

Timeliness of civil justice services

Delays in solving legal cases affect citizens and businesses in many ways: increasing costs, reducing productivity, creating health issues, causing employment losses and disturbing relationships, and could discourage individuals from seeking legal remedies for future disputes. A responsive justice system ensures that the “right” mix of services are provided to the “right” clients, in the “right” areas of law, in the “right” locations and at the “right” time (OECD, 2019).

Inaccurate case management is an issue that affects the timeliness of justice, and can sometimes be improved with the use of information technology. The European Commission for the Efficiency of Justice (CEPEJ) suggests categorising cases to improve the timeliness of court resolutions. For contentious civil and administrative cases, it suggests using a timeframe of 6-12 months from filing, depending on the capacity of each country. Normal cases can be resolved within 18-36 months, and complex cases (which make up 5-10% of all cases) can take longer (CEPEJ, 2016). Disposition time (DT) is a commonly used indicator to estimate the time a judicial system takes to resolve a case. It estimates the number of days needed to resolve a pending case in a jurisdiction.

Lithuania was the fastest at resolving civil and commercial litigious cases in 2018, with a DT of 84 days. Luxembourg (94 days) and the Netherlands (110 days) also had short timeframes. Portugal saw the greatest relative reduction in the time taken to resolve cases between 2016 and 2018, from 289 days to 229 days, a fall of 21%. The Slovak Republic achieved the largest absolute reduction, from 524 days in 2014 to 157 in 2018, although this represents an increase on 2016 when the DT was 130 days (Figure 14.18)

Lithuania also had the shortest DT for first instance civil and commercial non-litigious cases, of 4 days, followed by Hungary (32 days) and Latvia (42 days). Outside the OECD, Romania’s DT for such cases was 24 days. Italy (231 days), Norway (180 days) and France (162 days) took the longest to resolve these cases. The Slovak Republic had the largest relative reduction, from 184 days in 2016 to 131 days in 2018 (Figure 14.19)

For administrative cases, the shortest DTs in 2018 were Israel (107 days) Hungary (109 days), Poland (118 days) and Estonia (119 days). Outside the OECD, Romania took 117 days. Greece almost halved its DT for these cases, from 1 086 days in 2016 to 601 in 2018 (Figure 14.20).

Methodology and definitions

Data come from the CEPEJ database, which includes data from Council of Europe’s member states as well as observers for the 2018 evaluation of judicial systems

and earlier. The DT is the estimated time needed to resolve a case, which means the time taken by a first instance court to reach a decision. It is calculated by dividing the number of pending cases in a given year by the number of cases that were resolved in that period, multiplied by 365. Although it does not provide information on the average time needed to resolve a case, it does provide an estimate of the length of the process within a specific jurisdiction.

Litigious civil and commercial cases refer to disputes between parties, such as litigious divorces. Non-litigious cases refer to cases processed by a court that do not involve the determination of a dispute (e.g. an uncontested payment order case). Commercial cases are addressed by dedicated courts in some countries and by civil courts in others. Administrative cases refer to disputes between citizens and local, regional or national authorities. While specialised courts deal with these types of disputes in some countries, civil courts deal with them in others.

Countries differ in the ways they administer justice and distribute responsibilities between courts so any cross-country comparisons must be made with caution. The types of courts and cases included in this exercise may differ, as well as the methods of data collection and categorisation.

Further reading

OECD (2019), *Equal Access to Justice for Inclusive Growth: Putting People at the Centre*, OECD Publishing, Paris, <https://doi.org/10.1787/597f5b7f-en>.

CEPEJ (2020), *European Judicial Systems: CEPEJ Evaluation Report: 2020 Evaluation Cycle (2018 Data: Part 1: Tables, Graphs and Analyses*. European Commission for the Efficiency of Justice, Strasbourg, <https://rm.coe.int/rapport-evaluation-partie-1-francais/16809fc058>.

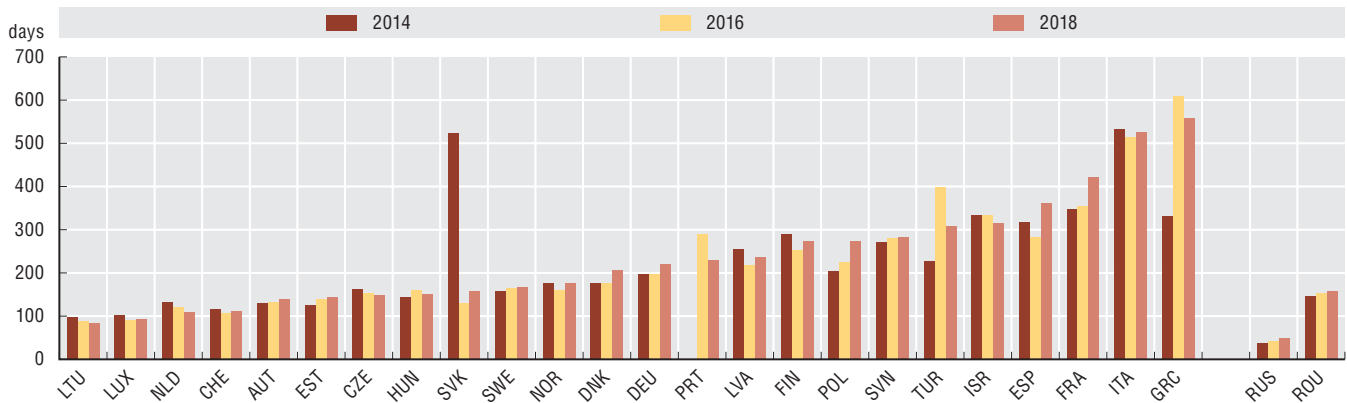
CEPEJ (2016), *Towards European Timeframes for Judicial Proceedings: Implementation Guide*, European Commission for the Efficiency of Justice, Strasbourg, <https://rm.coe.int/16807481f2>.

Figure notes

Countries are ranked in ascending order according to the time needed to resolve cases on the latest year when data were available. Data only covers OECD EU countries.

14.20. Data for the United Kingdom refer to England and Wales only.

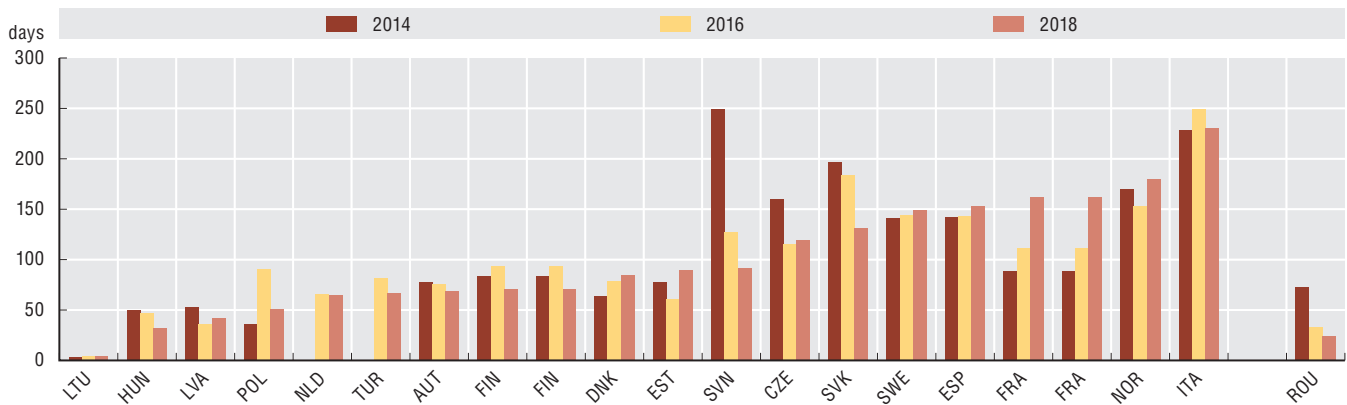
14.18. Disposition time for first instance civil and commercial litigious cases, 2014, 2016 and 2018



Source: CEPEJ (2020), European Commission for the Efficiency of Justice (database).

StatLink <https://doi.org/10.1787/888934259731>

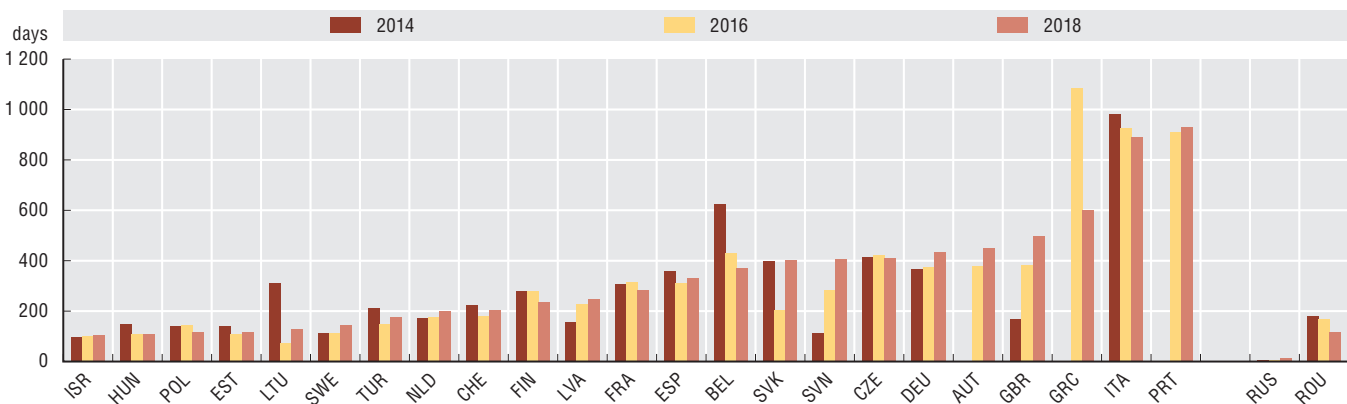
14.19. Disposition time for first instance civil and commercial non-litigious cases, 2014, 2016 and 2018



Source: CEPEJ (2020), European Commission for the Efficiency of Justice (database).

StatLink <https://doi.org/10.1787/888934259750>

14.20. Disposition time for first instance administrative cases, 2014, 2016 and 2018



Source: CEPEJ (2020), European Commission for the Efficiency of Justice (database).

StatLink <https://doi.org/10.1787/888934259769>



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