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“The Crystal Scales of Justice” Prize

**The European prize for innovative practice
contributing to the quality of criminal justice**

2009 Edition

Application form

For information, please go to the following websites:

● http://ec.europa.eu/justice_home/news
(European Commission, Directorate General for Justice, Freedom and Security)

● www.coe.int/CEPEJ
(European Commission for the Efficiency of Justice/CEPEJ - Council of Europe)

Entry form

**(Please note that this file - without the attachments -
once completed should not exceed 6 pages)**

To be returned to the European Commission or Council of Europe by 1 March 2009	
Crystal Scales of Justice European Commission DG Justice, Freedom and Security Unit E1 B-1049 BRUXELLES E-mail: jls-justiceforum@ec.europa.eu Fax: (32) 22.97.95.88	CEPEJ Secretariat – Crystal Scales of Justice Competition, Directorate General of Human Rights and Legal Affairs, Council of Europe, F -67075 STRASBOURG Cedex Fax: (33) 3.90.21.50.33 E-mail: cepej@coe.int

1. Details of applicant (institution/organisation)

Name: Vrancea County Court/The National Union of Romanian Judges

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2. Represented by

First name/Surname: Adrian Toni Neacsu

Post held: President of the Vrancea County Court / Member of Directorate Council of the National Union of Romanian Judges

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3. Scheme submitted

Title: JURINDEX - case law database

Date of introduction: 10 November 2008

4. Please attach to the entry form, preferably in English or in French or, where this is not possible, in one of the other official languages of the European Union:

a) A description of the scheme

On 10th of November 2008, the Vrancea County Court launched the application JURINDEX (a case-law database), the first Romanian application which enables the users to access the complete jurisprudence of the court, observing the standards regarding the protection of the personal data. All the decisions issued by the Vrancea County Court, between 2006 and 2008, are published on the web-site www.jurisprudenta.org, due to this software programme. The software keeps anonymous the personal data like: name, address, civil law status etc. At this moment, on the web-site are published 12038 decisions, the database being updated on a permanently basis.

The JURINDEX service promotes a totally new view concerning the access to the judgements:

- The availability for the public of all the documents produced by the Judiciary within the justice making process, represents a fundamental instrument for the development of the right to information, a basic principle of democracy;
- The citizens are entitled to access freely and easily the judgements issued by a court so that they shall not be surprised and they shall be able to exercise their rights before a court accordingly with the court jurisprudence;
- The access to the decisions must to be realised in a complete manner, without limitations through subjective selection criteria and without interventions upon the original form of the decision passed by the court;
- The jurisprudence means the totality of the judgements issued by a court, each one of them having an equal importance at least for the parties involved, representing in the same time the materialisation of the justice in Romania;
- The fact that the judges within the Vrancea County Court and the judges from other courts have access to the solutions given in various law fields shall lead to the unification of the jurisprudence of the courts.

JURINDEX is meant to answer to the necessities of a modern justice, by making available for the public the complete content of the judicial decisions passed by the Vrancea County Court, in a virtual environment, on the internet. The judicial decisions can be accessed on the web-site www.jurisprudenta.org in the original form as passed by the court.

The decisions selection process, their extraction from the court database, their processing and their publication on the internet is completely automated. Practically, any manual intervention is eliminated, the judges and the auxiliary personnel being released of any activity. All the decisions are electronically made anonymous, any personal information of the parties involved being deleted (accordingly with the Law no. 677/2001), regardless of their role within the case, so that their right to family and private life shall be observed (art.8 of the ECHR). Also, from respect to the right to private life, some specific decisions shall not be included within the database, being unavailable on the internet: the decisions passed in adoption cases, the decisions concerning minors etc.

The web-page of the JURINDEX service has a search engine and a complete index, being possible to search a decision after the law field, the court, the passing date, the procedural stage etc.

b) A description of the effects of the scheme on the workings of the court

1. Free and complete access of the public, the judges, lawyers to all the decisions passed by the Vrancea County Court, once they are available.

Through its character, the judicial decisions on the JURINDEX are not mandatory for the other courts due to the fact that the judicial precedent is not a source of law, but they can be considered

as a model for solving the pending cases. JURINDEX does not impose a special format or solving modality of the cases, but rather makes available for the justice users and for the practitioners-judges, prosecutors, lawyers, legal advisers - a working instrument which shall enlarge the scope and the practice of the other courts and other practitioners.

2. Making a powerful instrument for the unification of the jurisprudence

The courts are able to access the case-law database in order to realize the unification of the jurisprudence. The access to the judgements passed by the other courts enables a professional exchange of experience which could lead, finally, to the unification of the jurisprudence, the bases of a predictable judicial system.

3. Creation of an instrument able to assure the predictability of the judicial decisions solutions

As well, the access to the jurisprudence enables the parties to foresee the effects of the actions brought before the courts, opening ways for other modalities of solving their judicial issues - e.g. mediation. The predictability of the judicial decisions and the use of the mediation are efficient methods of reducing the caseload of the courts, being in the same time able to increase the quality of the justice by reducing the time during which the cases are solved and improving the judicial solutions.

4. Publishing the decisions, the fight against corruption becomes more efficient.

The publicity of the judgements is an efficient way of fighting against corruption through the pressure exerted upon the actors involved in the process of solving and drawing up decisions. The judges shall be under the public pressure because the decisions must to be clear, with an argumentation in law, to correspond to the judicial logic and to the judicial text. If any of these elements are missing, the judicial decision is without basis and any suspicion shall concern the solution and the judge who passed it. For this reason we think that the publicity of the judicial decision shall lead to better decisions with a better argumentation.

c) Any possible future additions which might improve the results of the scheme

The Vrancea County court already launched the extension phase of the JURINDEX service by inviting all the Romanian courts to join the project and making available for them the technical and logistical capacity for processing and publishing the judgements. The Vrancea County Court intends to develop the system as a national jurisprudence portal which shall be administrated by the courts themselves, which shall make available for the public, for the first time in Romania, freely and in complete form, the decisions passed by the courts of any jurisdiction, being in the same time a powerful documentation instrument for courts and judges, as well as one for the unification of the jurisprudence.

The Vrancea County Court, in partnership and with the support of the Superior Council of Magistracy, carries out a project regarding the extension at national level of the JURINDEX service, to which end, a number of 287 courts shall benefit of the service, a number of 2.000.000 decisions following to be published annually. The construction of a unique public database for all the decisions passed by the Romanian courts shall be a powerful tool for the evaluation of the Judiciary upon the results produced by it.

The target groups of the national extension are:

Judges within all the courts - they shall have a powerful instrument for documentation and in order to identify and access any judicial decision passed in Romania, inclusively their law and factual argumentation;

Lawyers, legal advisers, other persons with activities of judicial assistance and representation - shall have access to any judgement issued in Romania being able to use the information in their actions and argumentations or for the documentation regarding the jurisprudence within a specific court , in a specific field;

Justice users – shall have access to their own judgement, in an electronically way;

The societies with activities in the field of judicial documentation (jurisprudence magazines, legislation and jurisprudence software, web services for jurisprudence) – all the decisions passed by the courts shall be available for processing, using;

The authors of the judicial literature, students, Law Universities – free access to a public jurisprudence database, making easier the undertaking and references to a unique source.

Mass-media – fast and direct access to any judicial decision.

- d) Any documents, press articles, evidence from members of the public etc. relating to the scheme

Statistics site www.jurisprudenta.org

Month	Visits	Displays
November 2008	5.778	46.391
December 2008	1.988	15.749
January 2009	1.550	12.129

Subscribed users on 17.02.2009 - 2025 out of which:

53% - lawyers

24% - judges, prosecutors

12%- students

6% - legal advisers

5% - others

Image website www.jurisprudenta.org



Navigation: Cauta, Autentificare, Extindere, Carte de oaspeti, Jurindex

Deconectare | adi.neacsu | Manual de utilizare

Cautare | Cautare avansata

Data : [---] / [---] / 2008 [?]
 Faza procesuala: [---]
 Materie juridica: Penal
 Obiect dosar: [---]

Cauta

Cautarea a returnat un numar de 760 hotarari

Hotarare	Numar Dosar	Data	Obiect Dosar	Materie Juridica	Stadiu procesual
185	408/275/2008	02/06/2008	revocarea suspendării executării pedepsei sub supraveghere (art.447 C.p.p. și art.86 ind 4 C.p.)	Penal	Apel
66	885/173/2008	05/03/2008	ultraajul (art. 239 C.p.)	Penal	Apel
269	2170/91/2008	07/07/2008	contestație la executare (art.461 C.p.p.)	Penal	Fond

Annex:

1. Feedback from the service users (online guest book)
2. Media articles

5. Does the scheme have the support of the competent public authorities in your country? If so, please give details.

The project launched by the Vrancea County court was welcomed immediately by the professional environment and by the nongovernmental organisations with activities in the field of justice. Also, the Superior Council of Magistracy, the authority which assumed the principle of the complete publishing all the judicial decisions, showed its support in regard to the JURINDEX project.

The Superior Council of Magistracy decided to support this project of publishing all the judicial decisions within a two steps project.

- i. Amendment of the Regulation on the inner order of the courts so that all the judicial decision of a court shall be published on its own web-site in accordance with the providing of the required technical infrastructure.
- ii. Starting the procedures regarding the development of the Jurindex service at national level, in collaboration with the Vrancea County Court.

6. Do you believe the scheme to be usable in other courts in European states? Give your reasons.

The JURINDEX model can be adopted by any other European country which does not have such a service. The complete publishing of the judgements issued by the courts, in their original form and with the observance of the European standards concerning the protection of personal information, can be considered as a general direction of the public policies of e-justice. Another reason for which the system could be adopted by other European countries is that it makes available for any interested person: lawyers, judges, prosecutors, justice users, a very powerful working instrument for the verification and unification of the jurisprudence.

The project is also a practical and efficient instrument for enforcing the EC Directive no.98/2003 on the reuse of the information from the public sector, published in the EU Official Journal no. L345 from 31st of December 2003. The project can be put on line with very limited resources.

I, judge Adrian Toni Neacşu, representing the aforementioned institution/organisation, declare that I am aware of the rules of the competition, with which I undertake to comply.

Done at
On (date)
24.02.2009

Signed



Summary

(Please note that this summary should not exceed 2 pages)

INSTITUTION / ORGANISATION	
NAME	Vrancea County Court / The National Union of Romanian Judges
ADDRESS	8th Cuza Voda Street, Focsani, Vrancea County, 620034 / 10-th Park Traian Street, Oradea, Bihor County, 410033
TELEPHONE NUMBER	(+40) 0237/216000
E-MAIL	tribunalul-vrancea@just.ro
REPRESENTED BY	
FIRST NAME/SURNAME	Adrian Toni Neacsu
POST HELD	<u>JUDGE</u>, President of The Vrancea County Court/Member of Directorate Council of The National Union of Romanian Judges
TELEPHONE NUMBER	(+40) 0721949875 ; (+40) 0749182508
E-MAIL	tribunalul-vrancea@just.ro
SCHEME SUBMITTED	
TITLE	JURINDEX, www.jurisprudenta.org
DATE OF INTRODUCTION	SCHEME : 10 NOVEMBER 2008
	OPERATIONAL : 10 November 2008

DESCRIPTION OF THE SCHEME:

On 10th of November 2008, the Vrancea County Court launched the application JURINDEX (a case-law database), the first Romanian application which enables the users to access the complete jurisprudence of the court, observing the standards regarding the protection of the personal data. All the decisions passed by the Vrancea County Court, between 2006 and 2008, are published on the web-site www.jurisprudenta.org, through this software programme. At this moment, on the web-site are published 12038 decisions, all the decisions issued by the Vrancea County Court during the reference period, the database being updated on a permanently basis.

The webpage of the Jurindex service has a complex search and indexing engine, the judicial decision being available for search after a law field, court, passing date, procedural stage etc..

EFFECTS ON THE WORKING OF THE COURT:

1. Free and complete access of the public, the judges, lawyers to all the decisions passed by the Vrancea County Court, once they are available.
2. Making a powerful instrument for the unification of the jurisprudence.
3. Creation of an instrument able to assure the predictability of the solutions within the judgements.

4. Publishing the decisions, the fight against corruption becomes more efficient.

FUTURE ADDITIONS TO IMPROVE THE RESULTS:

The Vrancea County Court, in partnership and with the support of the Superior Council of Magistracy, carries out a project regarding the extension at national level of the JURINDEX service, to which end, a number of 287 courts shall benefit of the service, a number of 2.000.000 decisions following to be published annually. The construction of a unique public database for all the decisions passed by the Romanian courts shall be a powerful tool for the evaluation of the Judiciary upon the results it produces.

PUBLIC AUTHORITY SUPPORT:

The Superior Council of Magistracy decided to support this project of publishing all the judicial decisions within a two steps project.

- i. Amendment of the Regulation on the inner order of the courts so that all the judicial decisions of a court shall be published on its own web-site in accordance with the providing of the required technical infrastructure.
- ii. Starting the procedures in order to develop the Jurindex service at national level, in collaboration with the Vrancea County Court.

POSSIBLE APPLICATION IN OTHER EUROPEAN COUNTRIES:

The JURINDEX model can be adopted by any other European country which does not have such a service. The complete publishing of the judicial decisions passed by the courts, in their original form and with the observance of the European standards concerning the protection of personal information, can be considered as a general direction of the public policies of e-justice. Another reason for which the system could be adopted by other European countries is that it makes available for any interested person: lawyers, judges, prosecutors, justice users, a very powerful working instrument for the verification and unification of the jurisprudence.

The project is also a practical and efficient instrument for enforcing the EC Directive no.98/2003 on the reuse of the information from the public sector, published in the EU Official Journal no. L345 from 31st of December 2003.

ATTACHMENTS:

1. Feedback of the users (online guest book)
2. Media articles