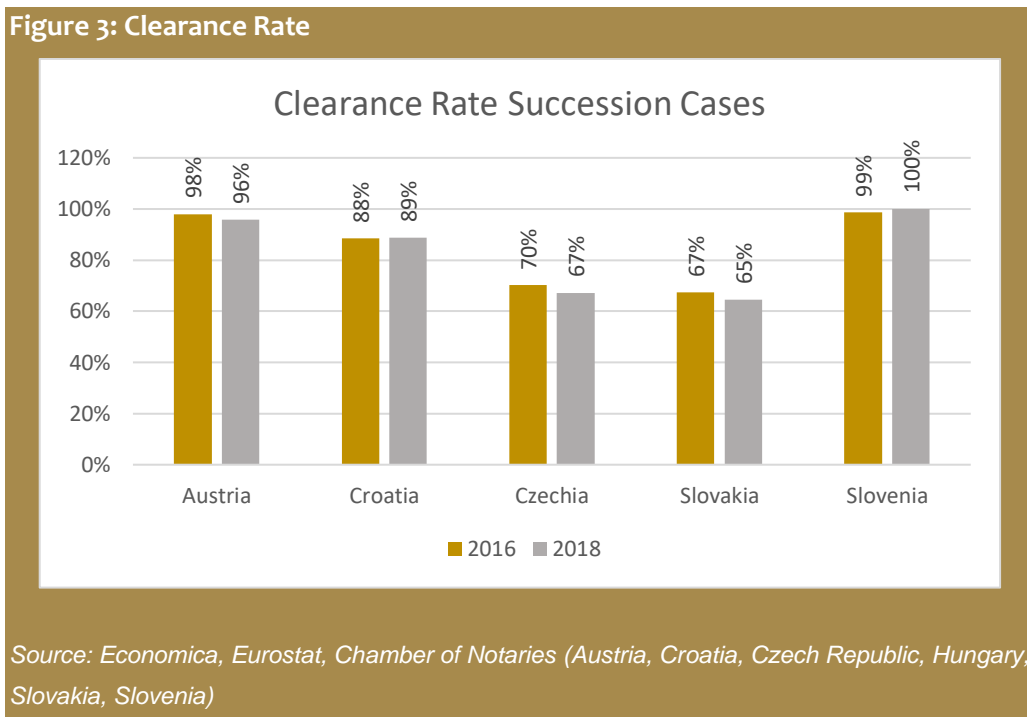
¹ *European Commission for the Efficiency of Justice (CEPEJ)*,
<https://www.coe.int/en/web/cepej>
<https://www.coe.int/en/web/cepej/cepej-stat>

The faster a citizen receives an official decision, the earlier one can set further steps in the process. Again, the disposition time for five of the Hexagonale countries is given for the years 2016 and 2018 in the figure above.

1.1.3 Clearance rate

Besides the disposition time, the clearance rate is also a very important key figure in describing the legal system. The definition of the clearance rate (CR) is given by the ratio of resolved cases to incoming cases multiplied by 100. This definition is also used in accordance with the CEPEJ framework.

We, therefore, propose to include the clearance rate for succession cases as an additional indicator. In the following figure, we show the clearance rate for five of the Hexagonale countries for 2016 and 2018.



2 Accessibility

The field of accessibility can be described by geographic accessibility but can also be viewed from a technical side.

2.1 Territorial coverage

The territorial coverage was implemented in the project in a very detailed way by mapping each Local Authority Unit (LAU) to a specific court (district) and notarial (district). Since this approach is quite challenging from the data side, we propose to set an indicator which shows the number of notaries within the NUTS-3 regions of a country. Based on the population size within each NUTS-3 region, the average number of citizens a notary is responsible for can be shown.

2.2 Information available on fees and procedures (transparency of cost);

Since costs are also critical information, we propose to include an indicator showing if the information on fees and procedures is available. This can be implemented either on a website, by an official fee overview or by a personal enquiry.

2.3 The combination of digital presence and physical presence

Besides the physical presence, which is indispensable in a certain process state, the digital presence of a notary is also important for a first anchor of information, for example. The digital presence of the chamber and/or a notary is, therefore, a possible indicator of accessibility.

2.4 Possibility to launch a procedure online

If there exists a possibility to launch a procedure online is an advanced character of digitalisation, which can also be considered to be taken into account.

2.5 Communication and information adapted to vulnerable persons

A very important issue is the fact that the information needed is also made available in a specific barrier-free form, so that vulnerable persons can also make use of it.

3 Quality

The quality of service is a key issue in this legal field. To ensure the quality of notaries, several measures can be taken.

3.1 Training

First of all, it can be examined if there a specific training is taking place and if it is voluntary or obligatory.

3.2 Supervision

As for the training, the same holds for the supervision; again, it can be asked if supervision exists at all, and in the case of yes, if it is voluntary or obligatory.

3.3 Are there satisfaction surveys done?

Finally, it can be examined if there are satisfaction surveys done (on a regular basis).

4 Innovation

For the innovation part, the following characteristics can be surveyed:

- Digital presence
- Websites containing easily understandable key information on proceedings before the notary/Court commissioner/court
- Can parties access online (the state of play of) their ongoing files / procedures?
- Are data transmitted in a metadata format to the IT systems?
- Do notaries/courts have the possibility to collect such metadata?
- Is video conferencing used?

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The information obligation according to the General Data Protection Regulation is met with the following data protection declaration (www.notar.at/oenk-dse). If requested, the text of the policy will be sent to you by mail.

Project partners: Chambers of Notaries of Austria, Croatia, Czechia, Slovakia & Slovenia, University of Vienna & Graz, Economic Research Institute Economia, Council of Notaries of the European Union (CNUe). Friends of the project: Chambers of Notaries of Hungary, Italy, Alsace/France, Austrian & Czech Ministry of Justice.

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