Procedural Law Unit - University of Nicosia

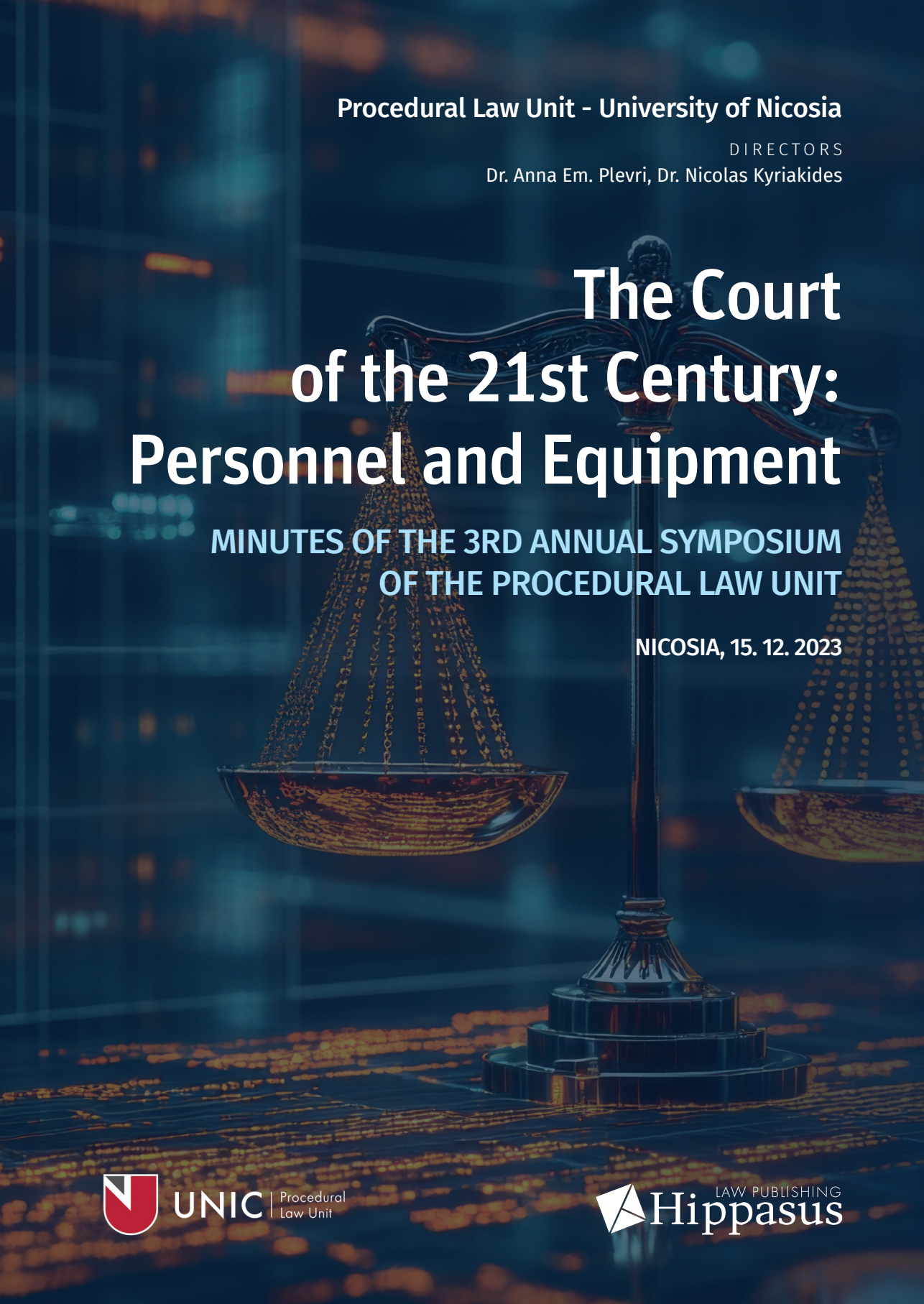
DIRECTORS

Dr. Anna Em. Plevri, Dr. Nicolas Kyriakides

The Court of the 21st Century: Personnel and Equipment

MINUTES OF THE 3RD ANNUAL SYMPOSIUM OF THE PROCEDURAL LAW UNIT

NICOSIA, 15. 12. 2023



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- ***Louiza Zannettou***, Law Commissioner
- ***Michalis Vorkas***, President of the Cyprus Bar Association
- President ***Achilles Emilianides***, Dean of the School of Law, University of Nicosia

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Alan Uzelac, Faculty of Law, University of Zagreb:
The (Post)Modern Notion of a Court: A Paradigm Shift

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1. INTRODUCTION

During the 3rd Symposium of the Procedural Law Unit at the Law School of the University of Nicosia, discussions emphasised the critical need for modernising court operations to align with global advancements. The conference, titled "The Court of the 21st Century: Personnel and Equipment", served as a platform for identifying challenges and proposing actionable solutions for the Cypriot judicial system and beyond. Building on the foundation laid by previous symposia, this event focused on key aspects of court functionality, including the integration of technology, efficient resource management, and the professional development of judicial personnel.

Participants in the symposium included a diverse array of collaborators, such as lawyers, academics, and institutional actors, who brought a wealth of expertise to the discussions. The inclusion of empirical research findings and insights from distinguished studies enriched the dialogue, enabling a nuanced understanding of the structural and operational challenges faced by Cypriot courts. Speakers presented innovative approaches to case management, the adoption of digital tools for court procedures, and strategies to improve the work environment for court personnel.

The event emphasised fostering a collaborative exchange of ideas, encouraging attendees to reflect on the broader implications of reform in the judicial sector. Through panel discussions and interactive sessions, participants were able to dissect pressing issues, such as delays in justice delivery and the adaptability of current court practices in a rapidly changing world.

Key discussions included the functionality of courts in a rapidly evolving world, the necessity for updated infrastructure, and addressing issues like delayed justice and corruption. Insights from a quantitative survey revealed widespread dissatisfaction with the justice system, with concerns over corruption and inefficiencies being prominent.

Prominent speakers, including experts from the European Commission and the Council of Europe, contributed to the dialogue, and proposals were made to address these challenges effectively

Ultimately, the symposium aimed to generate actionable recommendations, bridging theory and practice to ensure that Cypriot courts can meet the de-

mands of the 21st century. By encouraging dialogue among key stakeholders, the event contributed to shaping a roadmap for the systematic enhancement of court infrastructure and personnel capabilities, paving the way for a more efficient and modern judicial system in Cyprus.

The Annual Symposium of the Procedural Law Unit is gradually becoming a tradition for the public discussion around justice reform in Cyprus. Lawyers, academics, judges and others interested in the administration of justice from Cyprus and beyond join the event every year for a valuable exchange of ideas which thereby feed the decisionmakers in further enhancing the judicial reform in Cyprus.

2. WELCOME ADDRESSES

2.1 The Judicial Reforms that strengthened transparency and accountability

The conference opened with a speech from Mr. Nikos Tornaritis, President of the Parliamentary Committee on Legal Affairs. Mr. Tornaritis underscored Cyprus' significant achievements, particularly highlighting the constitutional reforms that have marked a crucial step forward in establishing a swift, high-quality, and effective justice system for its citizens. The outdated, inefficient system, previously plagued by delays as reported by the European Union and evident in Cypriot reality, has been left behind. The introduction of three key legislative bills has ushered in a third degree of jurisdiction, fostering greater transparency and accountability. Specifically, these reforms have established an appellate court with 16 judges, a new supreme court, and a supreme constitutional court, staffed with seven or nine judges respectively.

Mr. Tornaritis emphasised that the reorganisation at the highest level of the judiciary has not only expedited the delivery of justice but also bolstered transparency, control, justification, and accountability. Justice, he stressed, should not only be prompt but also of high quality and transparent, thereby fostering trust among citizens. He firmly believes that this reorganisation has laid a solid foundation for future advancements. Despite these achievements, challenges remain, and Cyprus continues to draw scrutiny from Europe for the time taken to resolve cases, highlighting the need for further improvements.

A key focus for Mr. Tornaritis is the digitalisation of the judicial system. He advocates for Cypriot courts to not only adopt but also anticipate and shape digital advancements. This necessitates a comprehensive overhaul of the system in specific areas. In terms of digitalisation, there is a need to blend traditional legal thought with an understanding of new technologies. Judges must be proficient not only in justice but also in areas such as cyber law, privacy, data protection, and digital justice.

Addressing the necessity of modernising courtrooms, Mr. Tornaritis noted that integrating technology can significantly enhance the efficiency of legal proceedings. However, he cautioned that this technological integration must be

carefully managed to ensure it aligns with legal processes. The moral implications of technology on justice cannot be ignored, and the use of technologies such as artificial intelligence in legal proceedings must be approached with awareness of potential transparency and legislative issues.

In conclusion, the legal reforms in Cyprus are a testament to the country's commitment to upholding the rule of law and improving its legal system. These reforms, influenced by both local legal traditions and the broader European context, aim to create a more efficient, transparent, and just legal system. As Cyprus continues to implement these changes, it is crucial to maintain a steadfast focus on the needs and rights of its citizens, ensuring that the legal system serves justice and the public effectively.

2.2 Emphasis on confidentiality issues when incorporating new technologies

Ms. Louiza Christodoulidou-Zannetou, the Law Commissioner of Cyprus highlighted that the rapid technological advancements and transformative changes of the current century necessitate adaptation across all institutions, including the judiciary. Judges must leverage technology to mitigate delays, enhance transparency, and improve efficiency within the judicial system. This involves implementing modern case management systems and establishing secure communication channels.

Addressing the historical challenges faced by Cypriot courts, Ms. Zannetou noted that these issues rendered the judicial system inadequate for the 21st century. Between 2015 and 2016, the Supreme Court, in collaboration with the Cyprus Bar Association, the Ministry of Economics and Justice and Public Order, foreign experts, and other bodies, initiated significant reforms to avert system collapse. These reforms included the introduction of modern technology, new Civil Procedure Rules, and practices to streamline judicial processes, as well as the implementation of electronic case management systems.

Ms. Zannetou underscored the timeliness of the symposium, coinciding with the forthcoming launch of e-Justice on December 18. This highly anticipated development will enable the electronic registration of documents at all stages of the judicial process, thereby facilitating the work of judges, registrars, and law-

yers. The recent introduction of new civil procedure rules further supports the expedited administration of justice.

The first phase of electronic justice commenced in July with the temporary i-Justice system, which is now transitioning to e-Justice. The pandemic accelerated the necessity for this system to sustain the administration of justice. The integration of technology aims to simplify previously time-consuming and bureaucratic procedures. By 2025, the application of audio-digital recording of court proceedings will further contribute to the digital reform of the courts as part of the recovery and resilience plan.

Ms. Zannetou emphasised the critical importance of integrating new technology into the judicial system with due consideration to confidentiality, secrecy, and cybersecurity. It is essential to implement robust protective measures to safeguard personal data and bolster public trust in the judicial process. This includes establishing strict safety standards, continuous risk monitoring, cybersecurity training for judicial personnel, and developing data recovery protocols.

Moreover, Ms. Zannetou stressed that the integration of new technology should not marginalise the administrative and clerical staff of the courts and law firms. These individuals are integral to the effective administration of justice and the overall judicial infrastructure. Therefore, continuous technological training and ensuring the synergy of human resources and new technologies are imperative.

In conclusion, Ms. Zannetou expressed confidence that the discussions and analyses during the symposium would yield significant insights into the effectiveness of the social framework and underscore the necessity for further improvements in the Cypriot justice system to fully meet the demands of the 21st century.

2.3 The need to enhance justice for the economic influence of a state

The President of the Cyprus Bar Association, Mr Michalis Vorkas, elaborated on the findings of the 2023 EU Justice Scoreboard. According to the latest 2023 EU Justice Scoreboard, Cyprus is at the bottom in the European Union regarding expenditures on the justice system. These perennial issues have gradually

worsened over time, leading to significant delays in case settlements. Consequently, this affects the validity of justice, with negative implications for society, the economy, and the rule of law. Despite repeated identification of these problems in reports and public debates, effective solutions have yet to be implemented.

The operation of the new judicial structure at the highest level in July marks a critical milestone in the ongoing modernisation efforts. The implementation of the new Civil Procedure Rules (CPR) from September, alongside the introduction of iJustice and now eJustice, are significant steps towards this goal.

Mr Vorkas highlighted the necessity for executive and legislative powers to contribute to the reform process by providing necessary resources to reduce backlog and improve speed without compromising quality. Constructive dialogue among all cooperating authorities is essential for meaningful reforms. Emphasising the importance of citizen awareness, the speaker underscores the need for public understanding of the judicial system's functioning. Effective access to justice is crucial, as indicated by the European Commission's reports on the efficiency of justice. As expressed by Mr Vorkas efficient judicial systems are vital for economic stability and investor confidence. Judicial decisions made and implemented within a reasonable timeframe establish a favourable business environment. The judiciary's efficiency directly contributes to trust and stability, which are fundamental for economic cycles.

Mr Vorkas outlined several key proposals to enhance the judicial system: 1. Improvement of court facilities and infrastructure. 2. Monitoring the progress of the new Nicosia courthouse. 3. Introduction and utilisation of new technologies to improve court operations and citizen interaction. 4. Implementation of an Independent Court Service. 5. Rationalising judges' workload for better efficiency. 6. Enhancing the organisation of court administration to ensure orderly and efficient functioning.

Investing in judicial training and promoting professional excellence are essential. Additionally, the institution of arbitration and mediation should be advanced to offer alternative dispute resolution methods, alleviating the burden on courts. Increasing the number of judges alone is insufficient; out-of-court dispute resolutions, such as mediation, must also be pursued.

The judicial system model should integrate classic values with contemporary elements to meet modern challenges. The state should ensure effective organisation and infrastructure, respecting judicial independence and decisions. Judges must adhere to strict judicial ideology, accountability, and legislative compliance while maintaining judicial tradition and institutional memory. This integrated approach will help create a judicial system that is both efficient and responsive to the needs of the 21st century.

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Building on the importance of training and mediation, the judicial system model should integrate classic values with contemporary elements to meet modern challenges. The state should ensure effective organisation and infrastructure, respecting judicial independence and decisions. Judges must adhere to strict judicial ideology, accountability, and legislative compliance while maintaining judicial tradition and institutional memory. This integrated approach will help create a judicial system that is both efficient and responsive to the needs of the 21st century.

Mr Vorkas stressed the importance of the role of the Cyprus Bar Association, which is committed to exerting pressure for reforms. Scheduled meetings with key stakeholders, including the President of the Republic, the Legal Committee of Parliament, the Ministry of Justice, and the Supreme and Constitutional Courts, aim to strengthen cooperation and address the judicial system's challenges.

In conclusion, Mr Vorkas reiterated the duty of all justice-serving institutions to meet modern challenges and address the needs of officials and citizens. Recognising significant advancements, the speaker encourages further progress, emphasising that new technological and procedural changes should be seen as opportunities rather than obstacles. Through collaborative efforts and continuous improvement, the judicial system can fully align with the demands of the 21st century, ultimately benefiting society as a whole.

2.4 The importance of implementing an effective system for evaluating judges

Regarding the topic of the conference, The Dean of the University of Nicosia Law School, Professor Achilleas Emilianides made several key observations. He started by emphasising that the structure of the judicial system is fundamentally broken. He pointed out that the essence of the judicial process lies in the first-instance courts, not the Supreme Court or the court of appeal. Despite the ongoing debate about the success of reforms in higher courts, he chose not to comment on that but stressed the need for a significant effort to upgrade district and other preliminary courts. This is where the core of the judicial process and daily operations take place.

In Cyprus, Mr. Emilianides highlighted that there is no real appeal process as known elsewhere; the so-called appeals are essentially limited by law, with the court of appeal's scope being very narrow. The court of appeal typically refuses to delve into the findings of the first-instance courts. Consequently, the importance of first-instance courts is much greater than that of the higher courts. However, the discussion about judicial reforms over the past decade has focused more on higher levels of justice rather than on the lower levels.

He noted that there are significant problems with the infrastructure of the judicial system that remain unresolved. From simple issues like the delay in lawyers receiving their expense lists, especially in Nicosia, where delays can extend up to a year and a half, to the timely provision of trial records. In England, for example, trial records are provided on the same day with a detailed index, whereas in Cyprus, even after a trial has ended, records are often not available, leading to discrepancies in what was said or not said during the process.

Mr. Emilianides pointed out that the problem of not having trial records available for appeals creates significant issues. For instance, only the examination and cross-examination records are available for appeals, but not the arguments, which often leads to problems when points were not analysed in the original procedure. This lack of comprehensive records results in practical issues that complicate the judicial process.

He emphasised the importance of addressing these practical, everyday issues, which are more significant than broader reforms. The delays and ineffi-

ciencies in handling cases affect the daily operations and require immediate and practical solutions.

Mr. Emilianides also touched upon the issue of judicial selection. Despite extensive debates in the past, there is no actual participation of judges in their selection process. The selection is entirely in the hands of the Supreme Court, and there is no practical record of the selection criteria or the process, unlike in other public service sectors where such records are maintained.

He argued that the system of judicial evaluation and selection needs much improvement. The current system, which evaluates judges based on the number of decisions upheld, forces judges to make decisions that may not always be just. This system cannot solely rely on objections or complaints, which can be misused to serve other interests. Therefore, a robust evaluation system is crucial for improving judicial performance and ensuring justice.

Mr. Emilianides believes that the academic community, judges, the judicial authority, the state, and the general public, who are the ultimate judges of the system, must collaborate to improve the justice system. He stressed the importance of asking tough questions and seeking continuous improvement in the judicial process, not as an act of denial but as a commitment to bettering the system for society and its economy.

In conclusion, Mr. Emilianides welcomed everyone to the newly inaugurated studio and expressed hope that the conference would serve as a forum for practical actions and further discussions to strengthen the bonds within the judicial community.

3. KEYNOTE SPEECH

3.1 The (Post)Modern Notion of a Court: A Paradigm Shift Exploring a New Cross-Cultural Meaning for Courts in the 21st Century

The event continued with a keynote address by Dr Alan Uzelac, Professor of Law and Head of the Department of Civil Procedure at the University of Zagreb.

Professor Uzelac addressed the question of whether there is a new cross-cultural meaning for a court in the 21st century, by examining the different connotations that have historically been associated with the notion of a court. In contemplating whether there is a new cross-cultural meaning for a court Professor Uzelac delved into seven different layers encapsulated in the concept of a court

The court as a place

The first and most traditional layer views the court as a place. This spatial connotation as Professor Uzelac indicates is present in the English word "court" as well as the Latin word "forum" both of which denote a place. Historically, a forum was a public or semi-public space where citizens gathered, life unfolded, and crucial decisions were made and announced. Today, the word "court" is still often understood as a distinct location, a purpose-built court building where justice is dispensed. This layer underscores the territoriality and physicality associated with courts, although civil justice is evolving, prompting courts to transform accordingly. The distinction between a court as a physical location and its other meanings is often emphasized to reflect this evolution.

The court as a community

The second layer, while partly connected to the first, is distinct in its emphasis on community. Historically, just as the Roman forum was a place where the community gathered, the original understanding of a court was also linked to the idea of a community. The etymology of the word "court" or "cour" in French traces back to the Latin expression "cohors," which refers to a group of people living or serving together in a military unit. This layer signifies that courts reflect social values and must enjoy popular trust. This trust can be achieved through decisions that have democratic legitimacy or other methods ensuring that courts align with popular beliefs and customs. The notion of a court as a

community also underscores the need for courts to work in the interest of the community, providing solutions to conflicts, often through compromise, negotiation, or mediation.

The court as an administrative Institution

The third layer, more recent in nature and partly contrasting with the previous one, views courts as closely linked with secular power and nation-states from the 14th to the 20th century. In this context, courts hold "imperium" or authority. Technically, this layer understands courts as administrative institutions, organisations that host judges and ancillary staff who participate in state government functions. This perspective sees courts as part of a hierarchically organised judiciary, highlighting their role in the broader administrative framework of governance.

The Function of Courts: Adjudication and Human Rights

The next layer explores the fundamental function of courts and their essential purpose. In Europe, every code of procedure, especially in civil matters, recognises courts as individual bodies or tribunals performing specific duties reserved exclusively for judges. When a body acts as a sole judge, it becomes an iudex, a judge with the solemn responsibility and social privilege of exercising jurisdiction to resolve civil disputes or impose sanctions in criminal cases. This critical function is not merely organisational but involves the arduous and accountable task of adjudication, undertaken by courts as judicial bodies. Today, the right to a court, the right to have a case decided by an independent and impartial tribunal, is enshrined in human rights guarantees such as Article 6 of the European Convention on Human Rights and Article 47 of the European Charter of Fundamental Rights.

The Court as Auctoritas: Legal Authority

In this layer, the court assumes the role of auctoritas - the legal authority. As the only institutionally sanctioned body with the right to be right, the court acts as both interpreter and sometimes creator of law. In this capacity, the court functions as an agent of the government but is distinct from other branches of state power. While the legislature drafts laws, courts are the ultimate authority that gives meaning to these laws, contextualising abstract rules within the concrete realities of daily life. Though everyone must obey and interpret the law,

only courts, particularly the highest courts, have the authoritative and sometimes binding power to interpret the law definitively.

Courts as Public Service Providers

Moving towards a future-oriented perspective, this layer positions civil courts within the realm of public service, akin to health or education services. Courts have a mission, officium and a public duty to serve society. This layer emphasises that courts, in many aspects of their work, must serve rather than rule. To justify their existence, courts need to provide valuable services to their clients. Citizens engaging with the judicial system should be treated as users, not merely as subjects of court actions. To effectively serve their users, courts must meet pressing social needs, highlighting the importance of this service-oriented approach in the 21st century.

The Enduring Principle of Justitia: Justice

Lastly, and most importantly, is the enduring layer of justitia - justice. Courts must not only deliver decisions that are lawful, functional, efficient, and timely but also ensure that these decisions are fair and equitable. Equitable solutions are achieved when courts maintain a balance, the scales of justice must be even, and the adjudicator must be independent and impartial. At the individual case level, this balance ensures fairness in decision-making. At a broader level, it ensures that courts uphold the system of checks and balances, supervising and moderating other branches of government to prevent arbitrary and uncontrolled exercise of power.

Main Features of 19th and 20th Century Courts

Professor Uzelac mentioned that in order to understand what courts should be in the 21st century and in order to appreciate the need for modernisation and adaptability in the 21st century judiciary, it is essential to examine the main features attributed to courts in the 19th and 20th centuries, particularly from the perspective of civil justice, thus, he briefly outlines some of these characteristics.

State-Centered and Hierarchical Structure

Firstly, courts during the 19th and 20th centuries were conceived as state-centered bodies established to prevent self-help and maintain order. They were

seen as a branch of state power, organised hierarchically and bureaucratically. This structure emphasized the authority of the state in dispute resolution and reinforced the formal, institutional nature of the judiciary.

Litigation as the Default Function

Secondly, the primary function of these courts in the civil sphere was litigation, viewed as the standard method of dispute resolution and the principal means of accessing justice. The main focus within courts was adjudication—applying the law to established facts correctly. Other values, such as the satisfaction of interests or effective dispute resolution, were secondary or even non-existent.

Individual Dispute Processing

Courts were also seen as venues for processing individual issues, such as disputes between individuals and legal entities or non-contentious matters. Collective forms of relief were rare or sporadic, indicating a focus on individual rather than group justice.

High-Level Professionalism and Low-Tech Activity

Most key activities in courts, and civil justice generally, were performed by high-level professionals such as judges, lawyers, and notaries. Court work was exclusively conceived as a low-tech, human activity focused on case processing. The required qualifications primarily included legal education and, occasionally, classical education in social sciences and humanities. Technical knowledge and the use of high technology were generally disregarded, despised, or even prohibited.

Uniform Procedural Tracks

Another feature of the old understanding of civil courts was the creation of a single procedural track for all types of cases, known as the one-size-fits-all procedure. This model assumed a single procedure with only minor, usually insignificant variations. The focus was on achieving correct outcomes rather than on proportionality, with little attention given to whether the time and costs involved corresponded to the social usefulness and rationality of the results achieved.

Rigidity and Lack of Flexibility

The central focus of court procedures was on elaborate technical rules contained in extensive civil procedural codes, offering little flexibility for adjusting

procedures to the needs of specific cases. This rigidity often hindered the ability to address the unique requirements of different types of cases effectively.

3.2 The Main Trends of Transformation of Civil Justice Systems in the 21st Century

Professor Uzelac highlighted seven significant processes that signify almost a metamorphosis in civil justice systems:

1. Interconnectedness of Systems: There is a shift towards more interconnected systems, with an increased tendency for systems to borrow from each other rather than developing independently on a national level.
2. Establishment of Multidimensional Procedures: Courts are increasingly implementing multidimensional procedures, which are designed to address various aspects of civil justice more comprehensively.
3. Emphasis on Speed and Costs: There is a stronger focus on enhancing the speed of judicial processes and reducing costs.
4. Reorganisation of Courts and Redefinition of Court Functions: Courts are being reorganised, and their functions are being redefined to better meet the demands of contemporary civil justice.
5. Pursuit of Alternatives to Litigation: There is an intense pursuit of alternatives to traditional litigation, such as mediation and arbitration.
6. Pronounced Role of Technology: Technology, particularly digitisation, is playing a much more significant role in the functioning of civil justice systems.
7. Collectivisation of the Decision-Making Process: The introduction of collective redress mechanisms, ranging from US-style class actions to newer European forms of representative suits, is becoming more common.
8. Outsourcing Judicial Activities

The speaker also notes a trend towards outsourcing activities traditionally within the jurisdiction of courts to private or semi-private non-judicial actors. This occurs both at the lower end, with small claims and consumer disputes being handled by non-judicial bodies, and at the higher end, with significant international commercial cases increasingly referred to arbitration and other alternative dispute resolution methods.

Focus on Court Reorganisation and Redefinition

For the purpose of this speech, the speaker focused on three challenges related to the reorganisation of courts and the redefinition of court functions which are most relevant to the topic of the speech, the Diversification of court structures, globalisation and supranational influence on national justice systems and court as a public service.

By addressing these specific aspects, the speaker aims to provide insights into how courts are evolving to adapt to the complexities of modern civil justice systems and the broader implications of these transformations.

Diversification of Court Structures

Professor Uzelac discussed the first major challenge in the evolution of civil justice systems: the diversification of court structures. This involves examining the various forms and configurations of court systems that exist in modern jurisdictions. The speaker acknowledges the time constraints and aims to provide a brief overview of how court structures are organised and the issues that must be considered.

In today's multifaceted judicial landscape, there are numerous parallel reform processes occurring at different paces. Some jurisdictions are experiencing rapid changes, while others are moving more slowly or not at all. As a result, achieving uniformity in court structures is challenging. The concept of a "21st-century court" varies greatly; in some jurisdictions, courts still resemble those of the 19th century. Despite these differences, certain common trends and challenges are emerging.

One significant trend is that courts can no longer operate as isolated entities within individual nation-states. The modern world is too interconnected and complex for courts to function as independent, autarkic bodies of sovereign power. This interconnectedness necessitates that even national judiciaries adapt and evolve in response to global developments.

Courts are increasingly becoming law-making institutions. The distinction between judicial interpretation and political activism is becoming blurred. Courts are now more involved in shaping law through their decisions and interpretations, reflecting broader societal changes.

There is a growing pressure on courts to incorporate alternative dispute resolution (ADR) methods, particularly mediation. This shift encourages courts to work alongside private dispute resolution institutions and individuals, thereby changing the traditional roles and boundaries within the judicial system.

The integration of diverse staff into the court system is another significant trend. Courts are realising the need to employ and collaborate with a wide range of professionals, including mediators, psychologists, social workers, auditors, sociologists, IT specialists, and others. This diversification blurs the lines between court personnel and external players, leading to a more holistic approach to justice.

Diversification of Court Structures: An In-Depth Analysis

The first major challenge in modernising civil justice systems is the diversification of court structures. To address this challenge, the variety of court structures that exist in contemporary jurisdictions must be examined. Given the limited time available, I will provide a brief overview of how court structures are organized and the critical issues that need to be considered.

Multifaceted Nature of Court Reforms

We live in a complex and multifaceted world where numerous reform processes are happening simultaneously. The transformation of court systems varies significantly in speed across different regions. Some jurisdictions are experiencing rapid reforms, while others are making modest changes, and some are not evolving at all. Consequently, it is difficult to achieve uniformity in court structures.

Variability Across Jurisdictions

What constitutes a court of the 21st century can differ greatly depending on the jurisdiction. In some areas, modern courts still resemble those of the 19th century. Despite these differences, there are some common trends that emerge, presenting challenges in themselves.

Common Trends and Challenges

One of the most significant trends is that courts can no longer operate as isolated entities within individual nation-states. The global landscape is too interconnected, insecure, and complex for courts to function independently of de-

velopments elsewhere. Even within national judicial systems, the traditional concept of courts is evolving.

How?

1. ***Law-Making Institutions***
   - Courts are increasingly becoming law-making institutions. The distinction between judicial interpretation and political activism is becoming increasingly blurred, pushing courts into roles that extend beyond their traditional functions.
2. ***Alternative Dispute Resolution***
   - Courts are under pressure to incorporate alternative dispute resolution (ADR) methods, particularly mediation. This shift necessitates collaboration with private dispute resolution institutions and individuals, changing the traditional boundaries between court personnel and external players.
3. ***Collaboration and Integration***
   - The line between insiders (court personnel) and outsiders (external collaborators) is gradually shifting. Courts are recognising the need to employ and cooperate with a more diverse range of professionals, including mediators, psychologists, social workers, auditors, sociologists, and IT specialists. This diversification helps courts address the complex nature of modern disputes more effectively.

Justice as a power in a state

The concept of justice as power within a nation-state is undergoing significant transformation, particularly in plurinational and multicultural contexts. This transformation reflects a shift away from the traditional notion of a court system that is tightly bound to a single nation-state.

Erosion of Exclusive National Judicial Systems

In many states, particularly those with diverse cultural and national identities, the court system is progressively losing its exclusive connection to a single nation-state. This evolution is driven by the recognition that an exclusive and uniform national judicial system may not adequately address the needs and realities of all regions and communities within a state.

1. ***Multinational and Multicultural States***
   In multinational and multicultural states, the traditional model of a single, cohesive national judicial system is becoming less relevant. These states are increasingly adopting more flexible and diverse judicial structures that better reflect their complex social and cultural landscapes.
2. ***Common and Separate Court Systems***
   In some parts of the world, we observe the coexistence of common court systems that serve multiple states alongside separate court systems for individual states. This dual approach allows for both regional cooperation and the preservation of unique national legal traditions.

Internationalisation of Judicial Standards

Beyond the regional developments, there is a broader trend towards the internationalisation of judicial standards. This trend involves the adoption of certain universal principles and practices that courts across various jurisdictions are expected to adhere to.

Universal Judicial Standards

Courts around the world are increasingly required to meet certain international standards. These standards often pertain to human rights, fairness, and procedural integrity, ensuring a consistent level of justice globally.

Impact on National Judicial Systems

The internationalisation of judicial standards impacts national judicial systems by promoting greater alignment with global best practices. This alignment helps enhance the credibility and effectiveness of national courts, fostering greater trust in the judicial process both domestically and internationally.

In some elements, especially in plurinational and multicultural states, the court system is progressively losing its connection to a single nation-state. For many states, an exclusive and uniform national judicial system simply does not exist. Insofar, in some regions of the world we get both common court systems for several states and separate court systems for single states. But beyond developments in particular regions, there is also a general trend of internationalisation of certain standards that courts in all jurisdictions need to satisfy.

4. CYPRUS REFORMS (EMPHASIS ON CPR, INDEPENDENT COURT SERVICE)

The Symposium featured three panels, the first of which centered on "Cyprus reforms" (emphasis on CPR, Independent Court Service). It was led by Lawyer Agis Georgiadis, Angelos Binis from the European Commission, and Rafaella Hadjikyriakou from the Council of Europe. The discussion revolved around the recent progress in implementing new Civil Procedure rules and proposed reforms for an independent court service.

4.1 The European Efforts to Restore Trust in Cyprus Judicial Institutions

The Panel began with an introduction from Angelos Binis of the European Commission, who was asked to clarify the scope of his orders when deciding to provide technical assistance to the European Union regarding the reforms.

Mr Binis expressed his appreciation for the opportunity to discuss the collaboration the European Commission had with the Cypriot authorities from 2017 to the present, particularly with the Supreme Court. This cooperation, initiated in 2016, was grounded in the conclusions and proposals of the Erotokritou committee, seven works, with a total budget of 2.3 million euros. Each project within this cooperation had distinct technical supporters.

The cooperation was primarily based on two main projects. The first project concentrated on enhancing the business operations of the offices and designing specific proposals for improvement. The second project focused on the re-evaluation of the CPR, which was officially adopted on May 19, 2021.

The key proposals from the co-chair of this project were distilled into three main objectives:

1. Improvement of administration.
2. Enhancement of the institutional structure.
3. Optimisation of procedures, including advancements in information technology and communication, the functioning of ministries of the courts, revenue input, and the equitable distribution of workloads among judges.

The overarching goal was to achieve a more effective justice system by delivering enhanced services to citizens, judges, businesses, and employees. This included making the service more attractive to lawyers and ensuring that these improvements benefitted both citizens and judicial institutions. Ultimately, the objective was to establish justice as the foundation for economic development and prosperity for the citizens of Cyprus. The speakers underscored the importance of a productive judicial system in achieving these aims.

Dr Nicolas Kyriakides inquired to Angelos whether there had been any additional requests from Cypriot Justice or if he had any proposals to suggest for submission.

Mr Binis addressed the ongoing discussions of the DGl reform board regarding the requested Technical Support Instrument (TSI) 2024. He mentioned that there were specific requests from the Cypriot side, mainly focusing on accountability and transparency issues. He emphasised the importance of evaluating both the strengths and weaknesses of the digital reform efforts.

The Strong Points in the DG Reform

Mr Binis highlighted the significant contributions of individuals such as Adamantia Manda, who was involved from the beginning and showed great commitment and passion for the collaboration. He also noted the involvement of the Cypriot Justice, represented by Raffaella and other groups, as crucial to the success of the reforms. Drawing from his extensive experience as a technical provider of OECD and Governor of the Hellenic National Transparency Authority, Mr Binis emphasised that the reforms must be practical and aligned with the needs of the professionals who will use them.

The Weak Points in the DG Reform

Mr Binis pointed out several weaknesses in the DG reform process. He stressed that reforms need more than just theoretical presentations; they require active ownership and engagement from the beneficiaries. Without this, the reforms are unlikely to be effective. He also highlighted that the implementation of new technologies, such as Artificial Intelligence (AI), must go beyond buzzwords and be practically integrated into the judicial system.

Mr Binis discussed the challenges and potential of using AI in courts. While AI offers promising advancements, its practical application in the judicial system requires thorough evaluation and careful integration. Continuous education, evaluation, and modernisation of practices are necessary to ensure AI technologies effectively contribute to judicial processes.

Mr Binis mentioned the targets set to reduce delayed cases, referencing a conversation with the president of the Supreme Court. The goal is to reduce the backlog of cases and improve judicial efficiency, with specific targets set for the years 2023 and 2024. Continuous dialogue among stakeholders, including professional and legal associations, is essential to meet these objectives.

Mr Binis emphasised the need to attract competent directors with the right mix of expertise and experience to support the reform. These individuals are vital for implementing modern practices and ensuring the success of judicial reforms. He expressed optimism that initiatives to create initial changes and adopt modern practices would be effectively supported in the near future.

Mr Binis underscored the importance of continuous evaluation and redesign in the judicial reform process. As problems evolve, new technologies and practices must be integrated to address these changes effectively. Ongoing education and a willingness to reform and improve available resources are critical components of successful reforms.

The discussion also addressed the issue of consistency in applying procedures across various registries. Mr Binis highlighted the necessity of enacting consistent processes to support e-justice implementation and bridging the gap created by outdated procedures.

Finally, the principle of independent administration of the courts was discussed. Mr Binis explained that implementing this principle could significantly enhance the efficiency and effectiveness of Cyprus's judicial system. Developing appropriate management procedures based on new rules and best practices is essential for supporting this initiative.

Dr Nicolas Kyriakides posed a final question to Mr Binis regarding resistance to change within the Cypriot judicial system. He inquired about any negligence on the Cypriot side, the progress of projects, and whether resistance was a natural response to absorbing changes.

Mr Binis responded by acknowledging the challenges in implementing reforms and setting goals. He cited a recent conversation with the president of the court, who confirmed that specific targets had been set for reducing case backlogs, with a 20% reduction expected by the end of 2023 and a 40% reduction by 2024.

Mr Binis explained that one of the main challenges at DG Reform is managing the high volume of requests, with around 750 received and only about 60 related to justice and ethics reforms. They can address only about 10% of these requests due to the competitive nature of the proposals. He emphasised that continuous dialogue between involved parties, ongoing evaluation, and redesign of interventions are crucial for addressing evolving problems. The integration of advanced technologies, such as AI and machine learning, requires continuous education and upskilling.

Mr Binis concluded by stating that while there is no immediate work ready for evaluation from the current principles, they remain open to monitoring developments and designing new reforms with expertise and funding.

4.2 Improving technology is essential, as is the cooperation of lawyers with the judicial service.

Mr Georgiades began by discussing the initial reactions to the new regulations, specifically the changes in civil law. He observed that while there was initial panic, especially among lawyers, the civil process appears to be moving relatively smoothly. The first steps in registering new cases are progressing well.

However, Mr Georgiades pointed out that there are serious problems with special jurisdictions. Although he does not have personal experience with them, discussions in various forums indicate that issues arise mainly in these areas. As the Cyprus Supreme Court's CPR Revision Committee, they had recommended gradually adopting the new Civil Procedure Rules (CPR) for special jurisdictions or adapting them to meet the specific needs of each jurisdiction.

Mr Georgiades emphasised that the initial use of emails in courts during COVID was a significant step forward, as previously, a lot of time was wasted on physical presence in court for simple tasks. The involvement of judges in

straightforward procedures without needing their physical presence was identified as an area for improvement.

Despite some progress, Mr Georgiades noted that the system still has significant shortcomings. For example, uploading a 200-page document as evidence requires splitting it into ten PDF files. Judges then have to read these files on small screens, making urgent decisions challenging. Investing in simple technology, like larger screens, could vastly improve this process.

Mr Georgiades highlighted the importance of communication between judges and lawyers. He stressed that there is currently a significant gap, leading to simple, everyday problems not being resolved through direct dialogue. Instead, issues often require interventions, which is inefficient.

Mr Georgiades provided an example of miscommunication regarding special procedures. A question from a registrar about the form that an opening step should take in its registry led to inconsistent practices across different districts and even within the same court. This problem could have been easily resolved with higher-level communication.

Mr Georgiades concluded by reiterating the need for better communication and technological improvements in the judicial system. He emphasised that while significant strides have been made, there is still a long way to go.

Dr Nicolas Kyriakides asked Mr Georgiades, based on his experience over the years, to suggest three, four, or five things to reduce the backlog at the first instance.

Mr Georgiades began by noting that some regulations for dealing with delayed cases have been counterproductive, complicating the work of the courts and lawyers. Mr Georgiades highlighted an example involving the submission of document bundles. These bundles, which sometimes consist of thousands of pages, were not initially part of the process but were introduced as a requirement. After the hearings, these documents had to be resubmitted individually as evidence. In some instances, judges used the failure to submit these bundles as grounds to cancel cases, unfairly placing the responsibility on the litigants instead of the courts. This situation underscores that the problem lies not in the procedural issues themselves but in the attitudes and practices that arise from them.

Mr Georgiades mentioned that one advantage of the new CPR is the introduction of pre-trial protocols, which outline specific behaviours before trials. This system initially reduces the number of registrations. However, as the new regulations become more widely adopted, the number of registrations will likely increase. Mr Georgiades emphasised that significant time has already been lost dealing with backlogs, and current efforts are insufficient to meet the needs.

Mr Georgiades suggested that it is impractical to have judges handling both backlog cases and new cases under the new regulations. The new system should have dedicated judges to handle backlog cases exclusively, ensuring that new cases are processed without delay.

Mr Georgiades highlighted the philosophy behind the new regulations, which is to set fixed expiration dates for cases, typically one or two years. These dates should remain unchanged except for exceptional circumstances. Delaying cases due to backlogs or operational problems would undermine the entire system. Mr Georgiades warned that without proper infrastructure and technology, the system is at risk of collapsing. However, he expressed optimism that there is still time to make necessary improvements.

Mr Georgiades stressed the need to address issues related to technology and court administration. He provided an example to illustrate his point: judges use either electronic, digital, or handwritten diaries to record hearings. When these diaries are transferred to other judges, inconsistencies arise, causing confusion. Judges may not know how many cases they have scheduled on a given day until shortly before the hearing. This lack of organisation prevents lawyers from adequately informing their clients, resulting in inefficiencies. These simple administrative issues significantly disrupt the system and must be resolved to improve efficiency.

Mr Georgiades concluded by emphasising that many of these issues could be resolved with proper public administration. Implementing better organisational practices and embracing technology can streamline processes and reduce backlogs. Mr Georgiades believes that with the right approach, these challenges can be addressed effectively, leading to a more efficient judicial system.

4.3 Cooperating with European and Local Bodies to enhance justice

Ms. Hadjikyriacou, from the Council of Europe recapped the work done by the Commissioners for the Law and Justice and outlined their next steps.

Ms. Hadjikyriacou began by briefly mentioning two significant projects adopted by the Council of Europe in collaboration with the European Commission in Cyprus. She noted that while these projects had been analysed in previous years, she would recap them for new participants and discuss a recent project involving the Cypriot Court of Judges. She mentioned an issue with the sound but quickly resolved it, confirming she could proceed.

Since 2020, the Council of Europe, together with DG Reform, has actively supported the Supreme Court of Cyprus in pursuing an ambitious and complex reform of the Cypriot justice system. Their support has focused on specific areas, while the Supreme Court has managed a broader reform process targeting four key areas: the reform of CPR, improvement of court functions, judicial education and reform, and electronic justice. Ms. Hadjikyriacou expressed gratitude to the Supreme Court for initiating and supporting this comprehensive reform process.

She highlighted two completed projects funded by the European Union and implemented by the Council of Europe in cooperation with DG Reform and the Office of the Director of Reform. The first project, completed in January 2022, focused on modernising the CPR. This involved defining the text, consulting relevant bodies, adopting the law by the Supreme Court, and educating on significant changes. Ms. Hadjikyriacou was pleased to announce that the new regulations came into force in September 2023, emphasising that patience and constructive dialogue among all involved parties during the first year of implementation would transform the current judicial culture, making the civil process faster and more accessible for Cypriot citizens.

The second project, also completed in January 2022, aimed to create a new judicial service responsible for managing and administering the entire court system in Cyprus. This included introducing new administrative procedures and case management processes for court registrars. Ms. Hadjikyriacou offered to provide more details about their proposals if time permitted.

She described the creation of the new judicial service, which involved developing a detailed proposal for a new governance structure, roles, responsibilities, and regulations related to personnel. The proposed structure includes a judge responsible for daily court management, supported by two main departments. The chief registrar would lead the court administration department, providing operational support to the judiciary. The second department would handle non-operational support, such as human resources, technology, and maintenance. This division of duties aims to reduce the workload of registrars, allowing them to focus on supporting judges in the administration of justice. Ms. Hadjikyriacou concluded that these proposals aimed to modernise the operation of registrars and relieve the Supreme Court of administrative duties, enhancing judicial time utilisation and service delivery.

Ms. Hadjikyriacou's explanations provided a clear understanding of the past achievements and future goals of the judicial reform efforts in Cyprus. The implementation of these reforms is expected to significantly improve the efficiency and effectiveness of the judicial system, benefiting both the judiciary and the citizens.

Dr. Kyriakides raised a point regarding the independent service of the courts and the role of the chief registrar, asking if the chief registrar would take charge as indicated in the proposal.

Ms. Hadjikyriacou addressed this by clarifying that the initial information needed a correction. According to Ms. Hadjikyriacou, the proposal specifies that a CEO will be appointed to take over and lead the entire service, taking on the role of the responsible counsel. This new structure will include two departments, with one of them accommodating the existing position of the chief registrar, albeit with a different name in the future. This proposal was formulated by experts and documented in a report. However, the ultimate decision rests with the national authorities, who may choose a different approach.

Continuing the explanation, Ms. Hadjikyriacou mentioned the proposed timeline included in the report. This timeline outlines several stages, starting with a period allocated for making final decisions and drafting the necessary legislation to be passed by parliament.

Dr. Kyriakides' final question was about the Independent Courts Service and whether the chief registrar would take charge as per the proposal.

Ms. Hadjikyriacou clarified that the proposal is actually for a CEO to take over and act as the head of the entire service, rather than the chief registrar. This CEO would oversee two departments, one of which would include the position of the current chief registrar, though it will have a different name in the future. This proposal was developed by experts and documented in a report, but the final decision rests with national authorities, which might choose a different approach.

Ms. Hadjikyriacou then shifted the conversation to the School of Judges, asking Ms. Hadjikyriacou to comment on it. Speaker F explained that they do cooperate with judicial training centers, but this cooperation occurs within specific frameworks and projects. While they cannot speak on behalf of the Council of Europe regarding intentions for mutual training, Speaker F expressed a personal opinion that mutual training and constructive dialogue between lawyers and judges would be beneficial.

Continuing, Ms. Hadjikyriacou highlighted their excellent cooperation with the School of Judges and specifically thanked Mr. Erotokritou for his openness to proposals and significant contributions to various initiatives. Recently, they have been collaborating on creating standard operating procedures (SOPs) as part of a project with DG reform. This effort aims to standardise internal court operations and establish a new independent authority for the registries. The proposal, mentioned in their report, includes guidelines to ensure staff perform their duties uniformly and consistently.

During visits to various registries in Cyprus, a key issue identified was the lack of uniform practice due to unclear staff guidelines. To address this, they proposed working with Mr. Erotokritou to create specific management procedures. A team of experts from England and Wales has been formed to study the new rules, map critical parts of the regulations, and draft specific management procedures. A review committee of registrars from the School of Judges has reviewed these drafts, provided feedback, and final drafts are soon to be implemented.

Additionally, four educational seminars for registrars have been organised to explain the logic and importance of SOPs, preparing them to meet new needs and create future SOPs. These seminars also focused on educating registrars on training and evaluating court personnel in SOP implementation.

5. EVALUATION OF JUDGES

5.1 The necessity of improving the criteria for appointing judges

The second Panel's topic was "Evaluation of judges". The discussion commenced with a presentation by Christos Clerides, who is a Former President of the Cyprus Bar Association. The presentation delved into the changes in judicial appointments in Cyprus and subsequent reforms, especially focusing on the evaluation of judges. Mr Clerides discussed the importance of comprehensive reforms, which included establishing an appeals court to handle backlogs and involving lawyers in the judge's appointment process. Despite facing resistance from the Supreme Court, these reforms were eventually implemented, allowing lawyers and the Attorney General to take part in appointments. Nonetheless, challenges persist, highlighting a need for more transparent and merit-based selection processes as recommended by international bodies like the GRECO Report and the Venice Commission. Additionally, concerns about qualifications and experience required for judicial appointments were addressed with an emphasis on academic expertise in constitutional and administrative law rather than just court experience. In conclusion, it underscored ongoing efforts aimed at enhancing both quality and transparency within Cyprus' judicial system.

5.2 Criteria for evaluating judges to combat corruption within the judicial system

Julinda Beqiraj, from the Bingham Centre for the Rule of Law, shared her experiences and insights on the evaluation and appointment of judges in various countries. Having worked as a CEPEJ expert, she possesses a broad understanding of judicial practices across European countries, including those within the Council of Europe and the EU member states. She specifically focused on Albania, explaining that her primary experience lies within the Albanian judicial system.

Ms Beqiraj highlighted that different European countries use various models for the professional evaluation of judges. These models determine the purpose of evaluations, what aspects are evaluated, who performs the evaluations, and

the methods used. The choice of model depends on the specific problems or perceived issues within a judicial system, historical and legal traditions, and the overall approach to justice.

Albania, as a candidate country for the European Union, has recently undertaken comprehensive judicial reforms. These reforms included restructuring the High Judicial Council and enhancing the role of the School of Magistrates, which trains judges and prosecutors before their appointment, similar to the Greek model. The rules for appointing members of the Constitutional Court and the High Court were also updated. Previously, the High Court was outside the judicial system, which consisted only of first and second instance courts. Now, the High Court operates within the system under the High Judicial Council, an independent body.

The composition of the High Judicial Council in Albania is designed to ensure both judicial independence and accountability, avoiding corporativism. It includes 11 members: six judges and five representatives from other professions, including academia, civil society, and lawyers. This structure ensures that while the majority of decisions can be made by judges, the inclusion of other professionals promotes transparency and accountability.

Questions from Dr Nicolas Kyriakides

Dr. Nicolas Kyriakides inquired about the commencement date of the new system for the evaluation of judges in Albania.

Previously, the High Judicial Council was composed of judges who operated as judges and took on this role as a side task. However, after the 2014 reform, which required changes in the constitution and implementing laws, the new High Judicial Council was established as an independent body in December 2018. This council operates full-time as the High Judicial Council.

Dr Kyriakides sought clarification regarding the recent developments in the Albanian judiciary. He asked whether improvements in the quality of judges had been observed, inquired about the resolution of corruption issues, and requested an evaluation of the progress made over the past three years.

Ms Julinda mentioned an additional process called the vetting of judges, which was introduced simultaneously. This ad hoc process evaluates judges based on three elements: assets, connections with organised crime, and pro-

fessionalism. Many judges failed the assets test, addressing corruption issues. Out of approximately 800 individuals to be vetted (including judges, prosecutors, and high public officials), about 50 failed or left the system voluntarily. Professionalism in the context of vetting is assessed at a minimum level, and if a judge passes this vetting, they are then evaluated through the standard rules.

Dr. Kyriakides inquired about the observations regarding the quality of judgments and the state of meritocracy.

The quality of judgments is one of the evaluation criteria, with specific points assigned for this purpose. Among the various evaluation criteria, it is the only subjective one. Other criteria, such as involvement in activities beyond judicial duties (trainings, universities, etc.), are more objective. The subjectivity in judging the quality of judgments depends on various factors.

Dr. Kyriakides' final question pertained to how judges were persuaded to accept the changes. He inquired whether it was a matter of legislation that required parliamentary approval.

Ms Julinda explained that the change required an amendment to the Constitution first, followed by the enactment of laws through Parliament. It wasn't initiated by the judges themselves, and there is still some resistance among judges, particularly towards regular professional evaluations. The argument is that such evaluations interfere with judicial independence. However, the counter-argument is accountability. Judges can have independence, but there must be mechanisms to ensure accountability regarding the efficiency and quality of their judgments.

5.3 The analysis of data for the evaluation of judicial performance

Ms. Maou began by introducing her research focus for the conference, which is judicial analytics, a topic that is both new and controversial. She stated that analytics – the process of using data and technology to identify patterns and guide informed decision-making – is an inevitable part of almost every aspect of 21st century life. Impacting fields ranging from medicine to security, policing, production management, consumer behavior prediction, political campaigning, and now, increasingly, our legal systems, the need to understand the utility of processing big data has never been more prevalent.

In the language of laypersons and lawyers, analytics can be described as the use of data, statistical techniques, and computational methods to discover patterns, extract insights, and support decision-making. It involves collecting and analysing data to identify trends, relationships, and anomalies, which can then be used to make predictions, optimise processes, and guide strategic choices. Although often viewed merely as a tool for predicting future outcomes and behaviors, the potential applications of analytics extend far beyond that. Fundamentally, analytics transforms raw data into actionable knowledge that would otherwise not be accessible.

So, what role can—or should—analytics play in our legal systems? Ms. Maou explained that her presentation explored the benefits and potential applications of judicial analytics as a component of judicial evaluations in the jurisdiction of Cyprus. The presentation was structured around three key objectives: first, to introduce judicial analytics to the Cypriot legal and academic communities; second, to assess the usefulness of judicial analytics as a tool of judicial evaluation, drawing on comparative case studies from the United States and Australia; and finally, to spark public discourse and engage legal practitioners in preparing for the potential integration of this technology into our jurisdiction for judicial evaluation purposes, and beyond.

Judicial Analytics

The phrase 'judicial analytics' refers to the application of data analysis and statistical modeling techniques to judicial decisions, with the aim of identifying patterns in judicial behavior, predicting case outcomes, and providing insights into the operation and efficiency of a legal system.

Although the concept of judicial analytics is relatively new, its evolution over the past 10-15 years has been rapid. The roots of judicial analytics can be traced back to the United States in the late 1980s, where its earliest applications were predominantly academic. Legal scholars initially used manual methods to analyse legal decisions and outcomes, performing the labor-intensive process of data collection, organisation, and analysis without the benefit of modern automation tools. The significant breakthrough in the field occurred in the early 2000s with the development of data-processing software. Early applications of these technologies were primarily commercial, allowing legal research da-

tabases to incorporate analytical tools that enabled lawyers to examine case law and legal trends more efficiently. Since then, the sector has expanded into a multi-billion-dollar industry, predominantly driven by commercial products such as Westlaw Edge, Lexis+, and Bloomberg Analytics. These tools now allow lawyers to perform various functions, such as identifying trends in case law, predicting case outcomes based on specific facts, and analysing the decision-making tendencies of individual judges.

Today, the digital case filing and management platforms of many common law jurisdictions have functions allowing for the collection of key judicial and case management data in real time. However, not all jurisdictions use this data for analytics purposes, let alone for judicial evaluation purposes. This is arguably a lost opportunity; given the capabilities of modern analytics tools, this data could be sold for the purpose of commercial applications, shared with academic centres for research purposes, or utilised by court registries and the judiciary to inform funding, staffing decisions, case load and allocation decisions, and – most importantly – judicial evaluations.

Types and Sources of Information Used

The production of meaningful data analysis is directly dependent on the availability of data. If judicial analytics is the engine, then data is the fuel: without comprehensive and accurate data collection tools there are no insights to be extracted. It is therefore clear that Cyprus' ability to use judicial analytics in the future starts at its data collection capabilities. To that end, this section introduces the data points needed for the development of accurate and reliable judicial analytics tools.

Judicial analytics tools rely on three primary types of information: readily available data, data that must be extracted directly from the text of a judgment, and contextual case management data. Readily available data includes information such as case numbers, filing dates, court locations, judge assignments, case values, and the type of legal action (e.g., civil or criminal). This information is typically collected through court e-filing systems when proceedings are initiated.

In contrast, data extracted from judgments involves deeper content analysis: reading through a judgment and identifying the legal questions discussed

therein, the arguments presented by each party, relevant citations to legislation and case law, judicial reasoning, and the ultimate decision. This was traditionally done manually, but advancements in natural language processing (NLP) technology have transformed this task. NLP technologies enable computer programs to "read" judicial decisions, extract pertinent information, and process it automatically, significantly reducing the time and effort that would normally be required to collect this information.

The third category of data involves contextual indicators of judicial case management. This includes metrics such as the percentage of cases settled out of court, hearing durations, the time taken to deliver judgments, the frequency of appeals against a judge's decisions, and the success rate of those appeals. While not all legal systems report or even record such information, these indicators are a crucial part of building a comprehensive understanding of judicial performance.

Armed with all three categories of data the owner can organise and process the data to compile detailed judicial profiles that offer insights into each judge's decision-making patterns, typical caseload, and case management practices.

Judicial Analytics for Judicial Evaluations

Assuming that the data has been thoroughly collected, processed and compiled into a judicial profile, the next question becomes: how do I interpret this profile, to decide whether the judge before me is a 'good' one? Before delving into this line of inquiry, we must first consider a more fundamental question: what defines a good judge?

Incorporating judicial analytics into the procedures for judicial evaluations requires a broader understanding of judicial competence. While different jurisdictions often emphasise varying indicators of judicial performance, a widely accepted international consensus highlights four main groups of criteria that form the foundation of judicial competence:

a. legal technical knowledge and analytical skills;
b. impartiality, fairness, integrity and strong moral temperament;
c. clarity of written and oral communication; and
d. administrative capacity and efficiency.

Traditionally, these criteria have been assessed through subjective means, such as peer reviews, lawyer surveys, or feedback from court stakeholders. For example, a judge's impartiality might have been evaluated through colleague interviews, while efficiency in conducting proceedings was evaluated based on general feedback. However, judicial analytics tools have now introduced the possibility of applying objective measures to some of these areas.

In fact, judicial analytics now allow for the objective evaluation of several competencies that were previously subject to personal interpretation. For example, a judge's impartiality can be assessed by analysing statistical data on how frequently they rule in favor of a particular type of litigant. If a judge's decisions do not significantly skew in one direction, this could suggest a lack of bias. Similarly, efficiency and administrative capability can be quantitatively measured by tracking the time taken by a judge to conclude hearings, issue judgments, and manage case progression. Even in areas like technical legal knowledge and analytical ability, modern analytics tools can instill objectivity by evaluating whether judges are citing the most current legal authorities and applying the correct legal tests in their rulings.

These capabilities of analytics tools are arguably a mandate for our legal systems to start shifting away from our current subjective and human judgment-centric evaluation methods into more objective data-driven assessments. But even if these capabilities do not represent such a mandate, the key takeaway is that judicial analytics tools can now accurately track at a large scale aspects of judicial performance that were previously deemed too subjective for reliable evaluation. This transition from qualitative to quantitative assessment has the potential to significantly improve the fairness and accuracy of judicial evaluations.

The Traffic Light System: Categorising Data Points for Judicial Performance Assessment

Not every quantifiable data point is a reliable indicator of judicial performance. While some pieces of information provide valuable insights into a judge's competence, others can be misleading or irrelevant when taken out of context. The challenge lies in identifying which data points genuinely reflect a judge's capabilities and which do not. In an attempt to instil some clarity into this issue, this

section presents the traffic light system. This system aims to distinguish between 'green' data points, i.e. those that are clearly indicative of judicial competence, 'red' data points, i.e. those that offer no meaningful insights, and 'orange' data points, i.e. those that require careful contextual analysis to determine their true value.

Green Data Points

Green data points are those metrics that are generally accepted as the most reliable indicators of judicial competence. They correlate directly with a judge's ability to perform their duties effectively. Examples include the number of continuous legal education hours a judge has completed, the percentage of cases upheld or overturned by appellate courts, and the quality and recency of legal authorities cited in judgments. These metrics have a solid grounding in academic literature and are widely recognised as effective measures of a judge's legal knowledge, analytical skills, and overall performance.

Red Data Points

Conversely, red data points refer to those metrics that do not provide any meaningful insight into a judge's competence or performance. These indicators often fall outside the judge's control and can be influenced by factors unrelated to their skills or judgment. Common examples include the number of dissenting judgments a judge issues, the frequency of rulings in favor of one party, or the public approval ratings of a judge. These data points may seem relevant at first glance but are often misleading. They fail to account for the complexity of legal decision-making and do not reflect the actual skill, impartiality, or fairness of a judge's rulings. As such, they are considered unreliable metrics for judicial evaluations.

Orange Data Points

The most nuanced category is the orange data points. These metrics do not provide clear-cut evidence of judicial competence but can still offer valuable insights when considered in the right context. For example, the average number of judgments issued per month, the frequency with which a judge grants hear-

ing postponements, or the average duration of court hearings all fall into this category. These factors are not inherently indicative of a judge's abilities but could point to underlying trends or issues if analysed thoroughly.

An interesting example of an orange data point is the average duration of hearings. While shorter hearings might suggest efficient courtroom management, the duration of hearings can often be affected by variables beyond a judge's control, such as the behaviour of legal representatives or the availability of courtrooms. This complexity means that while the data itself is not definitive, it should not be entirely dismissed. For instance, if most judges at a district court handle hearings within 3-5 days but one judge consistently takes 15 days on average to complete trial, this outlier could warrant further scrutiny, highlighting the need to consider such data points in a broader context.

Case Studies of Integration of Data and Analytics into Judicial Evaluation Practices

In recent years, there has been an observable shift in how jurisdictions worldwide approach judicial evaluations. As noted above, traditionally, these evaluations have relied heavily on qualitative feedback from colleagues, peers, and other stakeholders, which has often been criticised for its subjective nature. While this qualitative approach remains predominant, there is a growing movement toward the incorporation of data-driven methods to make judicial evaluations more objective and transparent. This section will focus on two jurisdictions—the United States and Australia—where attempts to implement judicial analytics to enhance the quality judicial evaluations have demonstrated both progress and challenges.

United States

The United States has been at the forefront of integrating data into the evaluation of judicial performance. While the implementation of judicial analytics tools is not uniform across all states, many have made significant strides in combining data-driven metrics with traditional qualitative evaluations to create a more comprehensive assessment model of their judiciary. Interestingly, several states have also explored the use of predictive analytics to forecast case outcomes and identify potential biases in judicial decision-making.

However, the use of data in judicial evaluations has also raised important ethical considerations, particularly around privacy concerns and the responsible application of technology in the legal system. Despite these challenges, the Federal Judicial Center, the research and education agency for the U.S. federal judiciary, officially advocates for a balanced approach that includes both qualitative insights and quantitative data in judicial evaluations. By doing so, the Center aims to encourage evaluation committees to maintain analytics when assessing the quality and consistency of judicial decision-making without losing sight of the complexities inherent in legal processes.

Australia

Australia has approached the integration of judicial analytics into evaluation practices with more caution and skepticism compared to the United States. While there has been some progress in acknowledging the potential benefits of data, Australia has yet to formally incorporate these tools into its judicial evaluation systems.

The conversation around the use of judicial analytics in Australia gained significant traction in 2018 when journalist Aaron Patrick published a series of articles in the Australian Financial Review, criticising the speed of decisions in the Federal Court. His analysis revealed that a substantial number of judges had taken more than a year to deliver judgments, leading to a public debate about judicial accountability and performance measurement. The Federal Court responded by challenging the accuracy of the data, arguing that the analysis was overly simplistic and failed to capture the qualitative dimensions of judicial work.

This debate highlighted both the potential of data as a tool for evaluating judicial efficiency and the challenges associated with interpreting and using such data meaningfully. Despite this initial resistance, a significant development occurred in December 2021 when the Australia Law Reform Commission (ALRC) published a comprehensive report on judicial impartiality. The report's findings included groundbreaking recommendations on how judicial analytics could be used to enhance impartiality and public confidence in the legal system. One of the most notable recommendations was Recommendation 13, which explicitly called for the Commonwealth courts to develop a policy on the creation, de-

velopment, and use of statistical analysis for judicial evaluations. This recommendation marked a pivotal moment as it was the first time an official advisory body in Australia unequivocally acknowledged the value of data in judicial evaluations.

The experiences of the United States and Australia in incorporating judicial analytics into evaluation practices reveal a general consensus: despite the limitations of data-driven methods in capturing the full spectrum of judicial performance, judicial analytics play a crucial role in increasing transparency, objectivity, and fairness in evaluations, and should therefore be positively – but cautiously – embraced.

The Challenges of Using Analytics in Judicial Evaluations

While the rise of judicial analytics holds great promise for enhancing transparency and improving judicial evaluations, it also presents several challenges that need careful consideration. Not all data points are as straightforward or unbiased as they may seem. Misinterpretations of metrics can lead to unintended consequences that affect judges' reputations and decision-making. The issues extend beyond just the numbers—there are also significant concerns about technology limitations, data collection practices, and the ethical implications of analysing judges' behaviour. This section explores the major hurdles that analytics faces, aiming to provide a balanced perspective on the potential pitfalls of using these tools in judicial evaluations.

One of the biggest challenges in using judicial analytics lies in its potential to affect public perception in unwarranted ways. Data-driven insights can sometimes paint a skewed picture of a judge's performance, leading to misconceptions about their competence and impartiality.

Indicatively, decision-making patterns that are entirely random or based on situational factors can negatively impact a judge's perceived impartiality or reputation. For example, if analytics reveal that Judge A has a significantly higher rate of dissent compared to peers, the public might incorrectly interpret this as evidence of incompetence, inconsistency, or even contrarian behaviour. In reality, dissenting judgments are a vital part of the judicial process, contributing to the evolution of legal thought and safeguarding against judicial groupthink. Without proper explanation, the numbers presented by analytics tools

can be easily misunderstood by the public. Therefore, metrics used in judicial analytics need to be accompanied by explanatory text to prevent misinterpretation and unwarranted criticism.

Furthermore, the interpretation of judicial analytics data requires specialised knowledge. There is a growing demand for experts who can accurately interpret judicial data. Currently, there are few professionals in Cyprus with the necessary skills to contextualise these findings within the legal framework. Laypersons or those without a deep understanding of judicial processes might draw flawed conclusions from data, leading to dangerous outcomes such as unjust criticisms or misconceptions about a judge's abilities. To that end, given the complexities involved, some argue that judicial analytics should be handled exclusively by qualified data analysts for internal review and monitoring purposes, rather than being made publicly available. Public dissemination of raw data without adequate context could unfairly stigmatise judges whose performance deviates from statistical norms.

In principle judicial analytics also raises ethical questions about privacy and the nature of workplace surveillance. The Cypriot judiciary is not used to the extent of monitoring and scrutiny employed by data analytics tools. To that end, there is a debate about whether judges should have the option to opt-out of such data collection or whether the public interest justifies comprehensive monitoring. Meanwhile, introducing judicial analytics could be interpreted as a form of workplace surveillance and could create resistance within the judiciary. The focus should thus be on using these tools as indicators for improvement, not as punitive measures. Otherwise, it risks undermining trust and morale among judges, especially in these early stages of analytics adoption.

Regulation of Judicial Analytics: The French Ban and the Case for Strategic Oversight

The rise of judicial analytics has sparked a global debate on the appropriate balance between transparency, accountability, and judicial independence. As this technology matures, so does the question of how best to regulate its use.

In March 2019, France became the first country in the world to explicitly ban the use of judicial analytics to evaluate, compare, or predict the behaviour of individual judges. This unprecedented move was prompted by a controversial

publication that employed analytics tools to compare the decision-making patterns of judges in asylum cases, naming them explicitly in the findings. Alarmed by the potential for this data to influence judicial behaviour and public perception, the French legislature acted quickly to protect their judiciary from what they saw as undue pressure and strategic manipulation by litigants.

The French response culminated in Article 33 of the Justice Reform Act, which stipulates that "the identity data of magistrates and members of the judiciary cannot be reused with the purpose or effect of evaluating, analysing, comparing, or predicting their actual or alleged professional practices." This law effectively prohibits academic and commercial entities from using analytics to scrutinise individual judges' behaviour, even though access to judicial data itself is not affected.

In other words, while France prohibits the analysis of judicial behaviour using this data, the data itself remains freely accessible. Critics argue that this approach is counterproductive; the information is still out there, so banning its analysis does little more than drive the practice underground or outside formal research channels. In an era where data is widely available, suppressing its use rather than guiding it seems a misguided attempt to control its implications.

There is also the question of whether such a ban conflicts with the public's right to access information. In many democratic societies, including Cyprus, open courts and transparency in judicial proceedings are fundamental principles. Restricting the ability to analyse judicial decisions could be seen as a step backward in the effort to make the justice system more accountable and open to scrutiny.

Given Cyprus's strong constitutional protections for freedom of expression and the principle of open courts, a French-style ban on judicial analytics would likely be both legally and culturally challenging. Rather than implementing a blanket ban, the jurisdiction of Cyprus could use a more strategic approach to regulating judicial analytics – one that balances both transparency and judicial integrity.

Instead of outright prohibitions, regulatory frameworks could focus on ensuring that the use of judicial analytics adheres to principles of fairness, accuracy, and respect for judicial independence. For example, restrictions could be placed on how specific judges are named or ranked in public reports to prevent

undue pressure or bias. At the same time, developing ethical guidelines for the use of judicial analytics could help mitigate the risk of these tools being used to manipulate or unduly influence judicial behaviour. Such guidelines would ensure that data is interpreted within the correct legal context and used to support, rather than undermine, the fairness of judicial evaluations.

Concluding remarks

The future of judicial analytics is not something to shy away from; it's something to engage with head-on. As data-driven technology revolutionises industry after industry, its incorporation into the judicial process is not just a possibility—it's an inevitability. The question is not whether Cyprus should embrace this change, but how we can do so responsibly and effectively.

As a first step toward this transformation, Cyprus must ensure that all judicial cases are promptly and adequately reported. Without comprehensive and reliable data, any analytical tools we develop will be built on a shaky foundation. Equipping our legal infrastructure to handle and analyse this data is crucial if we are to fully leverage the potential of judicial analytics in the future.

Finally, to fully realise the benefits of judicial analytics while safeguarding the integrity of the judiciary, a proactive approach to ethical and privacy concerns is paramount. Our current ethical guidelines were established in an era when technology played a limited role in the legal field. Now, it is imperative that we revisit and update these frameworks to address the unique challenges posed by data-driven judicial evaluations. Developing comprehensive ethical safeguards is not merely a procedural necessity—it is a critical component in maintaining the credibility and impartiality of our judicial system. These safeguards should ensure that analytics serve as a tool to enhance transparency and accountability without undermining judicial independence or compromising fairness in decision-making.

Ms Maou concluded by asserting that our journey toward integrating judicial analytics into the Cypriot legal system must be grounded in a vision that prioritises integrity, transparency, and fairness. By embracing the opportunities presented by data while maintaining a vigilant focus on ethical considerations, we can ensure that our judiciary not only adapts to the evolving landscape but also upholds the core values of justice. This transformation requires a collective

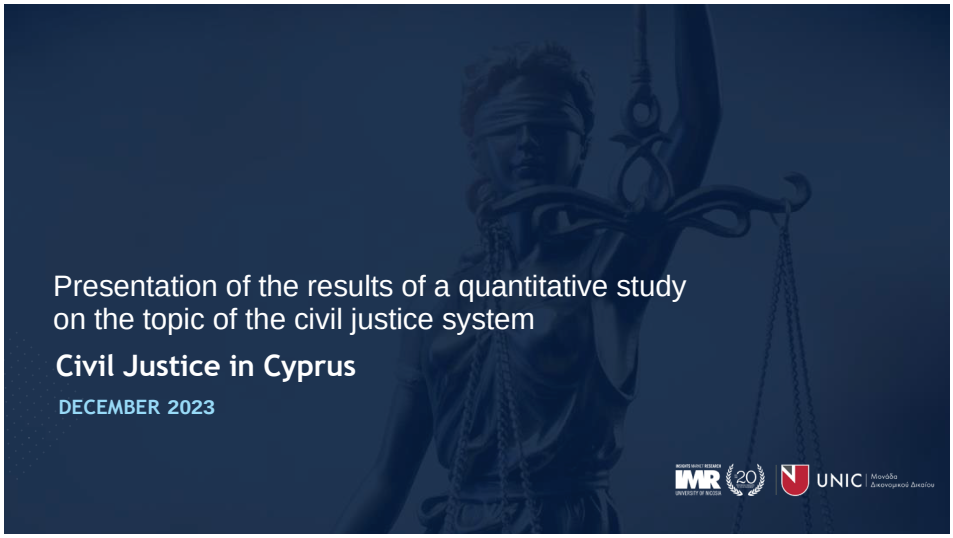
commitment to fostering an environment where informed decision-making enhances the quality of justice without compromising judicial independence. As we look ahead, it is crucial that we engage in thoughtful dialogue, leverage insights from academic research, and build a robust regulatory framework that facilitates responsible innovation. By doing so, we can create a future where judicial analytics serve as a powerful ally in advancing a more effective and equitable justice system for all.

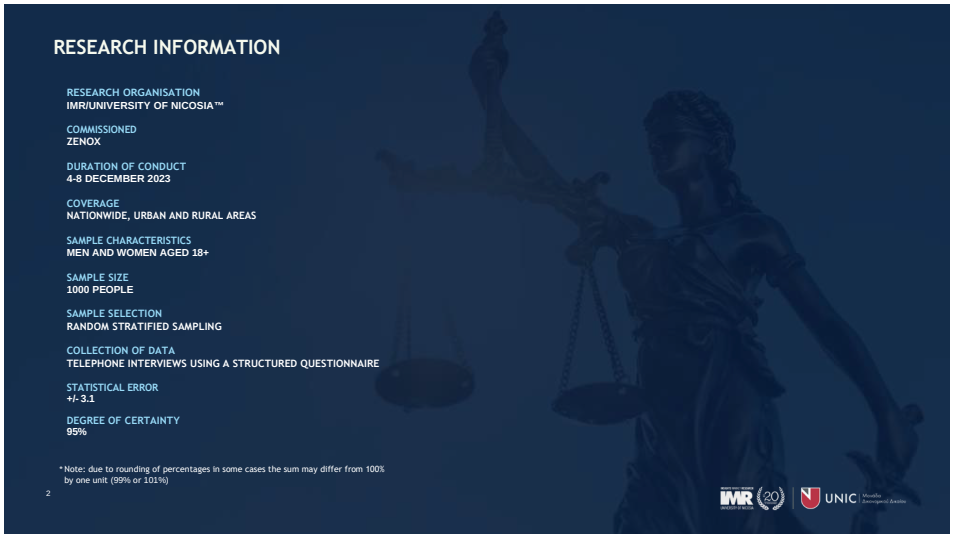
6 SURVEY OF IMR

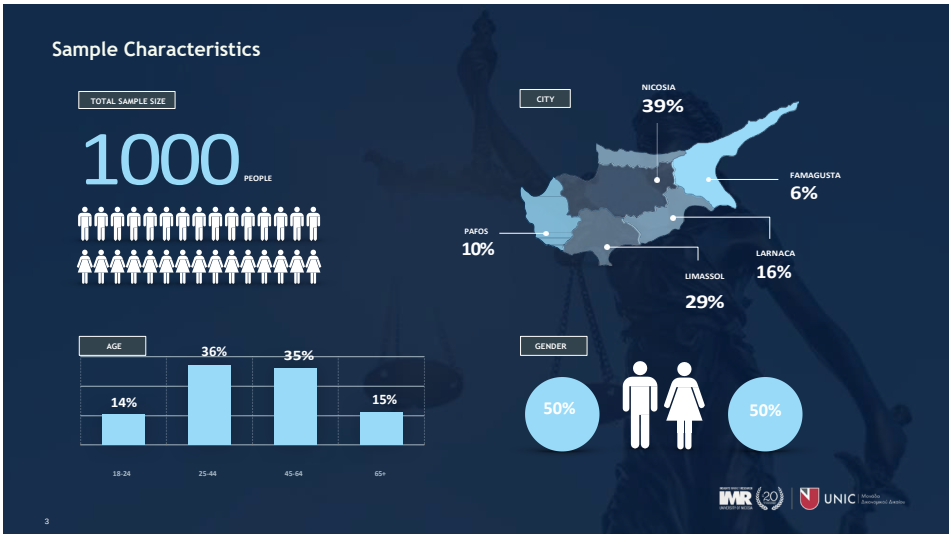
6.1 Survey on the quality of civil justice

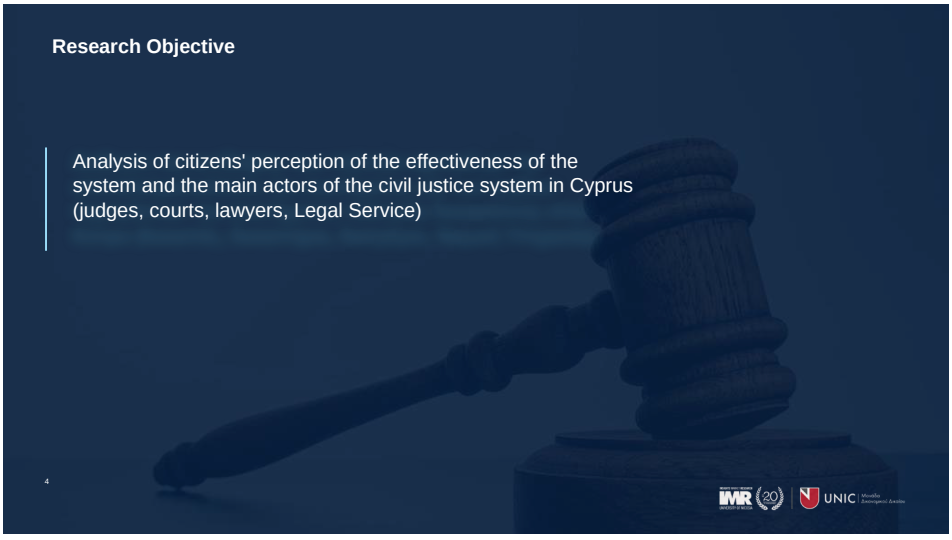
The symposium proceeded with Christina Kokkalou, the founder and CEO of Insights Market Research (IMR), sharing the findings from a survey examining the state of civil justice in Cyprus. The survey revealed 79% feel little or no satisfaction with Cyprus' justice system (75% in 2022). The biggest issue identified was "Corruption – Prevalence of Middleman" at 60% (51% in 2022). In terms of trust, participants rated University Law Schools highest (65%), followed by Judges (46%), Law Office of the Republic (38%), Cyprus Bar Association (35%), Lawyers (32%), Ministry of Justice and Public Order (31%), and the Parliamentary Legal Committee (28%).

Restoring Citizens' Confidence in the Justice System Will Be Challenging





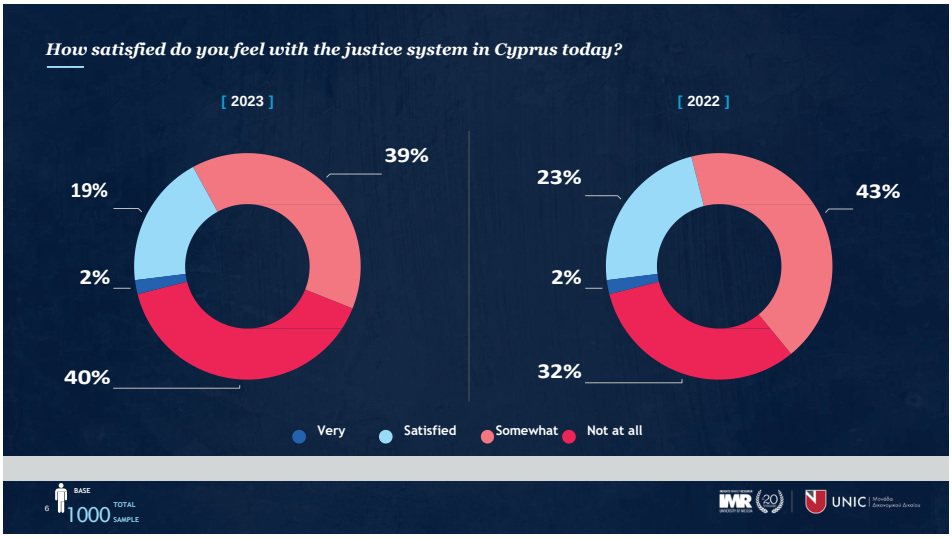

Sample Characteristics
TOTAL SAMPLE SIZE
1000
PEOPLE
CITY
NICOSIA
39%
FAMAGUSTA
6%
PAFOS
10%
LARNACA
16%
LIMASSOL
29%
AGE
36%
35%
14%
15%
18-24
25-44
45-64
65+
GENDER
50%
50%
3


Research Objective
Analysis of citizens' perception of the effectiveness of the system and the main actors of the civil justice system in Cyprus (judges, courts, lawyers, Legal Service)
4

Surveys indicate that the perception of entrenched corruption within the judiciary has become widespread and trust in almost all related institutions has eroded.

The path to restoring citizens' trust in Cyprus' justice system appears long and difficult, as most institutions involved are viewed unfavourably by the public.

This is the key finding from a quantitative study on "The Justice System in Cyprus", presented at the 3rd Annual Symposium of the Procedural Law Unit at the University of Nicosia's Law School. The survey, conducted by IMR with a sample of 1,000 people and a 95% confidence level, reveals significant dissatisfaction: 40% (up from 32% in 2022) of participants said they were "Not at all" satisfied with the justice system in Cyprus, while 39% (down from 43%) were "Somewhat" satisfied. Only 2% reported being "Very" satisfied with the system.

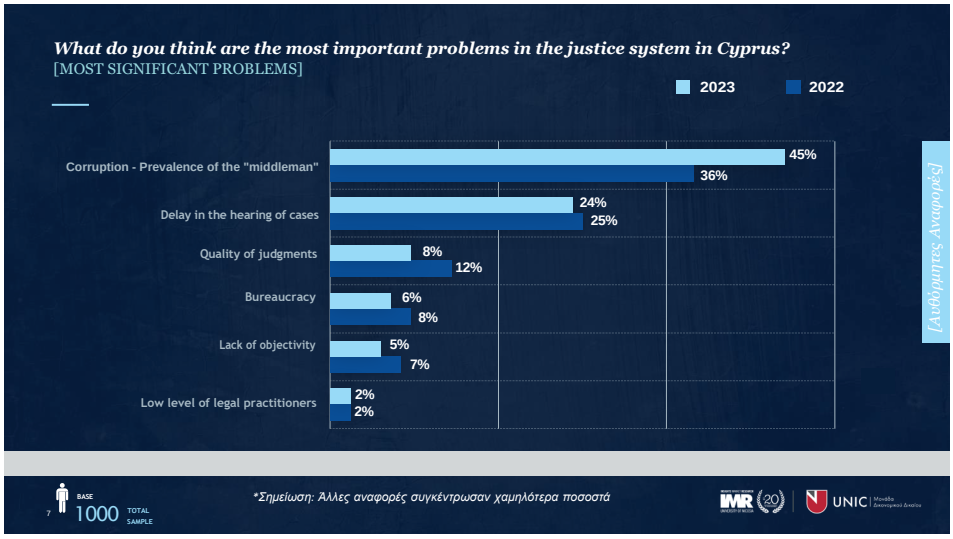


Compared to the corresponding 2022 survey, the perception among citizens that "Corruption-Commonwealth" dominates in Cyprus has strengthened, with 45% now considering it the main problem (up from 36% in 2022). Delays in case adjudication remain a significant issue, cited by 24% of respondents (compared to 25% in 2022), while concerns about the quality of judicial decisions have decreased slightly, with 8% identifying it as a key issue (down from 12% in 2022).

Loss of Citizen Trust

According to the survey's findings, the institutions involved in the justice system are far from earning the trust of the public. University law schools scored the highest, with 65% of respondents expressing positive opinions, followed by judges at 46%, the Legal Service at 38%, the Cyprus Bar Association at 35%, lawyers at 32%, the Ministry of Justice at 31% and the Parliament's Legal Committee at 28%. Survey participants expressed particular concern over the quality of judicial decisions, with 69% stating "Somewhat" or "Not at all" satisfied.

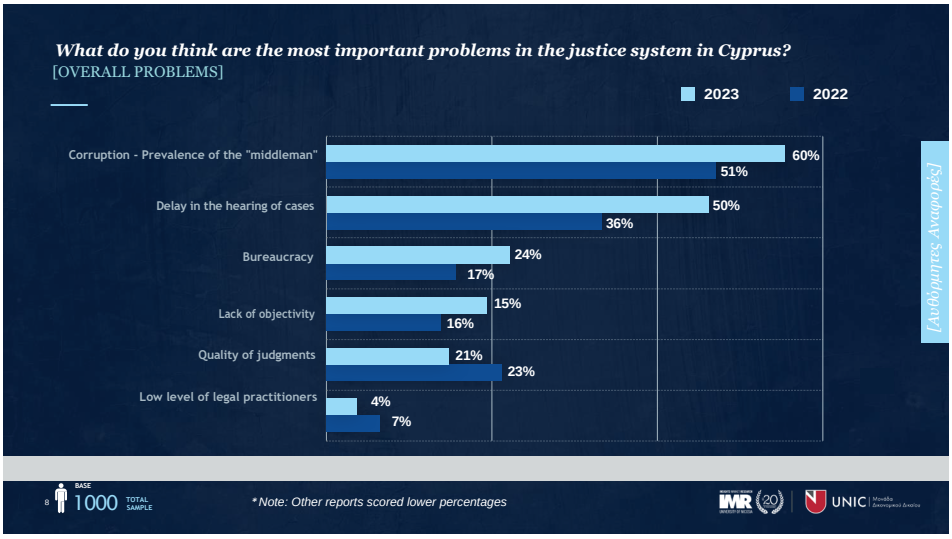
Moreover, the survey revealed a lack of public awareness about recent reforms. Only 18% of participants were aware of the new civil procedure rules that came into effect, while only 32% knew about the Backlog project. On the other hand, more respondents (57%) were informed about broader judicial reforms, such as the establishment of the Secondary Court of Appeal, the Supreme Constitutional Court, the Commercial Court and the Maritime Court.

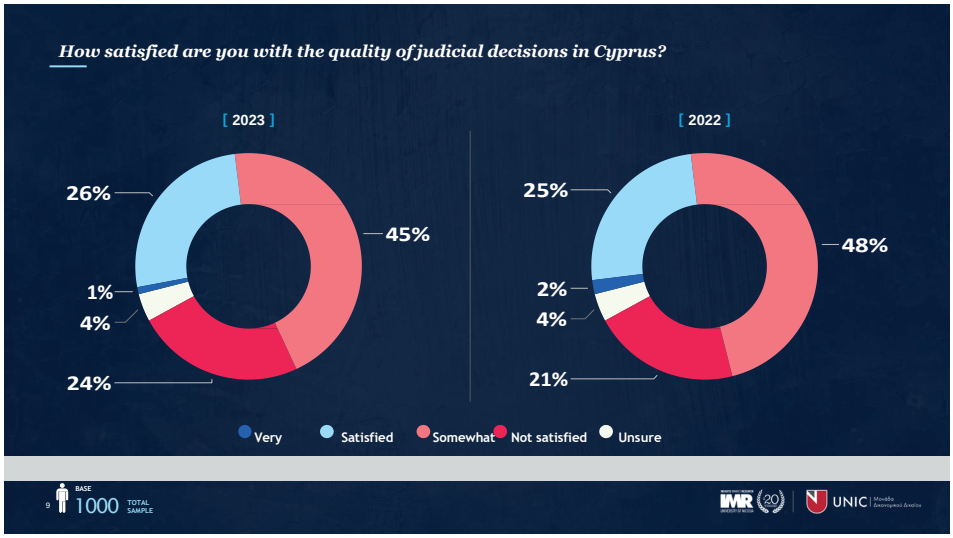


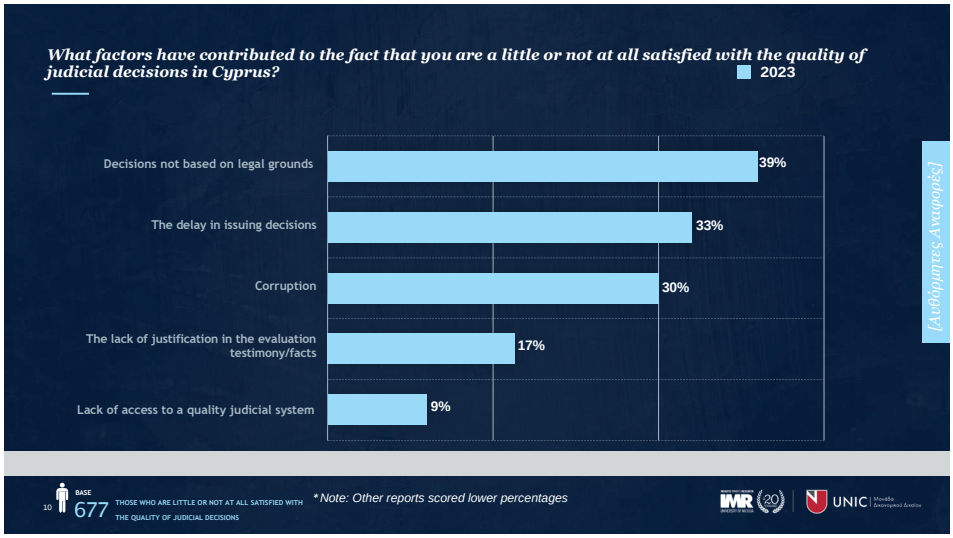
Other Key Findings

While a slim majority (52%) reported being satisfied with the quality of legal services they received, 65% expressed dissatisfaction with the associated fees.

Additional findings from the survey relate to the selection and promotion processes of judges, with 36% of the respondents stating that there is no transparency in these processes. Furthermore, 66% of the participants believe a mechanism is needed to oversee the decisions of the Attorney General.







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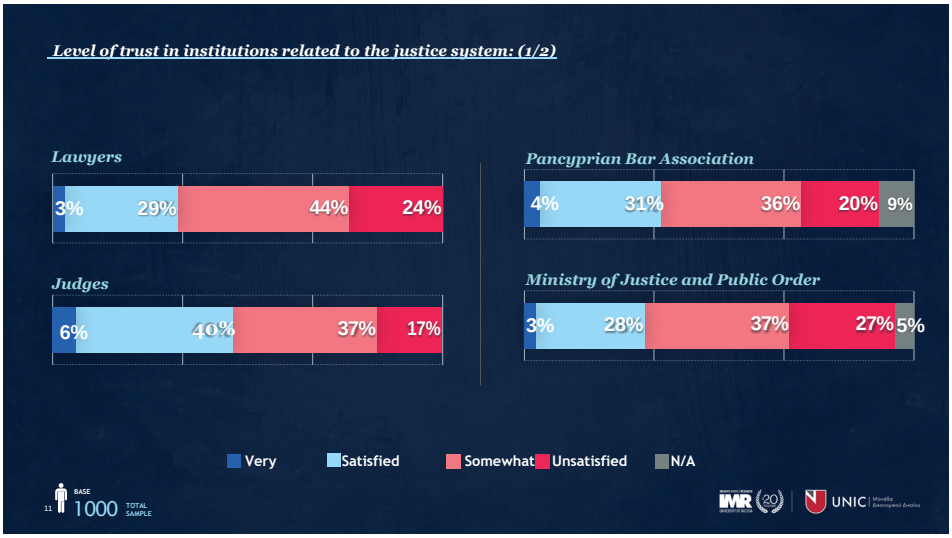
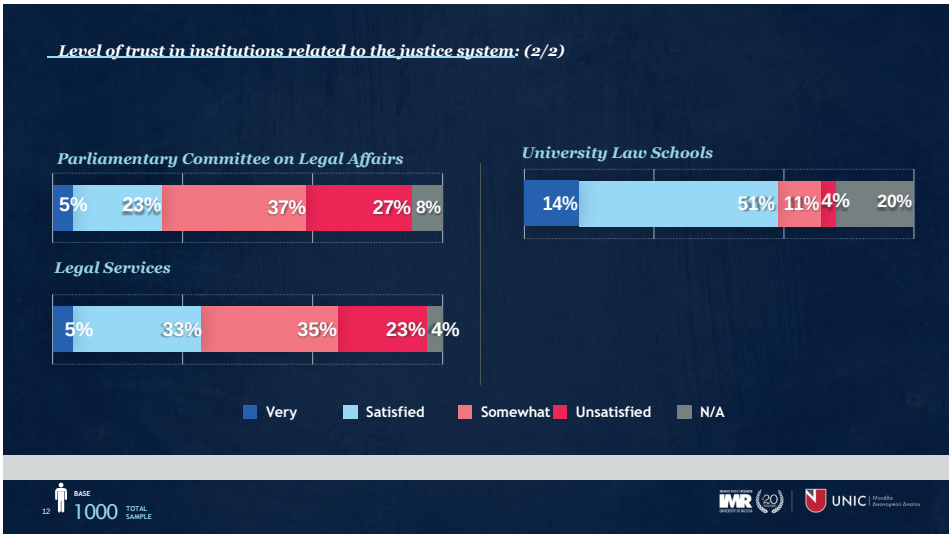
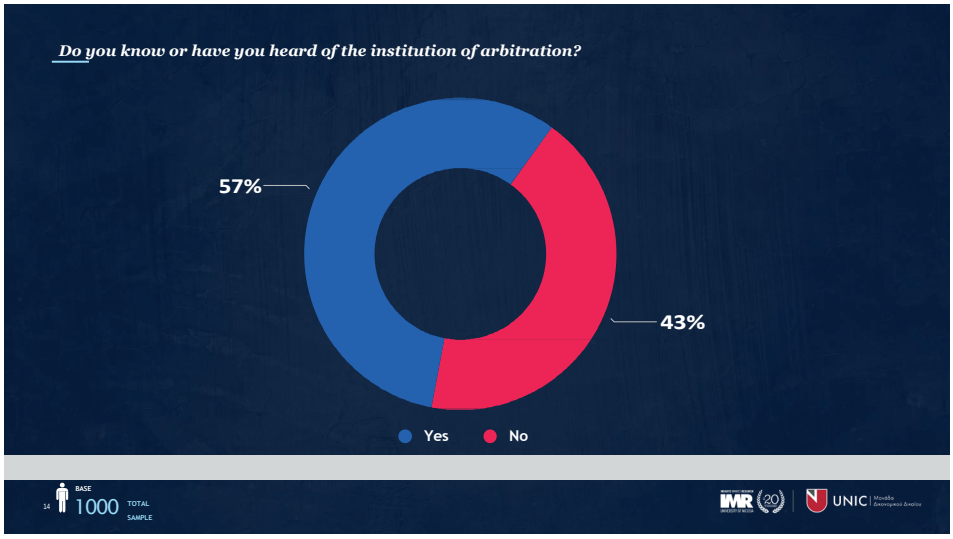
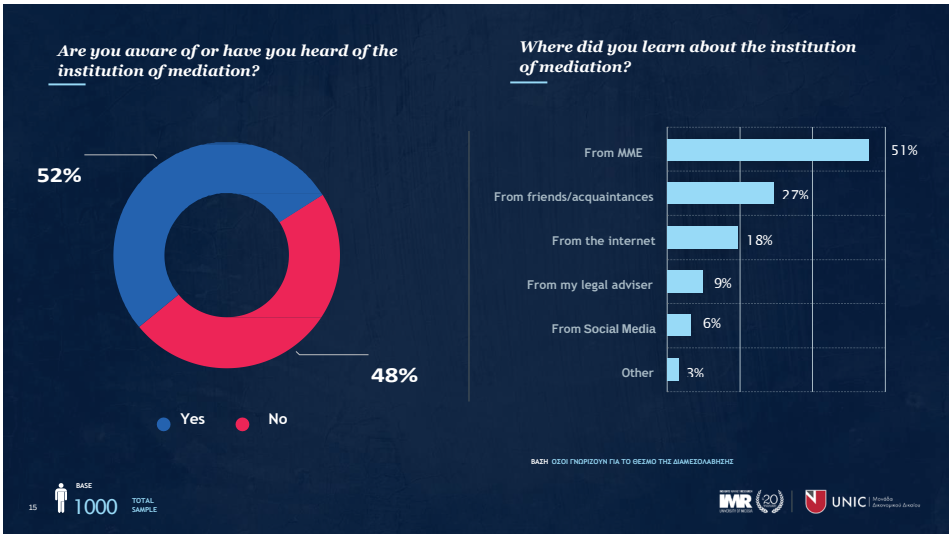
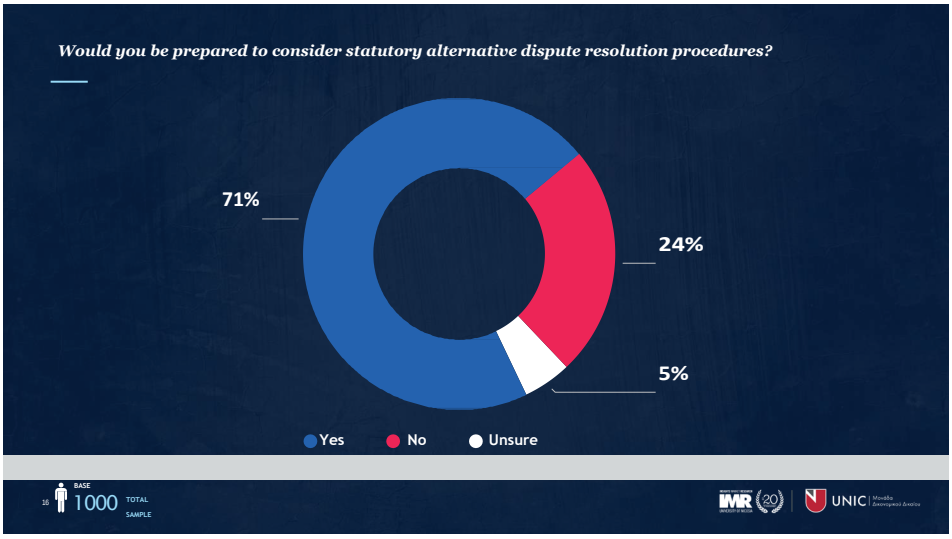

Level of trust in institutions related to the justice system: (1/2)
Lawyers
3%
29%
44%
24%
Pancyprian Bar Association
4%
31%
36%
20%
9%
Judges
6%
40%
37%
17%
Ministry of Justice and Public Order
3%
28%
37%
27%
5%
Very
Satisfied
Somewhat
Unsatisfied
N/A
11
BASE
1000
TOTAL SAMPLE

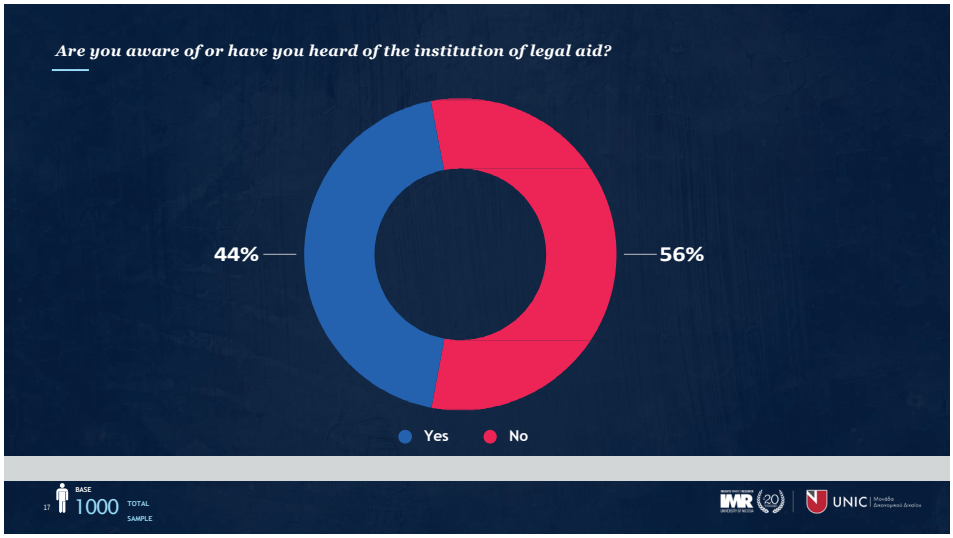

Level of trust in institutions related to the justice system: (2/2)
Parliamentary Committee on Legal Affairs
5%
23%
37%
27%
8%
University Law Schools
14%
51%
11%
4%
20%
Legal Services
5%
33%
35%
23%
4%
Very
Satisfied
Somewhat
Unsatisfied
N/A
12
BASE
1000
TOTAL SAMPLE

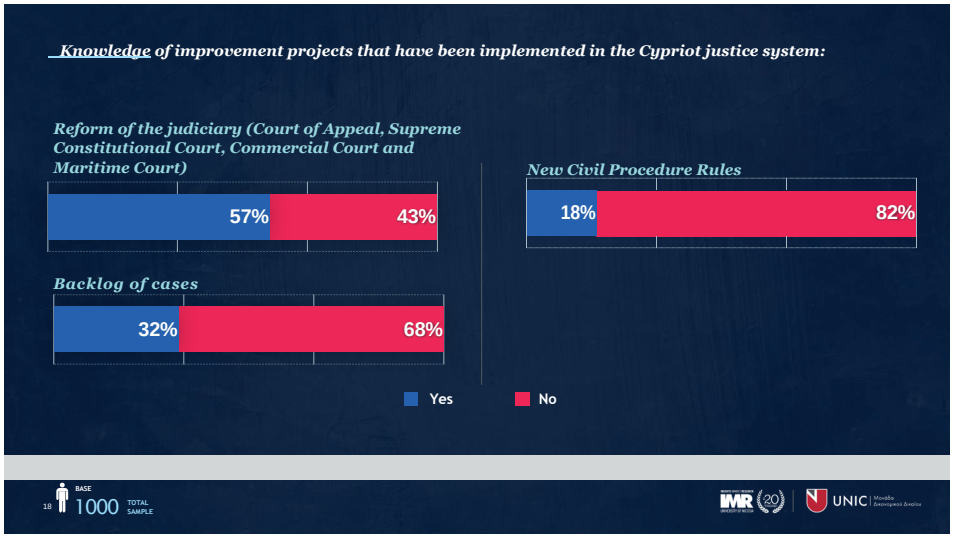

SECTION B:
DEGREE OF KNOWLEDGE
ON LEGAL ISSUES
UNIVERSITY of NICOSIA


Do you know or have you heard of the institution of arbitration?
57%
43%
Yes
No
14
BASE
1000
TOTAL
SAMPLE
UNIC

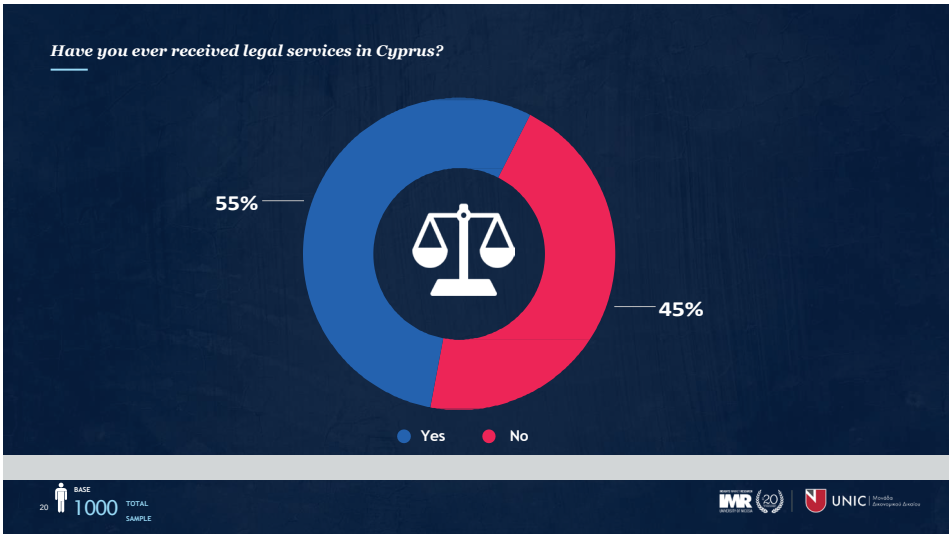

Are you aware of or have you heard of the institution of mediation?
52%
48%
Yes
No
Where did you learn about the institution of mediation?
From MME
51%
From friends/acquaintances
27%
From the internet
18%
From my legal adviser
9%
From Social Media
6%
Other
3%
ΒΑΣΗ ΟΣΟΙ ΓΝΩΡΙΖΟΥΝ ΓΙΑ ΤΟ ΘΕΣΜΟ ΤΗΣ ΔΙΑΜΕΣΟΛΑΒΗΣΗΣ
15
BASE
1000
TOTAL SAMPLE
UNIC

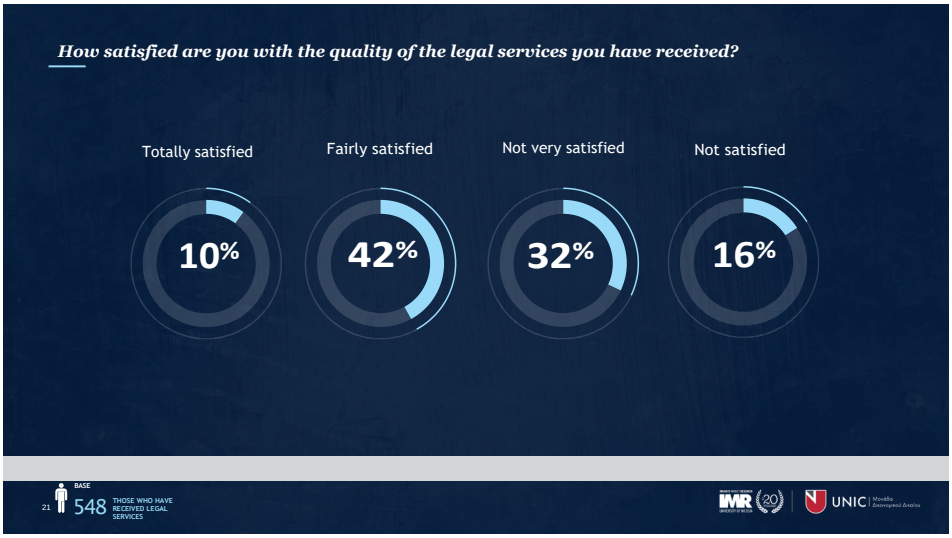

Would you be prepared to consider statutory alternative dispute resolution procedures?
71%
24%
5%
Yes
No
Unsure
16
BASE
1000
TOTAL SAMPLE
UNIC

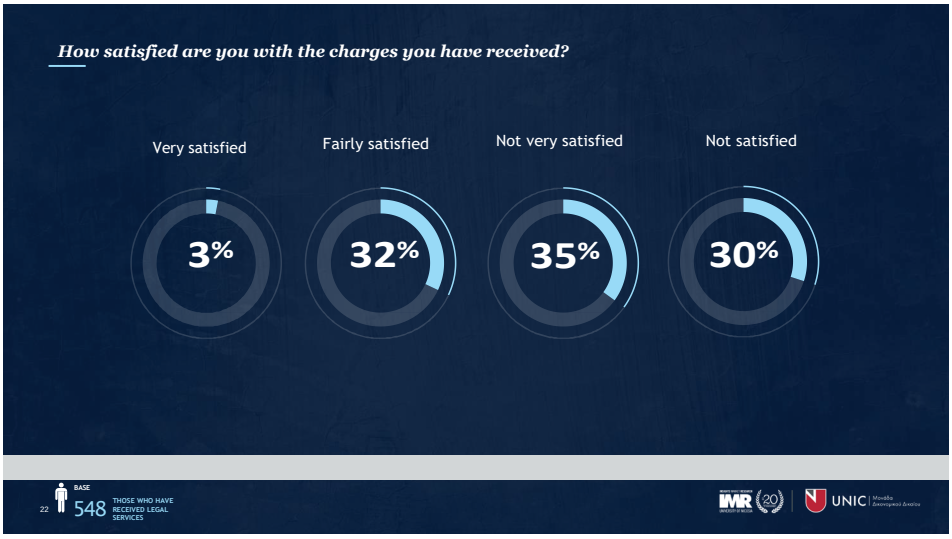

Are you aware of or have you heard of the institution of legal aid?
44%
56%
Yes
No
17
BASE
1000
TOTAL SAMPLE
IMR
UNIC

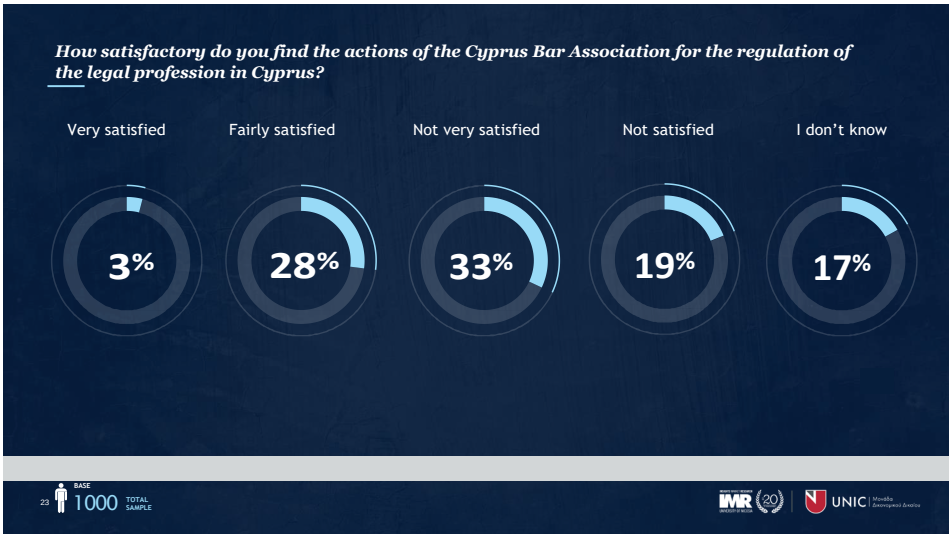

Knowledge of improvement projects that have been implemented in the Cypriot justice system:
Reform of the judiciary (Court of Appeal, Supreme Constitutional Court, Commercial Court and Maritime Court)
57%
43%
Backlog of cases
32%
68%
New Civil Procedure Rules
18%
82%
Yes
No
18
BASE
1000
TOTAL SAMPLE
IMR
UNIC

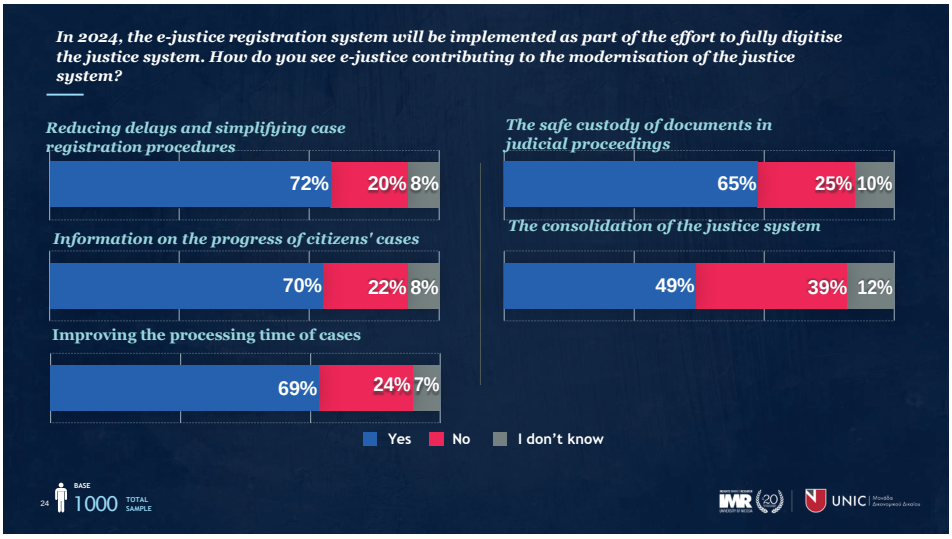

SECTION C:
EVALUATION OF
LEGAL SERVICES
UNIVERSITY of NICOSIA


Have you ever received legal services in Cyprus?
55%
45%
Yes
No
BASE
1000
TOTAL
SAMPLE
UNIC

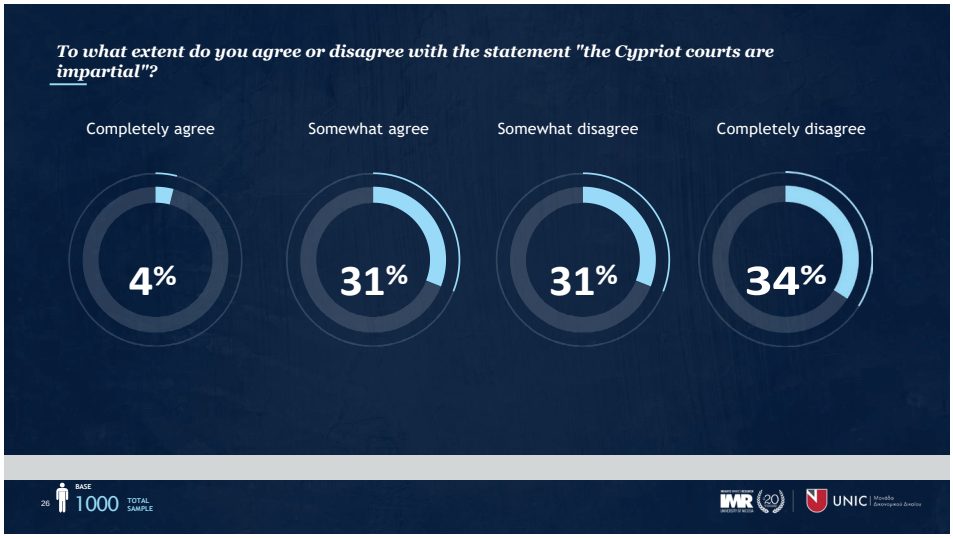

How satisfied are you with the quality of the legal services you have received?
Totally satisfied
10%
Fairly satisfied
42%
Not very satisfied
32%
Not satisfied
16%
21
BASE
548
THOSE WHO HAVE RECEIVED LEGAL SERVICES

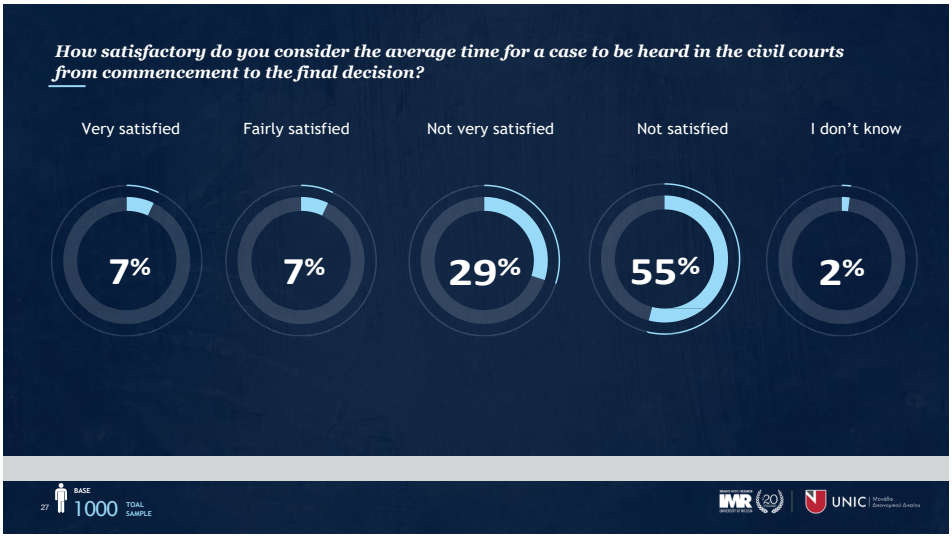

How satisfied are you with the charges you have received?
Very satisfied
3%
Fairly satisfied
32%
Not very satisfied
35%
Not satisfied
30%
22
BASE
548
THOSE WHO HAVE RECEIVED LEGAL SERVICES

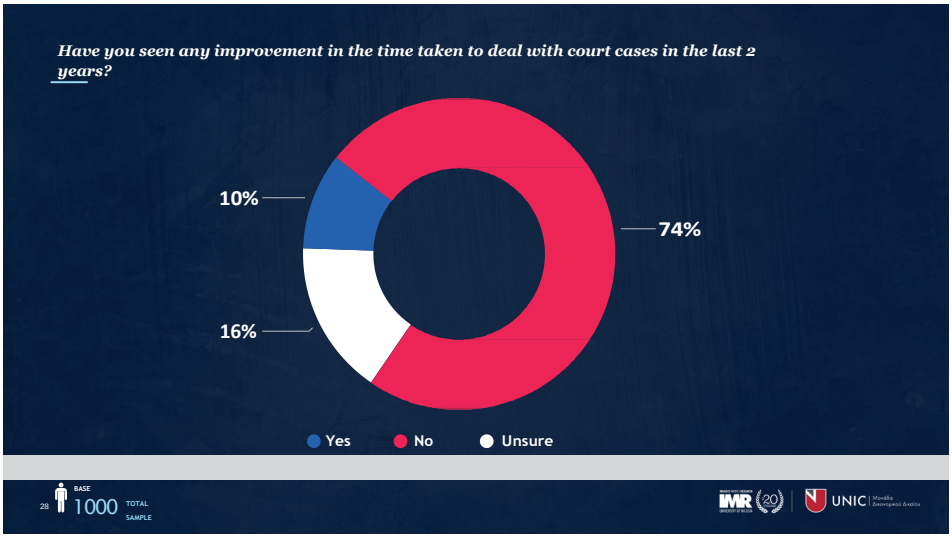

How satisfactory do you find the actions of the Cyprus Bar Association for the regulation of the legal profession in Cyprus?
Very satisfied
Fairly satisfied
Not very satisfied
Not satisfied
I don't know
3%
28%
33%
19%
17%
23
BASE 1000 TOTAL SAMPLE
IMR
UNIC

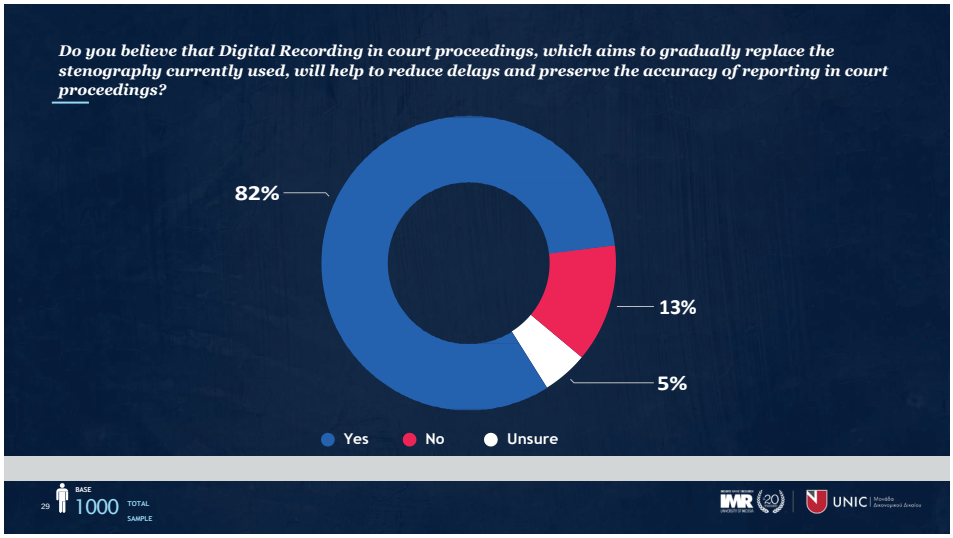

In 2024, the e-justice registration system will be implemented as part of the effort to fully digitise the justice system. How do you see e-justice contributing to the modernisation of the justice system?
Reducing delays and simplifying case registration procedures
72%
20%
8%
Information on the progress of citizens' cases
70%
22%
8%
Improving the processing time of cases
69%
24%
7%
The safe custody of documents in judicial proceedings
65%
25%
10%
The consolidation of the justice system
49%
39%
12%
Yes
No
I don't know
24
BASE 1000 TOTAL SAMPLE
IMR
UNIC

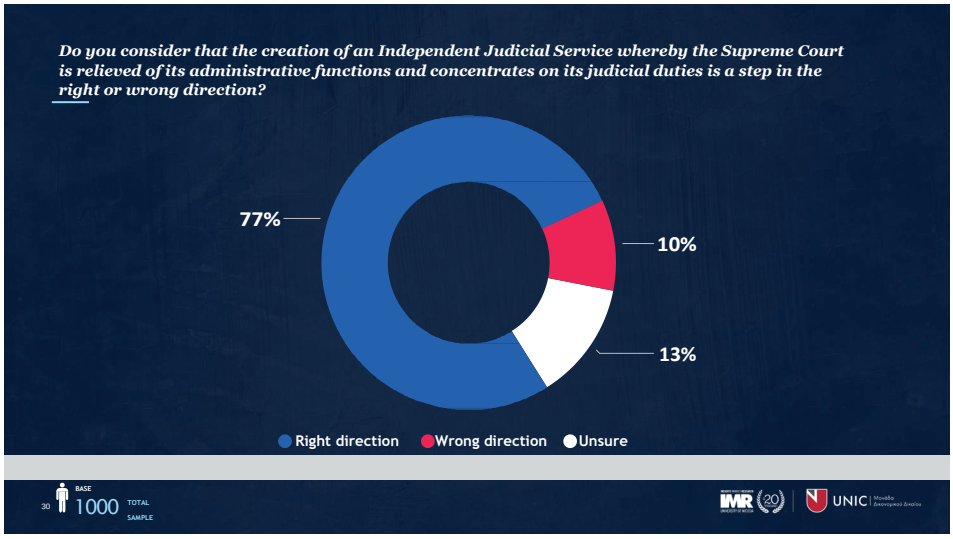

SECTION D:
OVERVIEW OF THE COURTS
UNIVERSITY of NICOSIA

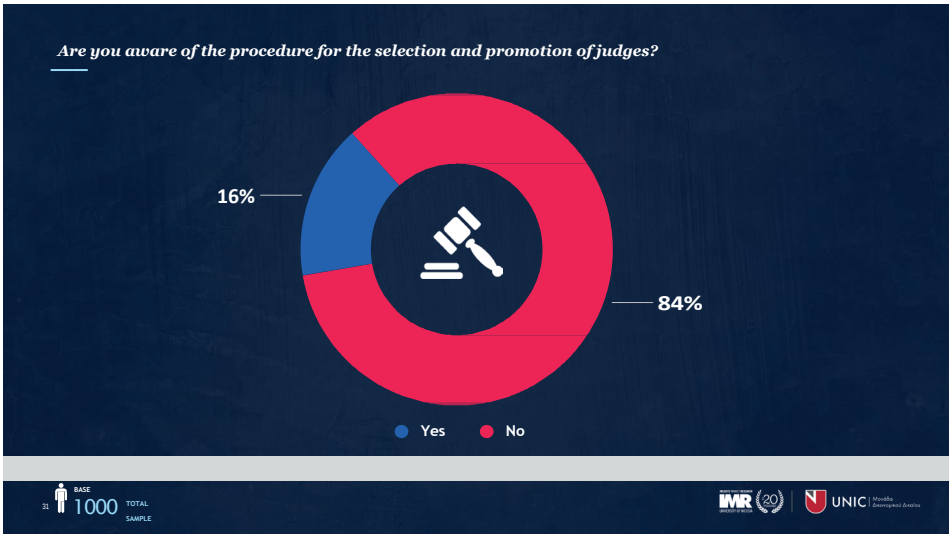

To what extent do you agree or disagree with the statement "the Cypriot courts are impartial"?
Completely agree
4%
Somewhat agree
31%
Somewhat disagree
31%
Completely disagree
34%
BASE
1000
TOTAL SAMPLE
UNIC

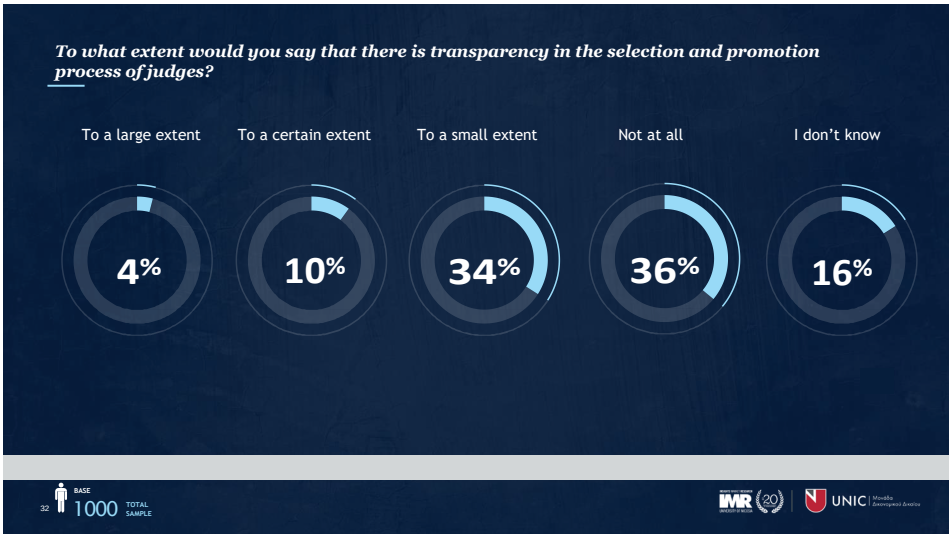

How satisfactory do you consider the average time for a case to be heard in the civil courts from commencement to the final decision?
Very satisfied
Fairly satisfied
Not very satisfied
Not satisfied
I don't know
7%
7%
29%
55%
2%
27
BASE
1000
TOTAL SAMPLE
IMR
UNIC


Have you seen any improvement in the time taken to deal with court cases in the last 2 years?
10%
74%
16%
Yes
No
Unsure
28
BASE
1000
TOTAL SAMPLE
IMR
UNIC

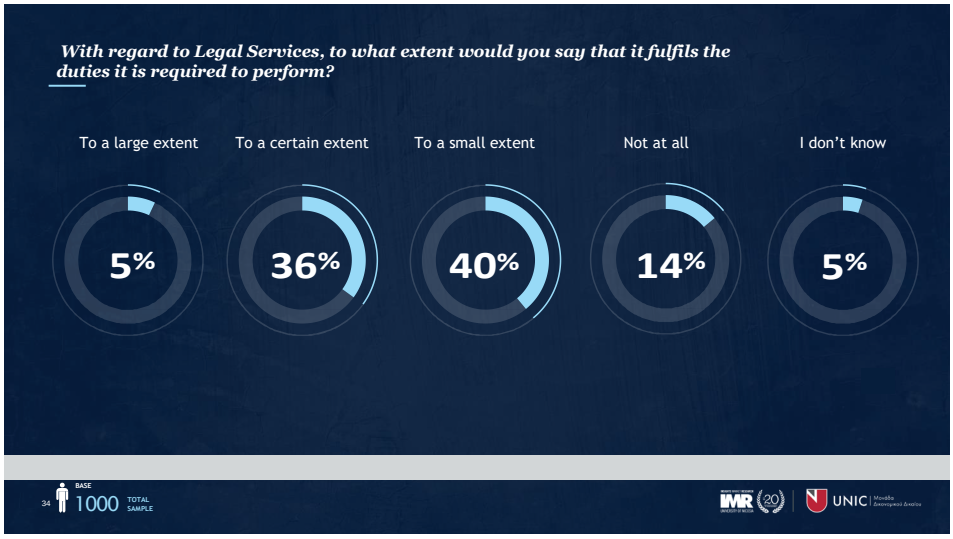

Do you believe that Digital Recording in court proceedings, which aims to gradually replace the stenography currently used, will help to reduce delays and preserve the accuracy of reporting in court proceedings?
82%
13%
5%
Yes
No
Unsure
29
BASE
1000
TOTAL SAMPLE


Do you consider that the creation of an Independent Judicial Service whereby the Supreme Court is relieved of its administrative functions and concentrates on its judicial duties is a step in the right or wrong direction?
77%
10%
13%
Right direction
Wrong direction
Unsure
30
BASE
1000
TOTAL SAMPLE

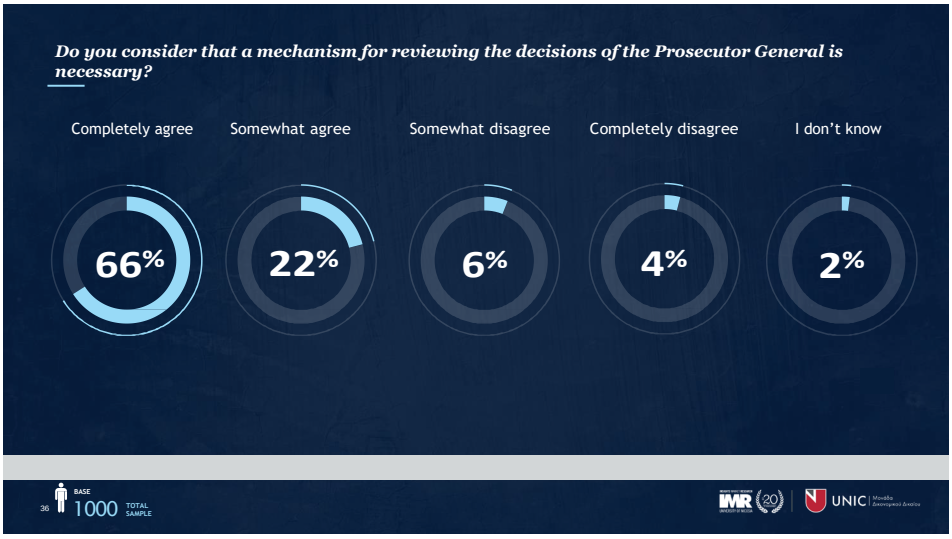

Are you aware of the procedure for the selection and promotion of judges?
16%
84%
Yes
No
31
BASE
1000
TOTAL SAMPLE


To what extent would you say that there is transparency in the selection and promotion process of judges?
To a large extent
To a certain extent
To a small extent
Not at all
I don't know
4%
10%
34%
36%
16%
32
BASE
1000
TOTAL SAMPLE


SECTION E:
OVERVIEW OF
LEGAL SERVICES
UNIVERSITY of NICOSIA


With regard to Legal Services, to what extent would you say that it fulfils the duties it is required to perform?
To a large extent
5%
To a certain extent
36%
To a small extent
40%
Not at all
14%
I don't know
5%
34
BASE
1000
TOTAL SAMPLE
UNIC


Do you consider that the lawyers employed by the Legal Service have the skills to adequately defend the interests of the Republic before the courts?
Completely agree
Somewhat agree
Somewhat disagree
Completely disagree
I don't know
14%
47%
20%
11%
8%
35
BASE
1000
TOTAL SAMPLE
IMR
UNIC


Do you consider that a mechanism for reviewing the decisions of the Prosecutor General is necessary?
Completely agree
Somewhat agree
Somewhat disagree
Completely disagree
I don't know
66%
22%
6%
4%
2%
36
BASE
1000
TOTAL SAMPLE
IMR
UNIC

7 CYPRUS PROCEDURAL LAW AND THE INTERNATIONAL SCENE

7.1 The Evolving Role of Non-Judicial Actors in Civil Procedure

Mr. Voet, Associate Professor from the University of Leuven, commenced by addressing the prevalent issue of judicial backlog, particularly focusing on Belgium. The Court of Appeal of Brussels was cited as a critical concern, with a recent case exemplifying the severe delays—one lawyer's tax case, filed in 2021, was scheduled to be heard in 2040. This delay highlighted significant inefficiencies within the judicial system and drew widespread criticism.

In response to these challenges, several legislative initiatives have been introduced to alleviate the burden on the courts by involving actors who are neither judges nor lawyers. One such initiative is the new law addressing non-contested business-to-business (B2B) disputes. Traditionally, creditors had to go to court to obtain an enforceable title. However, the new law allows creditors to obtain this title through a process server, significantly reducing the backlog in commercial courts.

Mr. Voet also underscored the role of court-appointed experts in Belgium. These experts, who must be independent and impartial, provide technical advice to the court and, in some cases, help resolve disputes. An illustrative example involved a mass case resulting from a gas explosion, where court-appointed experts were engaged to manage and mediate the claims of hundreds of victims. This approach considerably expedited the resolution process.

Mr. Voet emphasised the importance of creativity in resolving court cases, noting that many disputes do not necessarily involve interpreting the law. By involving other actors such as process servers and court-appointed experts, the judicial system can operate more efficiently and effectively.

In conclusion, Mr. Voet illustrated that other actors in the judicial periphery play crucial roles in resolving disputes, complementing the courts' primary function of interpreting the law. These innovative approaches help address longstanding issues within the judicial system, ultimately benefiting all parties involved.

7.2 The European Public Prosecutor's Office positive example for the development of electronic justice

Anne Pantazi – Lamprou described her role at the European Public Prosecutor's Office ("the EPPO") in this panel. She highlighted the accomplishments of the EPPO within a short timespan of two and a half years, since it became operational on June 1, 2021. The discussion focused on the practical application of Regulation (EU) 2017/1939, that led to the establishment of the EPPO, back in November 2017. The Regulation established a system which renders the EPPO a hybrid prosecutorial body, in the sense that prosecution is governed by European Law, but not exclusively so; it is also deeply rooted in the national legal systems of the participating member states. The decision for the initiation, termination and dismissal of criminal investigations falls under the competence and responsibility of the EPPO's central office in Luxembourg, while the actual prosecutorial work, and in particular the filing of indictments and the case trial, practically carried out in the national courts by the European Delegated Prosecutors (EDPs), based on themember state's national criminal prosecution system for each individual case.

The efficiency and success of the EPPO, as the productivity numbers indicate in its Annual Report, is attributed to the good internal organisation of its human resources, as well as to the technology that has been integrated in its processes. An electronic Case Management Systems (CMS) gives the prosecutors – both at the central level in Luxembourg and at the decentralised level at the EDPs' offices, secure access to evidence collected within Member States' territories. Translation is also electronically provided for the various decisions that are uploaded in the CMS.

The European Prosecutor emphasised that the EPPO paradigm exemplifies how the electronic justice, if properly and securely implemented, can yield immediate results and contribute to regaining the citizens' trust.

7.3 The European Judicial Network's contribution to cross-border dispute resolution

Ms. Theano Mavromoustaki, from the Attorney General's office, explained that she would be addressing Cyprus' involvement in the European Judicial Network for civil and commercial cases. Having been engaged with this network since its inception in 2002, she focused on procedural issues pertinent to the meeting.

The EJN aims to facilitate access to courts for citizens, making the judicial process more user-friendly. Each country has contact points to assist citizens with cross-border disputes. By visiting the European Commission's website, citizens can find relevant information and guidance on executing and promoting their claims.

The network addresses regulations concerning the resolution of minor disputes, the European payment order, and account preservation orders. These measures are designed to allow citizens to manage their legal matters from home using a laptop, promoting a more accessible and friendly justice system.

Ms. Mavromoustaki highlighted the abolition of the exequatur process, which previously required the registration and execution of foreign decisions. Initially, the Supreme Court was conservative about recognising foreign decisions, but this change has streamlined the process across Europe.

Despite the long-standing application of these measures, they are not commonly used in Cyprus. This is partly due to the separate judicial regulations of the Supreme Court, which have only recently been integrated into the new civil procedure rules. Data collection from courts, especially in coastal cities like Paphos, indicates that foreigners familiar with this system in their home countries are more likely to use it.

The EJN comprises of justice professionals, including judges, lawyers, and competent authorities such as ministries and decision execution authorities. The network's purpose is to facilitate cross-border dispute resolution by fostering cooperation and mutual understanding among its members.

Annual meetings set the year's goals and address specific issues and reforms. These gatherings enhance cooperation among colleagues from different countries, fostering a strong social element that supports professional collaboration.

Ms. Mavromoustaki noted the network's recent efforts to assist Ukrainians, particularly unaccompanied minors. The network has been mobilised to relax procedures and provide aid, demonstrating its responsiveness to urgent humanitarian needs. Ukrainian representatives are actively participating in these efforts, despite Ukraine not being an EJN member.

In conclusion, the European Judicial Network plays a crucial role in making justice more accessible and user-friendly for citizens across Europe. By fostering cooperation among judicial professionals, the network addresses cross-border disputes effectively and responds promptly to emerging challenges, such as the current situation in Ukraine.

7.4 Examples of legislative changes related to the digitisation of Administrative Justice

Mr Kastanas, discussed the digitisation of administrative justice in Greece, conducted within the framework of the National Institute of Artificial Intelligence, Personal Data, and Digital Government Regulation. He emphasised that this research could significantly benefit Cyprus, given the similarities between Greek and Cypriot law, both of which are based on the French model.

He highlighted that administrative justice involves public administration and authority control, primarily through a written procedure, which is advantageous for transitioning to a technological and digital era. He outlined two main focuses: the digitisation of the process and the future implementation of artificial intelligence in judicial decisions.

In Greece, the digitisation process includes the electronic submission and service of documents and the issuance of certificates. Lawyers are required to have an electronic signature, but adoption has been slow, particularly in rural areas. The administration must submit decisions and documents electronically, which is both environmentally friendly and practical.

A recent law, 5028 of 2023, established the local competence of a judicial telematics office, which is set to pilot next year and be fully operational by 2027. This office will use remote connection technology, allowing litigants and assignees to participate either in person or remotely. The process includes teleconferencing, tele-filing, tele-examination, and more.

Mr Kastanas raised a constitutional question regarding the Greek Constitution's requirement for public consultation in judicial decisions. He expressed a conservative view on interpreting teleconferences as public consultations, noting that the practical implementation and court evaluations are still awaited.

He discussed two tendencies in Greek theory regarding the issuance of judicial decisions through algorithms. One conservative approach argues that algorithms cannot accurately interpret vague legal concepts like equity. The other approach, which Mr Kastanas favours, supports a conservative use of artificial intelligence systems to assist in judicial work. In this model, the AI system would provide conclusions, but the judge would ultimately evaluate the completeness and fairness of these conclusions.

In conclusion, Mr Kastanas highlighted the ongoing efforts and future potential of digital justice in Greece. The integration of digital processes and AI in administrative justice aims to improve efficiency while maintaining fairness and adherence to legal standards. The success of these initiatives will depend on careful implementation and continuous evaluation by the courts.

SHORT BIOGRAPHIES OF SPEAKERS

Julinda Beqiraj

Julinda Beqiraj is a legal expert at the Bingham Centre for the Rule of Law, where she works on promoting the principles of the rule of law and human rights globally. With a strong background in international law, Beqiraj focuses on issues related to access to justice, legal reforms, and the protection of fundamental rights. She has contributed to various research and policy initiatives aimed at strengthening legal frameworks and governance.

Angelos Binis

Angelos Binis is a legal expert at the European Commission, specialising in digital policy, data protection, and online regulation. With extensive experience in EU law, Binis plays a key role in shaping Europe's digital agenda, including the implementation of laws related to cybersecurity and online platforms. He is an experienced Policy Researcher with a demonstrated history of working in the international affairs industry.

Christos Clerides

Dr Christos Clerides is a distinguished Cypriot lawyer and former President of the Cyprus Bar Association (CBA). He is the head of Phoebus, Christos Clerides & Associates LLC which was originally established by his late father Phoebus Clerides, Baristerat-Law in 1950. In 1977 he got his LL.M specialising in Maritime Law, Carriage of Goods by Sea, Marine Insurance and General Insurance at the University of London, University College. In 1981 he was awarded his Ph.D. at King's College, University of London, specializing in EEC Law.

Achilles Emilianides

Achilles Emilianides is the Dean of the School of Law at the University of Nicosia, as well as a practising advocate. A highly respected legal scholar, Emilianides specialises in international law, human rights, and constitutional law. He has authored numerous publications and contributed to legal reform in Cyprus

and beyond. He is the Editor in Chief of the 'Cyprus and European Law Review' and the Chair of the Royal Commonwealth Society Cyprus Branch.

Agis Georgiadis

Agis Georgiadis is an experienced lawyer based in Cyprus, specialising in commercial, corporate, and real estate law. He is a member of the Bars of Cyprus, England and Wales and a registered practitioner in the DIFC courts. Agis holds a law degree from the University of Leeds, an LLM from LSE, a Postgraduate Diploma on International Mediation and Construction Arbitration from Queen Mary College, a Diploma in Negotiations from the Athens University of Economics and Business and has completed the ICC/CIArb Advanced Arbitration Academy.

Rafaella Hadjikyriakou

Rafaella Hadjikyriakou is a legal expert at the Council of Europe, where she focuses on human rights, digital policy, and online governance. She graduated from UCL with a Master of Laws (Human Rights) in 2015. With a strong background in international law, she works on initiatives aimed at promoting digital rights, privacy, and cybersecurity across Europe.

Ioannis Kastanas

Ioannis Kastanas is a faculty member at the Department of Law at the University of Nicosia. He specialises in European Union law, human rights, and constitutional law. He graduated from the Law School of Athens (EKPA) and has an extensive academic and professional background, combining legal theory with practical experience in various legal fields. His research areas include Canonical Law, Law and Religions, Fundamental Rights and Public Law.

Yiolanti Maou

Yiolanti Maou is a Junior Associate Lawyer. She specialises in commercial, corporate, and dispute resolution law. Yiolanti graduated with her LLB (1st Class Honours) from Queen Mary University of London in 2019 and her Master of Law

from New York University of Law in 2020. She was admitted to the Cyprus Bar in 2021.

Theano Mavromoustaki

Theano Mavromoustaki is a seasoned legal professional at the Attorney General's Office in Cyprus, specialising in public law, criminal law, and legal policy. With extensive experience in the legal field, she advises on a wide range of issues, including government legislation, constitutional matters, and human rights. Mavromoustaki represents Cyprus as a member of research teams on various issues and civil procedure at the EU and Council of Europe.

Anne Pantazi-Lamprou

Anne Pantazi-Lamprou is an experienced European Prosecutor, specialising in cross-border criminal justice and the enforcement of EU law. Pantazi-Lamprou began her career as an EU Law officer at the Attorney General's office from 2002-2011. She served as a District Judge in the Cyprus judiciary, and between 2021 and 2023, she was appointed as a member of Nicosia's Assize Court, before being promoted to Senior District Judge in 2023. She is also an elected member of the Ethics Committee of the EPPO and chairs various working groups. Her work contributes to enhancing the effectiveness of the European Public Prosecutor's Office (EPPO).

Nicos Tornaritis

Nicos Tornaritis is the Chairman of the Committee on Legal Affairs in the House of Representatives of Cyprus. Tornaritis studied Law and Political Science at the National and Kapodistrian University of Athens, graduating in 1988. He has played a significant role in shaping legal reforms, advancing legislative initiatives and improving Cyprus' legal framework and legislative processes.

Alan Uzelac

Alan Uzelac is a professor at the Faculty of Law, University of Zagreb. He is a legal expert, lecturer and scholar in the fields of civil procedural law, organisation of justice and alternative dispute resolution. He is actively engaged in the fields

of legal reforms, legislative drafting and strategic development of civil justice systems. He has extensive experience in international commercial arbitration, in the capacities of administrator, arbitrator and the legal counsel.

Stefan Voet

Stefan Voet is a professor at KU Leuven, specialising in digital law, privacy, and data protection. He is recognised for his research on the intersection of technology and law, focusing on the regulation of online platforms and the protection of fundamental rights in the digital age. Voet has contributed to key discussions and publications on European data protection law, including the General Data Protection Regulation (GDPR).

Michalis Vorkas

Michalis Vorkas is the President of the Cyprus Bar Association, where he leads efforts to promote the rule of law and advocate for the rights and interests of legal professionals in Cyprus. Michael holds a Bachelor of Laws from the National and Kapodistrian University of Athens and a Master of Laws in Shipping Law from Queen Mary University of London.He qualified as an Advocate in 1992.

Louiza Zannettou

Louiza Zannettou is the Law Commissioner of Cyprus, responsible for leading legal reform initiatives and advising on legislative matters. Zannettou studied Law in London and holds an LLB degree from Queen Mary College, University of London. She was called to the Bar and became a Barrister-at-Law, as a member of The Honourable Society of the Middle Temple, London. She worked in Cyprus law firms until 1990 when she was employed by the Law Office of the Republic, as an Attorney of the Republic.

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