

SPECIALISATION OF JUDGES and feasibility of creating administrative courts in the Republic of Moldova



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Study on specialisation of judges and feasibility of creating administrative courts in the Republic of Moldova

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Executive Summary

The study on specialisation of judges and feasibility of creating administrative courts in the Republic of Moldova was produced within the project of the Legal Resources Centre from Moldova (LRCM) – “LRCM contribution to the implementation of the Justice Sector Reform Strategy: Pillars I and II”. The project included two additional studies: the study on optimisation of the judicial map in the Republic of Moldova and the study on optimisation of the structure of the prosecution service and of the number of prosecutors in the Republic of Moldova. The project was funded by the US Embassy to Moldova within the program to assist in the implementation of the Justice Sector Reform Strategy (JSRS) for 2011-2016, approved by the Moldovan Parliament on 25 November 2011, and the action plan for implementing the SRSJ. The content of the study is the full responsibility of the LRCM.

The study regarding the opportunity of specialisation of judges in specific cases and the study regarding the opportunity of creating a system of administrative courts are provided by JSRS specific intervention area 1.3.3. (p. 1 and p. 5 of the Action Plan).

The study focuses on opportunities for specialization of judges in Moldova, in particular the judges at district courts. It is structured in four main parts. Section 1 provides an outline of best international practices and research recommendations regarding specialisation of judges. It also enumerates the main advantages and disadvantages of specialisation of judges and the various forms this can be achieved. Section 2 of the study describes the context of Moldova, analysing the legal framework and the informal practices of specialisation of judges in the three levels of courts in Moldova. The section also analyses the workload of two specialised courts (economic and military) and the workload of investigative judges. Section 3 of the study presents the results of a survey among judges of Moldova on specialisation of judges. The survey was conducted in 2013 and represents an important part of the study as it is the only source of information regarding the judges’ opinion on specialisation of judges and the various forms this could be implemented. Besides the opinion on specialisation of judges, the survey included questions regarding other possible options for reducing judges’ workload and improving court performance, which are presented for consideration to the stakeholders. Section 4 of the study examines the opportunity of setting up specialised administrative courts from three main perspectives: comparative practices, opinion of Moldovan judges and the workload of courts regarding administrative cases.

Conclusions and recommendations are provided regarding options for specialisation of judges, supplementary means for improving court performance and reducing judges’

workload, as well as regarding the opportunity to implement specialisation of judges in administrative law field.

The study enumerates the advantages and disadvantages of specialising judges and emphasises the link between specialization of judges and the size of courts, as well as the rules regarding assignment of cases and the system of promotion of judges. There is no solid empirical evidence to speak in favour or against of specialisation. The main advantages of specialisation of judges are its potential to contribute to increase the quality of judgments and increase efficiency of courts. The main disadvantages concern the potential of isolating specialist judges from the rest of judiciary and the potential of increased improper external influence on specialist judges if these are separate from the rest of judiciary. However, the ever increasing complexity of law and workload of courts seem to determine more specialisation of judges, a trend that is growing in Europe.

In Moldova, judges at the courts of appeal and Supreme Court of Justice are specialised at least in civil and criminal fields, being part of either civil or criminal panels. Judges at district courts are not specialised and examine all types of cases. On 5 March 2013 the Superior Council of Magistracy approved a list of 62 judges from district courts and courts of appeal that should specialise in the field of examination of cases involving minors (as defendants, victims, witnesses). Investigative judges are not formally considered specialised judges, but *de facto* these judges acted as a separate specialist type of judges, with different specific appointment criteria and no possibility for promotion as common law judges. In 2012 the system of appointing investigative judges was changed and this can be regarded as a field of formal specialisation of judges in Moldova.

The study concludes that specialisation of judges in narrow fields is not appropriate in Moldova, at least not in the current context with many small courts. However, the study recommends specialization of judges in district courts in criminal and civil law fields. This type of specialisation will allow judges to narrow the scope of their daily activity, which should also help increase the quality of decision-making. Such specialisation of district courts judges will also be in line with the practice of judges at courts of appeal and the Supreme Court of Justice. At the same time, specialisation of judges in criminal and civil fields should not preclude changing the fields, including via promotion. Similarly, judges should still go through some training on issues related to both criminal and civil law fields in order to maintain a basic knowledge and skills necessary for all types of judgements. Regarding the means through which such specialisation could be implemented, the study recommends specialisation via setting up specialist panels or informal specialisation of judges. Setting up specialist panels depends on the courts' size. The courts should have minimum 7 judges to be able to have at least two specialist panels per court.

The study recommends promotion of informal specialisation of judges in narrower fields of law, via training and increased sharing of knowledge among judges at the level of each court. The following fields may be considered for narrower specialisation: cases related to family and minors, commercial cases, administrative cases, labour law cases and criminal cases with juveniles. The study also recommends specialisation of judicial assistants, which has a potential to contribute both to improved court performance and increased quality of

judgments. Specialisation of judicial assistants means changing the way of assigning one judicial assistant per judge to assigning judicial assistants per court, focusing in their work on different fields of law, rather than working with a specific judge.

The study recommends several measures that could be implemented by the relevant stake-holders to improve court performance. These measures may include the following: more delegation of routine tasks to court clerks; summoning the parties through e-mail; simplification of the method for drafting court hearing protocols (as a result of audio registering of court hearings); introduction of tougher measures to ensure diligent behaviour of parties and establishment of a uniform practice at the courts of appeal.

The study recommends several measures for reducing the courts' workload by increasing the competence of examining and taking a decision on several issues by administrative agencies (existing or created for this purpose), whose decisions would only be subject to judicial review. In particular, the study recommends changing the competence regarding the following cases/procedures: increase of the number of misdemeanours where the administrative agent could apply administrative sanctions, and the court only to have jurisdiction to consider the appeal against that decision; establishing the facts that have legal value, if the person has all the documents (e.g. the notary to have this function); divorce that involve minors, where there are no disputes between parties (e.g. civil registration office to have the competence on such matters); limiting the number of misdemeanours assigned within the competence of the court (e.g. misdemeanours against minors); granting compensation for illegally bringing to criminal liability (e.g. Ministry of Justice to have competence on such matters); granting compensation for violations of the reasonable time, Law no. 87 (e.g. Ministry of Justice to have competence on such matters); child alimony related cases.

Regarding the system of administrative courts, the study concludes that the current workload does not justify the creation of several administrative courts in the country. At the same time, the creation of one administrative court per country would seriously hamper the access of people to that court. Therefore, the study does not recommend creating a system of administrative courts. However, given the specificity of this field, informal specialization of judges in administrative cases could be promoted via training. If the judicial map is changed and the size of courts increased, in bigger courts specialist administrative panels could be set. In addition, more analysis of the workload of district courts and courts of appeal should be carried out after at least two years after the 2012 reform of civil procedure was implemented, in order to identify the trends and workload of administrative cases. It might be justified to set up specialist panels in courts that have a high number of administrative cases, even if this is not a decision applicable for all courts in the country.

The study is primarily meant for the policy-makers that can decide on specialisation of judges, as well as any legislative changes, if this is necessary. If specialisation of judges is included only within the judiciary with no special courts created, the Superior Council of Magistracy has full competence to decide on methods and implement them. National Institute of Justice is the main stakeholder to decide on training of judges. If specialist panels are created or a decision to create specialised administrative courts is taken, Government and

Parliament should adjust the relevant legal framework. Finally, for closure of commercial district court and military court a decision at legislative level is necessary.

This study should be read together with the study on optimisation of judicial map in the Republic of Moldova, produced by Legal Resources Centre of Moldova in 2014. The latter study includes a more detailed account and analysis of the workload of district and appellate courts, as well as alternative scenarios for merging district courts, aspects which are particularly important for the purposes of this study.

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The study was carried by the LRCM team under the guidance of the international expert Jesper Wittrup. LRCM is grateful to Jesper for his expertise, time and dedication to guide the team through the difficult area of judges' specialisation, advising on the most appropriate methods for carrying out the study and leading the interviews with judges and experts in the field. Jesper guided the team in drafting the questionnaire for judges' survey, analysed the survey results and overseen the drafting of the report. Without Jesper's involvement this study would not have been possible.

We are grateful to all judges that have participated in the survey and provided their opinion on the issues asked in the questionnaire. The survey was a crucial part of this study and we appreciate that 283 judges devoted their time to complete the questionnaire.

We are grateful to CBS-Axa and particularly Vasile Cantarji, who agreed to undertake the survey of judges, organized the data collection and provided us with this invaluable information.

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Methodology

The study combined five main methods: literature review, legal analysis, analysis of data on courts' workload, survey of judges and qualitative individual interviews with judges and experts in the field.

The survey of judges was implemented by CBS-Axa, with the questionnaire provided by the project team. The survey was implemented through the method of self-completion of a questionnaire by the respondent (judges). The study ensured maximum confidentiality of answers: the questionnaire did not include identification data of the respondent. The questionnaires were left with each court in envelopes and judges were asked to fill them in, after which to close and seal the envelopes. The sealed envelopes were then collected by CBS-Axa staff. The questionnaires were filled in during 24 June – 10 July 2013.

The survey included all courts from the country (district courts in Chişinău municipality, district courts, and district courts in Administrative-Territorial Unit of Găgăuzia, specialised courts, courts of appeal and Supreme Court of Justice). A total of 283 judges participated in the survey (210 from district courts; 8 from specialised district courts; 53 from courts of appeal, 9 from Supreme Court of Justice and 3 did not indicate the court).

The response rate was 62,7%. Due to the fact that the response rate varied among different courts, weighting per total number of judges per court was applied in order to give the sample a distribution equal to the actual (real) distribution. The survey is representative for the entire judicial system of Moldova.

When analysing the results of the survey, conventionally all courts were divided in 4 categories: courts with 1-5 judges, courts with 6-7 judges, courts with 8-9 judges and courts with 10 and more judges. For some questions analysis was also done based on experience of judges and level of courts.

The data used in this study regarding the workload of judges and courts for the years of 2010-2012 were collected for the study on optimisation of judicial map in the Republic of Moldova. The data on courts' workload (the number and types of cases dealt with by courts) were collected from the statistical reports elaborated by each court and provided to the Department of Judicial Administration (DJA) of the Ministry of Justice. This data include all cases and activities/materials handled by district courts and courts of appeal¹.

¹ The annual report of the SCM, for example, does not include all categories and therefore could not be used.

The numbers were also verified based on the data from the SCM annual reports. Where differences in numbers between the DJA and the SCM reports were identified, the number from the courts' reports provided to the DJA, as verified and confirmed by the DJA staff, was used.

In order to do the analysis of the workload in a most accurate and fair manner, all types of cases reported by district and appellate courts were divided in three categories by complexity: simple, medium and complex. The complexity would rather reflect the time spent by the judge on the case than the factual or legal complexity of the case. The assignment of the types of cases to different complexity categories was done by the LRCM staff in consultation with judges from different levels of courts and members of the SCM. For more details on data collection and explanations on data collected and used categories of complexity, the study on optimisation of judicial map in the Republic of Moldova should be consulted.

Best practices on specialisation of judges

Specialisation of judges is a subject that can be interpreted from different perspectives and which is decided taking into consideration the opportunities and specific local context. It is strongly linked to the management of the judiciary and takes various forms in various jurisdictions, such as judges specialized in a specific field, specialized divisions/panels in courts, specialized courts. There is no international standard that firmly recommends or disapproves specialisation of judges or the manner of specialization of judges.

Specialisation of judges means different things depending on the context. The Consultative Council of European Judges (CCJE) uses the term “specialist judge” to mean “a judge who deals with limited areas of law (e.g. criminal law, tax law, family law, economic and financial law, intellectual property law, competition law) or who deals with cases concerning particular factual situations in specific areas (e.g. those relating to social, economic or family law)”².

In the CCJE’s questionnaire that was used for drafting the Opinion (2012) No. 15, the following specialisations were identified as examples common in many European countries³: Family courts, Juvenile courts, Administrative courts/councils of state, Immigration/Asylum Courts, Courts of public finances, Military Courts, Tax Courts, Labour/social courts, Courts for agricultural contracts, Consumers’ claims courts, Small claims courts, Courts for wills and inheritances, Patent/copyrights/trademark courts, Commercial courts, Bankruptcy courts, Courts for land disputes, *Cours d’arbitrage*, Serious crimes courts/courts of assize, Courts for the supervision of criminal investigations (e.g. authorising arrest, wire-tapping etc.), Courts for the supervision of criminal enforcement and custody in penitentiaries. European Union law stipulates the creation of specialist chambers or courts in specific legal fields such as Community trademarks⁴ and Community designs⁵.

As it can be seen from the above examples, the practice in Europe regarding specialisation

² Para 5 of the Opinion (2012) No. 15 of the Consultative Council of European Judges on the specialization of judges, adopted at the 13th plenary meeting of the CCJE (Paris, 5-6 November 2012).

³ Footnote 2, Opinion (2012) No. 15, CCJE.

⁴ Community Trade Mark Courts, Art. 90 of the Regulation (EC) No. 40/94 of the Council of 20 December 1993 on Community trademarks.

⁵ Community Design Court, Art. 80 of Regulation (EC) No. 6/2002 of the Council of 12 December 2001 on Community designs.

of judges varies. It includes setting up specialist chambers within existing courts or creating specialised courts. Specialisation of judges may also be done in an informal way, with judges in the court taking a particular interest in certain areas of law in which they eventually become “experts”. Empirical studies have shown that even in countries with a strong belief in the value and desirability of the generalist judge, judges in practice tend to specialize in certain areas. For example, when judges sit together in a panel, certain judges may more often than others write the opinion for specific types of cases⁶.

Lawrence Baum makes 4 distinctions regarding specialisation of judges: long-term and short-term specialisation (judges that are permanently assigned to particular types of cases and judges that are assigned to particular types of cases for specified periods); full-time and part-time specialisation; specialisation by the breadth of cases examined (e.g. a judge that hears only criminal cases has a different degree of specialisation than a judge that hears only domestic violence cases) and specialisation by defendant in criminal cases (e.g. juvenile courts). He emphasises that these distinctions are important since any generalisation about the effects of specialisation apply more accurately to some forms of specialisation than to others.⁷

In this study we use the term “specialisation of judges” to refer both to a formal and informal specialisation of judges.

In its Opinion No. 15, CCJE analysed in detail the possible advantages and disadvantages of specialisation of judges⁸.

CCJE highlighted following potential advantages of specialisation:

- Specialisation of judges can ensure that they have the necessary knowledge and experience in their field of jurisdiction, in particular necessary in the context of constant adoption of new legislation at European, international and national levels, changing case-law and increased complexity of legal doctrine as a whole;
- In-depth knowledge in a certain field of law can improve the quality of the decisions taken by the respective judge and, consequently, enhance the authority of the court;
- It can promote consistency in judicial decisions and consequently legal certainty because cases are concentrated in the hands of a group of specialist judges;
- It can help judges identify solutions better suited for the realities of the examined cases because they repeatedly deal with similar cases and, consequently, gain a better understanding of the respective realities;
- Specialist judges who provide knowledge of a science other than law can foster a multidisciplinary approach to the problems under discussion;
- It may improve the court’s efficiency and case management since judges gain expertise in a certain legal field and can examine these cases more efficiently.

⁶ See Cheng, Edward K. (2008). “The Myth of the Generalist judge”, *Stanford Law Review*, vol. 61.

⁷ Lawrence Baum, *Probing the Effects of Judicial Specialization*, 58 *Duke Law Journal* 1667-1684 (2009)

Available at: <http://scholarship.law.duke.edu/dlj/vol58/iss7/14/>, pp. 1673-1675.

⁸ See para 8-23, Opinion (2012) No. 15, CCJE.

CCJE has also identified the following possible limits and dangers of specialisation:

- Specialisation of judges can lead to a separation of specialist judges from the general body of judges;
- It can hamper the evolution of the case-law in line with society's needs since the same select group of judges always take the decisions in a given field (reproducing previous decisions);
- When the same group of judges take decisions in the same field, they may develop specific concepts unknown to the other legal professionals, which can lead to compartmentalisation of the law and procedure, cutting specialist judges off from legal realities in other fields and, potentially, isolating them from general principles and fundamental rights. This can, in turn, undermine the principle of legal certainty;
- Specialisation of judges is possible only in courts of a sufficient size. Small courts might not be able to set up specialist chambers, hence judges in such courts need to be versatile to be able to address various specialist matters, which would be hampered by excessive specialisation;
- It may negatively affect the public confidence in courts that are not thought to be specialist enough, since specialisation of some judges may give them the impression that they are a special/elite group of judges or give the general public the impression that some judges are “super-judges” or that a court is an exclusive technical body separated from the rest of judiciary;
- Setting up a highly specialist court may have the purpose of the effect of separating judges from the rest of the judiciary and exposing them to pressure from the parties, interest groups or other state powers;
- Specialisation of judges in a select field of law may expose them to a real risk of secret influence and orientation of their decisions, especially as a result of excessive proximity between judges, lawyers and prosecutors (e.g. during joint trainings courses, conferences or meetings);
- Setting up a court specialising in a very restricted field can have the effect of concentrating that specialisation within a single court for the whole country or for one national region, in order to ensure an adequate workload. This may hamper access to courts or create too great a distance between the judge and the litigant;⁹
- Depending on the type of the court and procedures, in some courts the specialist judge that is part of the bench and responsible for providing particular technical or expert advice may express a personal opinion or account of the facts directly to his or her colleagues without such matters being presented to the parties for their submissions (e.g. in a patent court with non-jurist judges having specific technical knowledge);
- Setting up specialist courts in response to public concerns, such as anti-terrorist courts, can result in the public authorities granting them material and human resources unavailable to other courts.

⁹ A similar concern was raised when the competence of the Economic District Court was changed and the court reorganized in Commercial District Court (information note for the draft law, Law on amending certain legislative acts, nr. 29 of 06.03.2012.

CCJE has analysed the possible advantages and disadvantages of specialisation of judges, the general principles and respect for fundamental rights, and concluded that, given the fact that the law has become so complex or specific in some fields, the provision of appropriately qualified judges who are responsible for specific fields is recommended. However, CCJE has stressed the fact that “all judges, whether generalist and specialist, must be expert in the art of judging. Judges have the know-how to analyse and appraise the facts and the law and to take decisions in a wide range of fields. To do this they must have a broad knowledge of legal institutions and principles”¹⁰. CCJE further emphasised the role of the generalist judges that deal with most of the cases submitted to courts, according to the member States’ replies and the expert report prepared for drafting the CCJE Opinion (2012) No. 15. Hence, while recommending specialisation of judges for specific fields, CCJE emphasizes the role and the need of generalist judges. It underscores the importance “for judges to have general training in order to acquire the requisite flexibility and versatility to cope with the needs of a general court, which has to deal with an enormous variety of matters, including those requiring a certain degree of specialisation”¹¹.

While recommending specialisation of judges for specific fields, CCJE emphasises that “specialisation can only be justified if it promotes the administration of justice, i.e. if it proves preferable in order to ensure the quality of both the proceedings and the judicial decisions”¹². If states introduce specialisation of judges, the basic requirements should be met: specialist courts and judges must meet all fair trial requirements set out in art. 6 of the European Convention on Human Rights (*ECHR*); the creation of specialist chambers or courts must be strictly regulated, both generalist and specialist judges must provide the same safeguards and quality; special procedures for specialist courts should be avoided unless they respond to the needs which led to setting up the respective court (e.g. specific rules for examining cases involving children); all courts should enjoy the same conditions in terms of resources¹³. Lastly, CCJE considers that greater mobility and flexibility on the part of judges might help remedy the identified disadvantages of specialisation and judges should be entitled to change court or specialisation in the course of their career, or even move from specialist to generalist duties and vice-versa¹⁴.

As experiences shows, specialisation of judges is a reality that is present, in different forms, in most of the countries. Various studies and legal opinions of specialised bodies acknowledge the fact of specialisation of judges and seem to suggest that it became a reality in particular due to complexity of legislation and the need to adapt to these changes.¹⁵

¹⁰ Para 24, Opinion (2012) No. 15, CCJE.

¹¹ Para 27, Opinion (2012) No. 15, CCJE.

¹² Para 30, Opinion (2012) No. 15, CCJE.

¹³ Para 29-36, Opinion (2012) No. 15, CCJE.

¹⁴ Para 36, Opinion (2012) No. 15, CCJE.

¹⁵ See for example: p. 8 and 28, Opinion (2012) No. 15 of CCJE; A similar conclusion stems from the article - Specialize de Judge, Not the Court: A Lesson from the German Constitutional Court, Sarang Vijay Damle, *Virginia Law Review*, Vol. 91, No. 5 (Sep. 2005), pp. 1267-1311, available at: <http://www.jstor.org/stable/3649438>. The author included a powerful statement of a US federal judge, which we will reproduce here: “Judge Henry Friendly noted shortly after

The debates regarding the benefits of specialisation of judges and the movement towards specialisation of judges in many countries may suggest that specialisation of judges has more beneficial than negative effects on judges' work. However, few empirical studies have been carried out so far and the empirical evidence on the impact of specialisation is limited.¹⁶

Applied to Moldova, the above conclusions and recommendations suggest that there is no firm international or regional recommendation to strictly guide the Moldovan authorities regarding the issue of specialisation of judges. What seems to transpire from the CCJE Opinion No. 15 and the studies undertaken so far is that there is no solid empirical evidence to speak in favour or against of specialisation, but there is a movement in many countries towards some specialisation of judges, while maintaining in parallel generalist judges and courts. It is, therefore, for the relevant Moldovan authorities to decide whether specialisation is needed in Moldova and the degree or the forms of specialisation that should be pursued. To help the authorities in taking this decision we are presenting below the results of a survey carried out a survey among judges on the issue of specialisation of judges. In addition to the survey we have carried out several qualitative interviews with judges from different levels of courts and came to the conclusion that the main need and problematic aspect of specialisation of judges that needs to be decided refers to judges of district courts, since judges at the courts of appeal and Supreme Court of Justice (SCJ) are already specialised by panels in civil and criminal fields.

leaving the practice of law to join the bench: Whereas it was not unreasonable to expect a judge to be truly learned in a body of law that Blackstone compressed into 2400 pages, it is altogether absurd to expect any single judge to vie with an assemblage of law professors in the gamut of subjects, ranging from accounting, administrative law and admiralty to water rights, wills and world law, that may come before his court." (p. 1268-1269. Note: the article refers to the practice of US Court of Appeals for the Federal Circuit, which included generalist judges).

¹⁶ Lawrence Baum, *ibidem*, p. 1680.

Experiences regarding specialisation of judges and/or courts in Moldova

2.1. Specialisation in the three levels of courts

In June 1994, Parliament adopted the Concept Paper for Judicial and Legal Reform, with the goal of both creating a new status and set of functions for the courts and modifying the status of judges. Moldova's 1994 Constitution established the legal foundation for the organization and functioning of the judiciary, with four tiers of courts of general jurisdiction. The projected judicial reform was largely implemented by 1996, after Parliament enacted the necessary enabling legislation. Since 1996, Moldova had a four-tiered system of courts, consisting of district courts, 5 tribunals, one Court of Appeal and the Supreme Court of Justice (SCJ). On November 21, 2002, a constitutional amendment eliminated the third tier of courts (the Court of Appeal of the Republic of Moldova) and renamed tribunals as courts of appeal.

In late 2013, at the time when the study was drafted, the court system of Moldova included 48 district courts (including two specialized courts – military and commercial), 5 courts of appeal and one Supreme Court of Justice (SCJ). As of January 2014, there are 504 authorized judicial positions in Moldova's courts, including 33 at the SCJ.

District courts:

According to the Law on judicial organization, there should be 48 district courts, including two specialized courts (District commercial court and Military court) in the Republic of Moldova. However, four district courts (Grigoriopol, Ribnița, Slobozia and Tiraspol) do not exist *de facto*, because their premises had to be located in the Transnistrian Region of the Republic of Moldova, which is not controlled by the Moldovan constitutional authorities. As of March 2013, there were 358 judge positions allocated for district courts in Moldova (343 for acting courts and 15 positions for the Transnistrian Region of Moldova). Out of the 48 district courts, according to the number of allocated judges per court, there were 29 district courts with less than 7 judges and 10 district courts with less than 5 judges.

Since 1 December 2012, district courts examine all civil and criminal cases¹⁷. Usually, district courts examine cases in a one-judge panel. The most complex cases or cases

¹⁷ By Law no. 66 of 5 April 2012, in force as of 27 October 2012, the Criminal Procedure Code was amended, and by Law no. 155 of 5 July 2012, in force as of 1 December 2012, the Civil Procedure Code was amended. Before these amendments, some criminal and civil cases were examined in first instance by the courts of appeal.

concerning particularly serious crimes are examined by panels of 3 judges. There is no formal specialization of judges in district courts, except for investigative judges (see the below Section 2.4). On 5 March 2013 the Superior Council of Magistracy (SCM) adopted a decision regarding the appointment of judges for specialisation for examining cases involving minors. The respective decision was taken to implement p. 6.3 of Pillar VI of the JSRS, which provides for consolidation of the justice system for children. SCM has asked presidents of each district and appellate court to identify those judges that have more than 5 years of experience and eventually more knowledge in the field of psychology and pedagogy, in order to ensure their specialisation according to the Plan of Action of the JSRS. As a result, the SCM has approved a list of 62 judges (mostly one judge per district court, except a few district courts with two judges and two-three judges per Court of Appeals) that should specialise in the field of examination of cases involving minors (as defendants, victims, witnesses). This specialisation should be realised after pursuing specialisation courses at the National Institute of Justice. This decision does not explain whether these judges will be appointed to examine all cases involving minors in the respective court and how this relates to the system of random assignment of cases. In our interviews with judges from some courts we understood that this is rather an informal specialisation, with only some courts assigning all cases involving minors to the specialised judges.

Courts of appeal:

There are five courts of appeal in Moldova¹⁸ and 97 judge positions in those 5 courts. The largest one is the Court of Appeal of Chisinau, with 49 judge positions, and the smallest ones are Comrat and Cahul Courts of Appeal, with 7 judge positions each. The courts of appeal examine appeals and appeals on a point of law in panels of three judges. There is a tradition to have two specialized sections in courts of appeal, one dealing with civil, administrative and commercial disputes and the other one examining criminal and misdemeanour proceedings¹⁹. The judges are usually assigned to one of the two sections. This is not always the case in the courts of appeal with small number of judges, such as Comrat, where, because of the small number of judges (5 in 2012), for a long period of time, it was impossible to have two separate sections and judges from that court dealt with all types of cases.

Supreme Court of Justice:

Judges of the SCJ work in one of the two sections: criminal section, and the section that examines civil and commercial cases and claims against administrative acts. The greatest part of the SCJ's activities consists of examining appeals on the points of law against the decisions of the courts of appeal. The SCJ examines cases in panels of 3 or 5 judges. At the

¹⁸ Until March 2012, there were six courts of appeal in Republic of Moldova. The Economic Court of Appeal was liquidated by Law no. 29 of 6 March 2012.

¹⁹ In 2013, at the level of the Chişinău Court of Appeal, judges from the criminal sections were also divided in panels created annually to deal with preventive measures. These judges were not dealing with the merits of criminal cases but could deal with misdemeanour cases.

level of the SCJ also exists a panel of 9 judges dealing with complaints against the decisions of the SCM, however, this cannot be regarded as a form of specialization. It is a requirement of the Article 25 of the Law on the SCM, which provides expressly that the complaints against decisions of the CSM should be examined by a panel of 9 judges of the CSJ.

Some judges specialize informally in a domain they prefer. However, this specialization is not easy to follow because of the random assignment of cases. SCJ judges are specialising by more specific fields. This specialisation is not reflected in judges' examination of cases but rather in their participation in drafting explanatory judgments, recommendations and other documents produced by the SCJ, their participation in training of judges, as well as their informal discussions and share of experience with their colleagues on matters of their expertise. We consider the SCJ practice regarding informal specialisation of judges a beneficial one, which could be shared with the courts of appeal and the district courts with a size that allows for at least some specialisation of judges.

2.2. Experience of economic courts

Until 2012, commercial disputes between entrepreneurs were examined by specialized tribunals. Until 1996, these cases were dealt with by "arbitraj", a system of tribunals that formally was not part of the courts system and that was operating under the oversight of the Parliament²⁰. In 1996, the "arbitraj" system was replaced by a system of economic courts composed of one district court, one court of appeal and the economic section of the SCJ, which were already part of the court system²¹. All economic courts had less than 30 judges in total and were located in Chişinău. These courts also had exclusive jurisdiction to deal with insolvency cases, with all valuable actions against the state, as well as with the main disputes concerning the privatization of the state property.

The economic courts were generally perceived by people as the most exposed to corruption. In 2011, the Ministry of Justice prepared a proposal for abolishing the specialized economic and military courts and assignment of the cases from their jurisdiction to the courts of general jurisdiction. On 22 July 2011, the Parliament adopted a law (no. 163) liquidating the military court, as well as district and appeal economic courts, but maintained the Economic Section of the CSJ. This law was declared unconstitutional by the Constitutional Court on 9 February 2012. The Constitutional Court found that the liquidation of specialized courts amounted to an interference with the independence of judges as it was not consistent in its approaches, bearing in mind the Economic Section of the SCJ was not liquidated, and was not based on complex research concerning the efficiency of those courts, studies that should have been carried out with involvement of CSM.²²

On 6 March 2012, the Parliament adopted another law (no. 29) concerning economic courts. It liquidated the Appeal Economic Court and the Economic Section of the CSJ, but kept the District Economic Court. The District Economic Court was renamed District Commercial Court and its material jurisdiction was limited to appeals against arbitration

²⁰ See the Law no. 414, of 18 December 1990.

²¹ See the Law nr. 970, of 27 July 1996.

²² See the Judgement of the Constitutional Court no. 3, of 9 February 2012.

decisions, issuing enforcement warrants for the execution of arbitration decisions, reorganization or dissolution of legal entities and protection of commercial reputation.

The analysis of the workload of the district courts shown that in 2010 the district courts dealt with 10,173 economic/commercial cases,²³ in 2011 - with 11,633 and in 2012 - with 12,887 (see Tables 5-7 in Annex 2 of the study). This represented between 5% in 2010 and 6,6% in 2012 of the total number of cases examined by district courts. In 2011 and 2012, more than 50% of all the examined commercial cases were Category 1 cases, which are simple cases, not requiring significant judge-time²⁴. Out of all commercial cases examined in 2012,²⁵ 7,230 (56 %) were examined by the district courts of general jurisdiction from Chişinău and other 1,303 (10%) by the Commercial District Court. In other words, 2/3 of all commercial cases from Moldova were examined in Chişinău. In other district courts the number of commercial cases is substantially lower, representing less than 10% of the total number of cases per court. This data suggest that in Moldova there is no sufficient workload for several district commercial courts in the country, while creation of one commercial court in Chişinău proved to be unsustainable. On the other hand, in 2012, after the limitation of its material competence, the Commercial District Court had an annual ratio of 130 cases per judge, which was the second lowest workload per court system after the District Military Court. The study on optimization of the judicial map in Moldova produced in 2014 by the Legal Resources Centre from Moldova concluded that the workload of the Commercial District Court is sufficient only for 3 judges, which is below the minimal number of judges per court that would allow an efficient court management. Therefore the study on optimization of the judicial map in Moldova recommended closing the Commercial District Court.

2.3. Military court

Since the declaration of independence in 1991, Moldova always had a district military court. The existence of this court was inherited from soviet era. The Military Court, located in Chişinău, has jurisdiction over criminal cases involving military personnel. In 2010-2012 there were 3 judge positions in this court. In 2012 one position was vacant. Either a single judge or a three-judge panel tries cases.

In 2010, the judges of the Military Court examined in total 72 cases, in 2011 - 58 and in 2012 - 82. The annual workload of this court is the lowest in the Moldovan court system.

²³ The court statistics, following the relevant legislation, registered for 2010 and 2011 economic cases and for 2012 commercial cases.

²⁴ In order to ensure a more accurate assessment of the courts' workload, taking into consideration the different time needed for dealing with different types of cases, all types of cases handled by the Moldovan judges were separated in 3 categories: simple, medium and complex. This division is not based on complexity of the legal issues considered, but on the time that the judge needs to spend on different types of cases. The assignment of the types of cases to different complexity categories was done by the LRCM staff in consultation with judges from different levels of courts and members of the SCM. For details on the categories of complexity see the study on optimization of the judicial map in Moldova, Legal Resources Centre from Moldova, available from March 2014 here: www.crjm.org.

²⁵ The year of 2012 was taken as reference because until 2012 all commercial cases were dealt with by specialized economic courts.

For example, the annual workload of this court is lower than the monthly workload per judge in any of the district courts from Chişinău. The study on optimization of the judicial map in Moldova concluded that the workload of the Military Court is sufficient only for 0,25 judges. Therefore the respective study recommends closing the Military Court.

2.4. Investigative judges

Since 2003, in each district court, except the specialised ones, there is one investigative judge. In 2012 in Buiucani and Rîşcani district courts from Chişinău there were two investigative judges. The investigative judge examines complaints against the criminal investigation bodies, decides upon pre-trial arrest, authorizes search and communication tapping etc. Investigative judges were created as a separate category of judges, with specific admission criteria and appointed as „investigative judges”, not as „judges”. Until 2013, investigative judges were permanently appointed in this position. Due to special requirements put forward to the candidates, the great majority of the investigative judges are former prosecutors or criminal investigators. In 2013 the system of appointment of investigative judges changed. The investigative judges should be appointed by the SCM for a period up to 3 year from the judges of the specific court. In case of unavailability of an investigative judge or for the reason of heavy workload, other judges from the same court can also substitute the investigative judge. These judges should be authorised by the SCM at the beginning of each year.

The workload of investigative judges activity varies across courts (see Tables 8-10 in Annex 2 of the study). The below table presents the result of the analysis for the identification of the optimal workload of investigative judges based on the official statistical data for 2010-2012, as recommended by the study on optimization of the judicial map in Moldova.

District court	Assigned investigative judges per court (2011)	Recommended judge-time for investigating judges related activities
sec. Botanica	1	3.5
sec. Buiucani	2	4.5
sec. Centru	2	7
sec. Ciocana	1	3.5
sec. Rîşcani	2	5.5
mun. Bălţi	1	3.5
Bender	1	0.25
Tiraspol	0	0
Anenii Noi	1	1.5
Basarabeasca	1	1
Briceni	1	0.75
Cahul	1	0.75
Cantemir	1	0.25
Călăraşi	1	0.75
Căuşeni	1	0.25
Ceadir-Lunga	1	0.75

District court	Assigned investigative judges per court (2011)	Recommended judge-time for investigating judges related activities
Cimişlia	1	0.5
Comrat	1	1.5
Criuleni	1	1
Donduşeni	1	0.75
Drochia	1	1
Dubăsari	1	0.5
Edineţ	1	0.75
Făleşti	1	1
Floreşti	1	0.5
Glodeni	1	0.5
Grigoriopol	0	0
Hînceşti	1	1
Ialoveni	1	1.5
Leova	1	0.75
Nisporeni	1	0.5
Ocnîţa	1	0.75
Orhei	1	2
Rezina	1	1.5
Ribniţa	0	0
Rîşcani	1	1.5
Sîngerei	1	1
Slobozia	0	0
Soroca	1	1.5
Străşeni	1	1.5
Şoldăneşti	1	1
Ştefan-Vodă	1	1.5
Taraclia	1	1
Teleneşti	1	1.5
Ungheni	1	1.5
Vulcăneşti	1	0.75
TOTAL	45	62.5

The above table proves that the approach to have a standard approach of one investigative judge per court (except 2 courts that had 2 investigative judges each) does not seem appropriate. All district courts in Chişinău seem to need minimum 3 investigative judges, Orhei district court needs 2 investigative judges and 8 district courts need 1,5 investigative judges (Anenii Noi, Comrat, Ialoveni, Rezina, Rîşcani, Soroca, Străşeni and Ştefan Vodă), all the rest need 1 or less than 1 judge (see Table 11 in Annex 2 of the study). We hope that these results will help the SCM in the process of assigning investigative judges in courts.

In courts with workload for less than one judge, investigative judges can be assigned to deal with other types of cases. In district courts with workload for more than 1 investigative judges, two methods could be applied: (1) one/more judges deal full-time with cases and materials for investigative judges and the rest of the workload is assigned on a part-time basis to another judge, who deals in parallel with other types of cases or (2) two or more judges, depending on the caseload, are assigned as investigative judges, dealing in parallel with other type of cases as well.

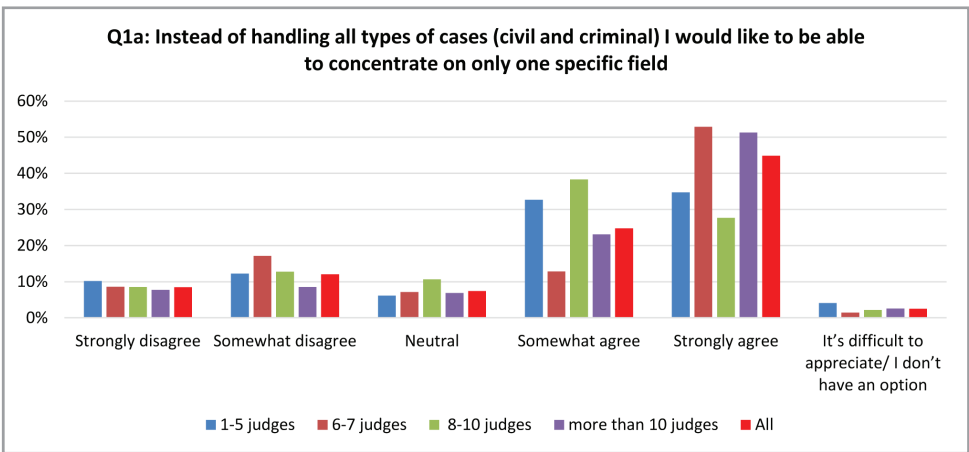
The above data also show that the total number of judges that deal with tasks of investigative judges should increase from current 45 to 62.5 positions. In case of district courts from Chişinău and Bălţi, urgent measures are needed. In some small courts the realities may prove that the workload of investigative judges decreased from 2012.

Survey results and analysis

3.1 General opinion on specialisation

The survey included several questions meant to identify the general opinion among Moldova judges about specialisation. When asked whether instead of handling all types of cases (civil and criminal) a judge would like to be able to concentrate on only one specific field, 20% of respondent judges that responded negatively and 70% agreed. This is a powerful indication that generally judges in Moldova favour specialisation. Judges from bigger courts (more than 10 judges) seem slightly more in favour of specialisation than judges in small courts (1-5 judges), 74% and 67%, respectively, answering in favour of specialisation. More detailed answers to this question are provided below in Figure 1.

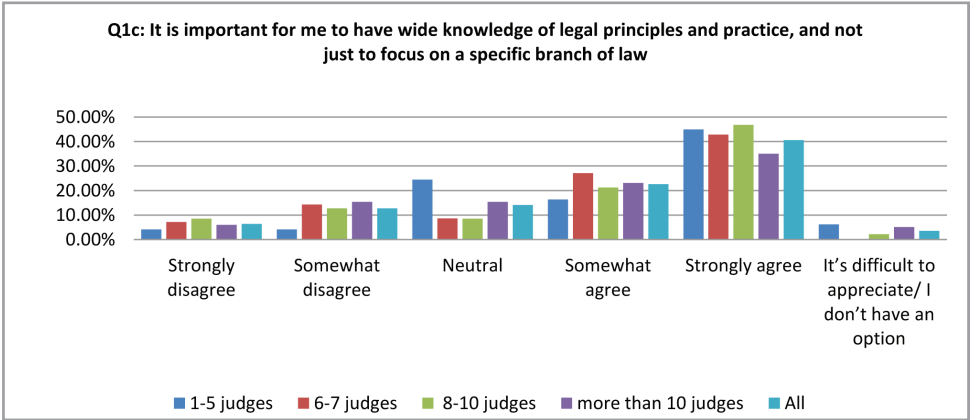
Figure 1: Willingness to be able to concentrate on only one specific field instead of handling all types of cases (civil and criminal)



At the same time, 63% of respondent judges mentioned that it is important for them to have wide knowledge of legal principles and practice, and not just to focus on a specific branch of the law, while 14% were neutral regarding this question and 19% mentioned that this is not important for them. Interestingly, fewer judges from small courts seem to share the view that wide knowledge of legal principles and practice is important to them than judges from bigger courts. Hence, only 8% of respondent judges from courts with 1-5 judges disagreed regarding

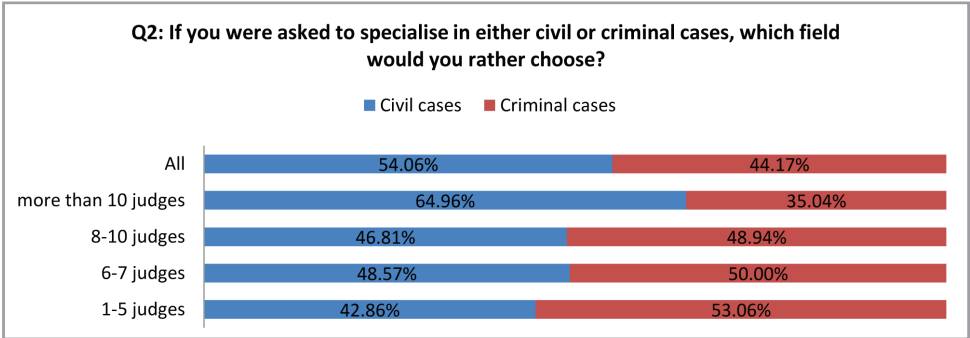
the importance of having wide knowledge rather than just focusing on a specific branch of law, as compared with 21% of judges from each of the other courts (6-7 judges, 8-10 and more than 10 judges). The detailed answers to this question are provided in Figure 2 below.

Figure 2: Importance of wide knowledge of legal principles and practices, not just focus on a specific branch of law



If judges were asked to specialise in either civil or criminal cases, 54% of respondent judges would opt for civil and 44% for criminal cases, with only 2% of judges not providing an answer to this question. These results can be interpreted as showing both the interest and the willingness of judges to opt for one of the two fields: civil or criminal. This quite clear-cut option might be partially explained by the fact that judges at the Court of Appeal and SCJ levels are specialised already in either civil or criminal fields and there is a general support for specialising all judges at least in these two fields. More details results, with numbers per different sizes of courts, are provided in Figure 3 below.

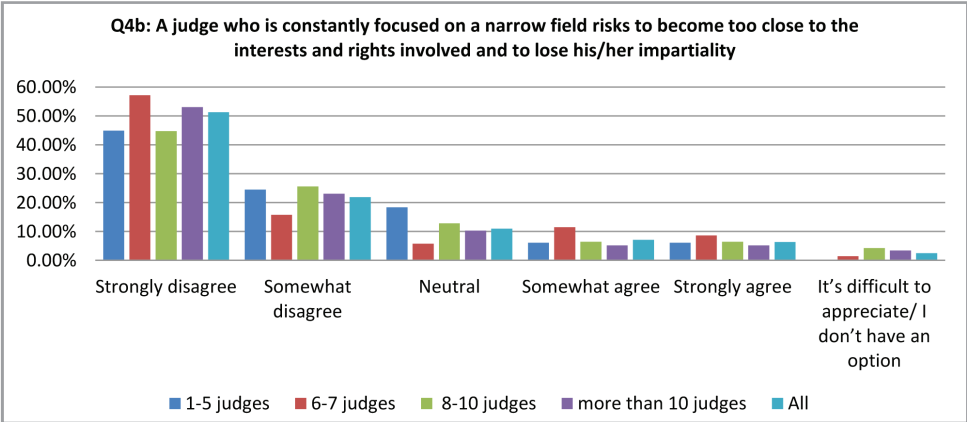
Figure 3: Willingness to specialise in either civil or criminal cases



Respondents' replies regarding the risk of specialised judges to get too close to the parties and lose their impartiality indicate a valid concern for Moldova if narrow specialisation is pursued. Hence, 73% of respondents disagreed that a judge who is constantly focused on a narrow field risks to become too close to the interests and rights involved and to lose his/her impartiality,

with 11% neutral and 13% agreeing. Even if 51% of respondent judges strongly disagreed with this statement, the fact that 13% of respondents agreed that a judge who is constantly focused on a narrow field risks to become too close to the interests and rights involved and to lose his/her impartiality is a cause for concern if narrow specialisation is decided to be pursued. These results indicate that one needs to be careful with regard to how specialisation is implemented. Specialisation in only two fields (criminal and civil) is lively to involve less risks of this kind, than more narrow specialisation. More detailed results are presented in Figure 4 below.

Figure 4: Opinion on potential danger of specialisation – negative impact on impartiality of judges

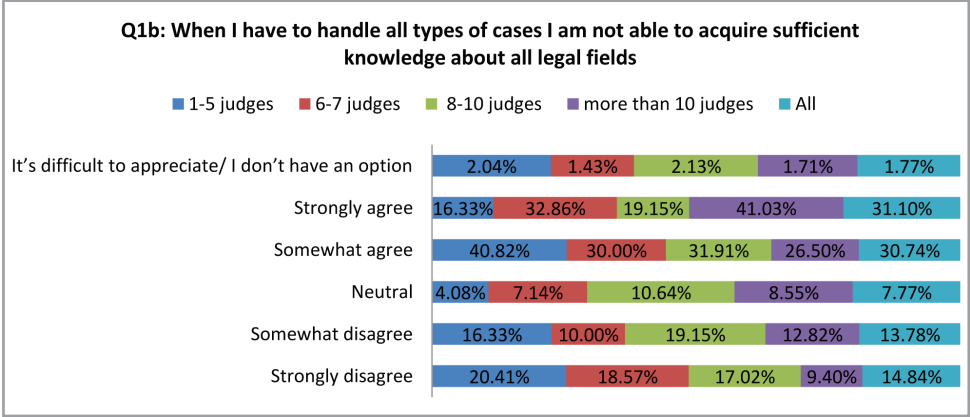


Based on the above results, one can conclude that generally the majority of judges in Moldova are in favour of specialisation of judges, but also with maintaining wide knowledge of legal principles and practice. If judges were asked to specialise in either civil or criminal cases, judges chose one of the two fields quite evenly, which can be interpreted as an indicator of both willingness and feasibility of specialising judges in only civil and criminal fields. There is also a shared opinion among judges about the potential negative impact of specialisation of judges on impartiality of judges if a judge or group of judges constantly focuses on a narrow field. This can be interpreted as an indicator against narrow specialisation and/or in favour of a flexible approach to specialisation, which would encourage judges to change their fields at certain periods of time, rather than a permanent specialisation.

3.2 Opinion on potential benefits and risks of specialisation

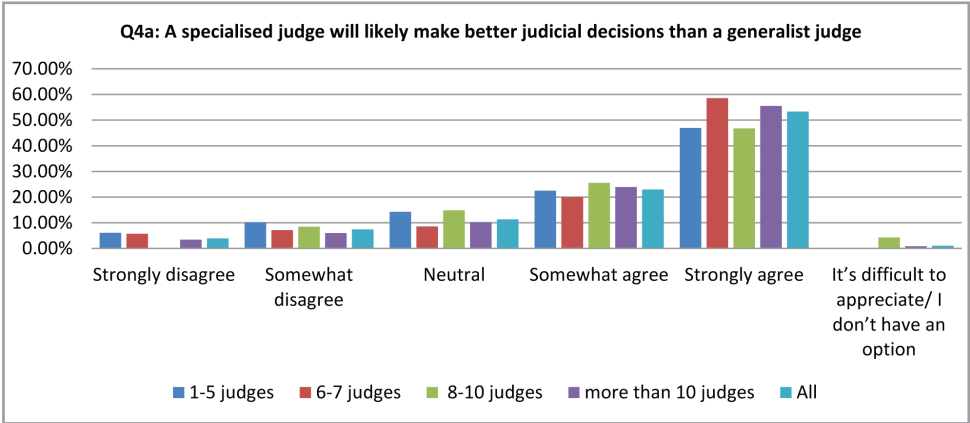
The survey asked judges several questions meant to identify the benefits of specialisation, as perceived by judges. Out of all respondent judges, 60% think that they are not able to acquire sufficient knowledge about all legal fields when they have to handle all types of cases, while 29% disagree with this statement. Consistent with the answer regarding the general willingness to specialise, judges from smaller courts seem less inclined to agree with the statement that when handling all types of cases they are not able to acquire sufficient knowledge about all legal fields (37% of respondent judges from courts with 1-5 judges disagree with this statement as compared with 22% of judges from courts with more than 10 judges). The detailed answers to this question are provided in Figure 5 below.

Figure 5: Opinion regarding benefits of specialisation from the perspective of acquiring sufficient knowledge



It seems that there is a shared opinion among most of the respondent judges that specialisation may contribute to better judicial decisions. Hence, 76% of respondent judges think that a specialised judge will likely make better judicial decisions than a generalist judge, with 11% disagreeing and 11% neutral. More detailed answers are provided in Figure 6 below. Judges from smaller courts seem less likely to agree with this benefit than judges from bigger courts (69% of judges of courts of 1-5 judges agreed, as compared with 79% of judges from courts with 10 and more judges).

Figure 6: Opinion on specialised versus generalist judge

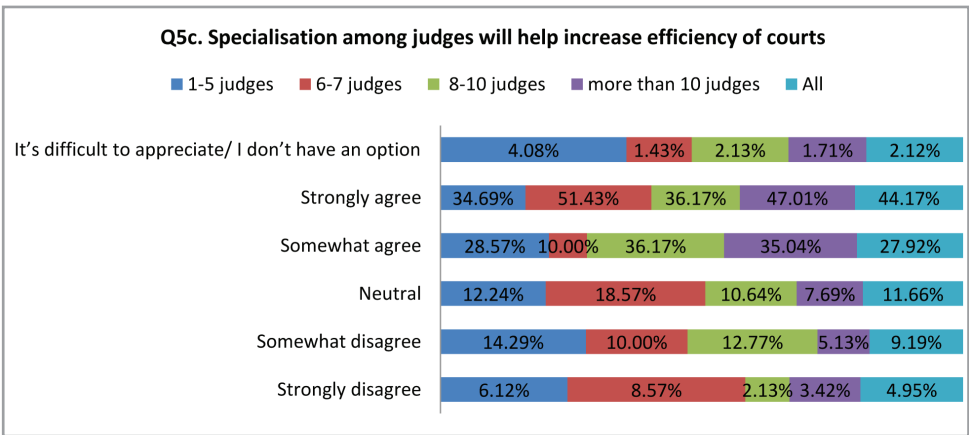


The responses to the question on the likely impact of specialisation on the quality of judicial decisions reinforce the preference on specialised versus generalist judge. An overwhelming majority, 80% of respondent judges think that specialisation among judges will help to increase the quality of judicial decisions, with only 9% disagreeing and 10% neutral. It is interesting to note that on this issue judges from smaller courts, with 1-5, 6-7

and 8-10 judges seem slightly less confident that specialisation will impact the quality of decisions than judges from courts with more than 10 judges. For example, on average, 14% of respondents of the first three categories of cases are neutral as compared to 4% of respondents from courts with more than 10 judges.

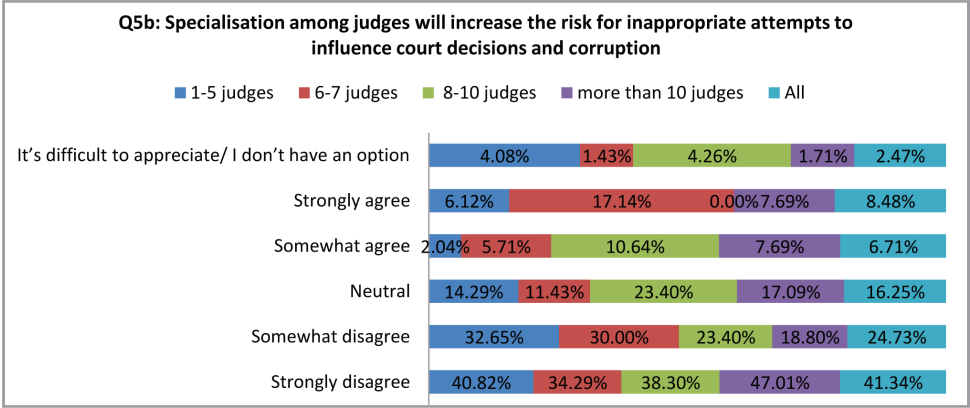
Usually supporters of specialisation of judges bring efficiency as one of the expected benefits of specialisation of judges. This opinion is also shared by Moldova judges. Hence, only 15% of respondents disagree that specialisation among judges will help increase efficiency of courts, while 72% agree (41% strongly agree and 25% somewhat disagree) and only 16% are neutral. These results may be interpreted as a strong indication of judges' opinion that specialisation of judges will have a positive impact on efficiency of courts. Detailed answers to this question are provided in Figure 7 below.

Figure 7: Opinion on likely impact of specialisation of judges on court efficiency



The survey also included several questions to identify potential risks that specialisation of judges may entail, if implemented in Moldova. As already indicated above, 73% of respondents disagreed that a judge who is constantly focused on a narrow field risks to become too close to the interests and rights involved and to lose his/her impartiality, with 11% neutral and 13% disagreeing. These answers are consistent with the answers to another question regarding the potential risk specialisation of judges might bring for inappropriate attempts to influence court decisions and corruption. Hence, 15% of respondents agree that specialisation among judges increase the risk for inappropriate attempts to influence court decisions and corruption, while 41% strongly disagree, 25% somewhat disagree and 16% are neutral. Detailed answers to this question are provided in Figure 8 below.

Figure 8: Opinion on likely risk of specialisation among judges for inappropriate attempts to influence court decisions and corruption



From the above results one may conclude that judges in Moldova see the main benefits of specialisation in enhanced quality and efficiency of courts. The following results confirm this conclusion: 76% of respondent judges think that a specialised judge will likely make better judicial decisions than a generalist judge; 80% of respondent judges think that specialisation among judges will help to increase the quality of judicial decisions and 72% of respondent judges think that specialisation among judges will help increase efficiency of courts. Similarly to other countries, the risks of higher influence on the select group of judges by interest groups and higher risks of corruption that narrow specialisation of judges may bring is also shared by Moldovan judges. In particular, 13% of respondents agreed that a judge who is constantly focused on a narrow field risks to become too close to the interests and rights involved and to lose his/her impartiality and 15% of respondents agreed that specialisation among judges increases the risk for inappropriate attempts to influence court decisions and corruption.

3.3 Judges’ opinion on potential options for specialisation and willingness to specialise

The survey included several questions regarding the way specialisation of judges may be done, such as: only criminal and civil law fields; more narrow fields; specialised panels; specialised courts; increased size of courts. Several questions were also asked to see what judges would choose, if the decision on specialisation would be taken and they were asked to specialise. The answers and the analysis below are meant to help decision-makers, in particular the Superior Council of Magistracy (SCM), decide on how to implement specialisation, if such decision is taken.

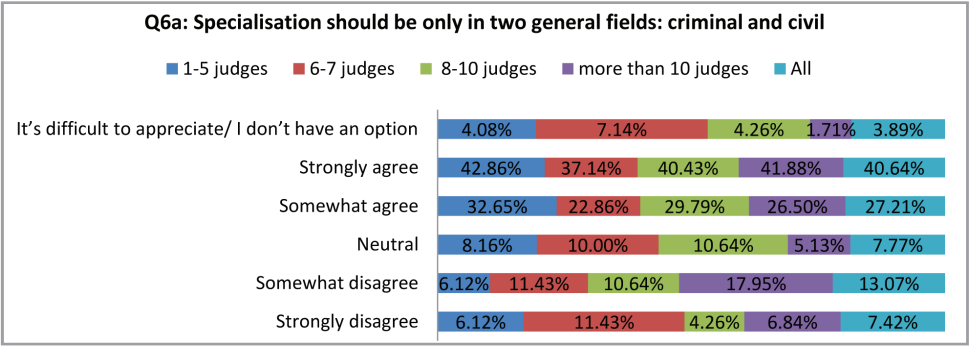
Asked whether specialisation of some judges, while others don’t specialise, will create tensions between specialised and generalized judges, judges are divided almost evenly, with 42% considering that tensions might be created, while 35% disagree and 17% are neutral. With 42% of respondent judges considering that specialisation of only some judges might create tensions, one should be very careful when considering introducing specialisation of

judges. The answer to this question might also be interpreted as an indicator against narrow specialisation. Specialisation of all judges in civil or criminal fields will less likely create tensions among judges.

Specialisation only in criminal and civil fields:

If judges were asked to specialise in either civil or criminal cases, 54% of respondent judges would opt for civil and 44% for criminal cases, with only 2% of judges not providing an answer to this question (detailed results provided in Figure 3 above). These results are also consistent with judges’ opinion on a potential way of implementing specialisation of judges via specialisation only in criminal and civil fields. An overwhelming majority of 68% of respondent judges consider that specialisation of judges should only be done in two general fields: criminal and civil, with 20% disagreeing and 8% neutral. Judges in smaller courts seem more in favour of such a specialisation than those in courts of 10 and more judges (75% and 68% respectively). The detailed answers are provided in Figure 9 below.

Figure 9: Options for implementing specialisation: criminal and civil fields only

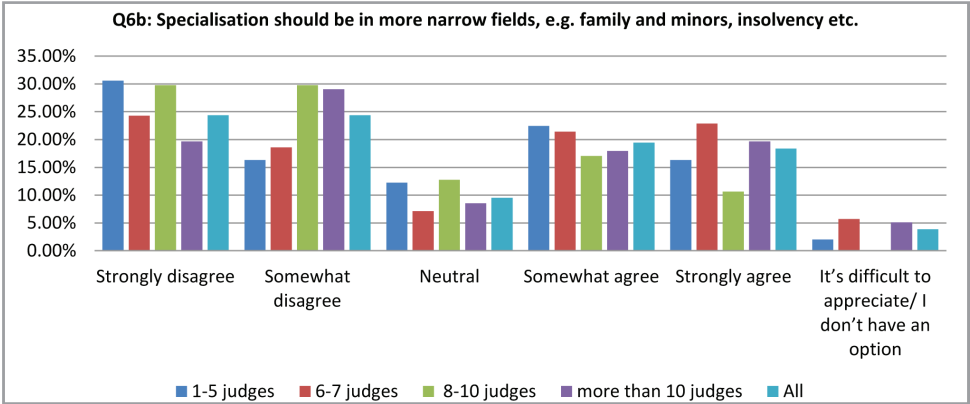


Specialisation in narrower fields of law:

Asked whether specialisation should be done in more narrow fields, only 37% of respondent judges agreed, while 49% disagreed (24% strongly disagreed and 24% somewhat disagreed), 10% were neutral and only 4% could not respond (difficult to appreciate or lack of an option). It is interesting to note that judges in courts of 8-10 judges had the highest negative response to a narrower specialisation (60% compared with the average of 46% of the other three categories of courts). The detailed responses to this question are provided in Figure 10 below.

Especially district court judges tend to agree with the idea of limited specialization, and to reject narrow specialization. Among courts of appeal judges there is a more even split between judges favouring a narrow specialization and judges preferring specialization in just two fields. One explanation of these preferences could be the fact that the judges at courts of appeal are already specialised in criminal and civil fields.

Figure 10: Options for implementing specialisation: more narrow fields of law



Those respondents that considered that specialisation should be done in more narrow fields were asked to state their opinion regarding each of the following potential fields for specialisation: commercial cases, insolvency cases, family and minors, administrative cases, labour law cases, criminal cases with juveniles, investigative cases (area of investigative judges) and list any other field. Out of the 283 judges that participated in the survey, 145 judges (51% of all respondents) answered this question. The responses to this question are provided below. In addition, the survey asked a separate question aimed to identify the potential number of judges that would choose a narrower field of law, in case a decision on narrow specialisation of judges is taken. The results are provided in the table below.

Field of law	Opinion on specialisation in narrower fields (Q7)	Willingness to specialise in the respective field, if a decision on narrower specialisation is taken (Q3)
Commercial cases	84 judges (30% of respondents) said judges should specialise in commercial cases, while 16 judges (6%) disagreed, 17 judges (6%) were neutral and 28 judges (10%) said it was difficult to appreciate or had no option.	97 judges (34%) said they would specialise in commercial cases if they were asked to specialise in a narrower field, while 76 (27%) would not choose this field, 41 (15%) were neutral and 69 (24%) said it was difficult to appreciate.
	The answers to these two questions are consistent and seem to indicate a relatively high interest of judges to specialise in commercial cases, 30% of respondent judges choosing this field. If SCM decides to offer narrow fields of specialisation, commercial law should be considered as one of them.	
Insolvency cases	75 judges (27%) said judges should specialise in insolvency cases, while 15 judges (5%) disagreed, 19 judges (7%) were neutral and 36 judges (13%) said it was difficult to appreciate or had no option.	31 judges (11%) said they would specialise in insolvency cases if they were asked to specialise in a narrower field, while 117 (41%) would not choose this field, 35 (12%) were neutral and 100 (35%) said it was difficult to appreciate.
	The answers to these two questions seem to indicate a low interest among the judges to specialise in insolvency cases. SCM may consider special training on insolvency related issues only for judges that deal with such cases.	

Field of law	Opinion on specialisation in narrower fields (Q7)	Willingness to specialise in the respective field, if a decision on narrower specialisation is taken (Q3)
Family and minors	63 judges (22%) said judges should specialise in family and minor cases, while 23 judges (8%) disagreed, 24 judges (8%) were neutral and 35 judges (12%) said it was difficult to appreciate or had no option.	121 judges (43%) said they would specialise in cases related to family and minors if they were asked to specialise in a narrower field, while only 36 (13%) would not choose this field, 43 (15%) were neutral and 83 (29%) said it was difficult to appreciate.
	<i>The answers to these two questions indicate a high interest of judges to specialise in cases related to family and minors, 43% of respondent judges choosing this field. If SCM decides to offer narrow fields of specialisation, family and minors related cases should be considered as one of them.</i>	
Administrative cases	83 judges (29%) said judges should specialise in administrative cases, while 14 judges (5%) disagreed, 19 judges (7%) were neutral and 29 judges (10%) said it was difficult to appreciate or had no option.	100 judges (35%) said they would specialise in administrative cases if they were asked to specialise in a narrower field, while 53 (19%) would not choose this field, 49 (17%) were neutral and 81 (29%) said it was difficult to appreciate.
	<i>The answers to these two questions indicate a relatively high interest of judges to specialise in administrative cases, 35% of respondent judges choosing this field. If SCM decides to offer narrow fields of specialisation, administrative cases should be considered as one of them.</i>	
Labour law cases	62 judges (22%) said judges should specialise in labour law cases, while 20 judges (7%) disagreed, 27 judges (10%) were neutral and 36 judges (13%) said it was difficult to appreciate or had no option.	101 judges (36%) said they would specialise in labour law cases if they were asked to specialise in a narrower field, while 51 (18%) would not choose this field, 44 (16%) were neutral and 87 (31%) said it was difficult to appreciate.
	<i>The answers to these two questions indicate a relatively high interest of judges to specialise in labour law cases, 36% of respondent judges choosing this field. If SCM decides to offer narrow fields of specialisation, labour law cases should be considered as one of them.</i>	
Criminal cases with juveniles	63 judges (22%) said judges should specialise in criminal cases with juveniles, while 22 judges (8%) disagreed, 22 judges (8%) were neutral and 38 judges (13%) said it was difficult to appreciate or had no option.	87 judges (31%) said they would specialise in criminal cases with juveniles if they were asked to specialise in a narrower field, while 63 (22%) would not choose this field, 49 (17%) were neutral and 84 (30%) said it was difficult to appreciate.
	<i>The answers to these two questions indicate a relatively high interest of judges to specialise in criminal cases with juveniles, 31% of respondent judges choosing this field. If SCM decides to offer narrow fields of specialisation, criminal cases with juveniles should be considered as one of them.</i>	
Investigative judges activity	74 judges (26%) said judges should specialise in investigative cases, while 15 judges (5%) disagreed, 18 judges (6%) were neutral and 38 judges (13%) said it was difficult to appreciate or had no option	53 judges (19%) said they would specialise as investigative judges if they were asked to specialise in a narrower field, while 87 (31%) would not choose this field, 45 (16%) were neutral and 98 (35%) said it was difficult to appreciate. If looking by the size of the court, the interest in specialising as investigative judges decreases disproportionately to the size of the court, e.g. 37% of respondents from courts with 1-5 judges chose this option, compared to 19% from courts with 6-7 judges, 13% from courts with 8-9 judges and 14% from courts with more than 10 judges.
	<i>The answers to these two questions indicate that about 19% of judges would specialise as investigative judges. Given the current legal field that requires investigative judges in every court, SCM should consider establishing investigative judges' activity as one of the fields for specialisation of judges.</i>	

Field of law	Opinion on specialisation in narrower fields (Q7)	Willingness to specialise in the respective field, if a decision on narrower specialisation is taken (Q3)
Other	15 judges (5%) responded, mentioning as possible options for specialisation of judges the following fields: banking litigation, contracts, inheritance, mandatory mediation, property law, housing law, criminal cases related to information technology and cybercrimes (not all 15 judges chose all these fields, the list includes all options mentioned, even if only one judge indicated it).	52 judges (19%) responded, mentioning various other fields they would like to specialise in, such as: banking litigation, contracts, inheritance, civil legal acts, housing law, neighbourhood related disputes, fiscal cases, customs related cases, corruption related cases, copyright issues, (not all 52 judges chose all these fields, the list includes all options mentioned, even if only one judge indicated it).
	<i>Relatively a small percentage of judges provided additional options. Therefore, these may be used as indicative for potential topics for training of judges, but insufficient to suggest a certain field for specialisation of judges.</i>	

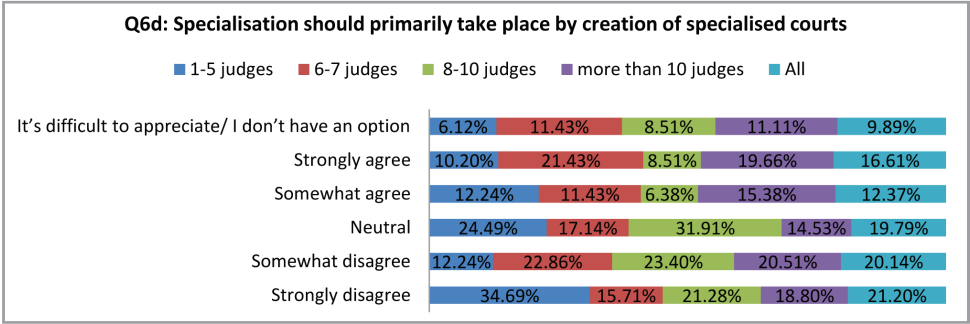
Specialised panels:

Judges offered the following responses to the statement that specialisation should be organized with a set of specialised panels - 57% agreed, 22% disagreed, 15% were neutral and 6% said it was difficult to appreciate or had no option. Judges from courts with 10 and more judges supported this option of specialisation the most (62% compared to 28% in smaller courts of 1-5 judges). This numbers can be interpreted as an indicator in favour of specialising judges via specialist panels within a court.

Specialised courts:

Judges offered the following responses to the statement that specialisation should primarily take place by creation of specialised courts - 29% agreed, 41% disagreed, 20% were neutral and 10% said it was difficult to appreciate or had no option. These numbers show that there is not much support for setting specialised courts in Moldova, with 41% of judges disagreeing and only 29% supporting this idea. Detailed views on this option are provided in Figure 11 below.

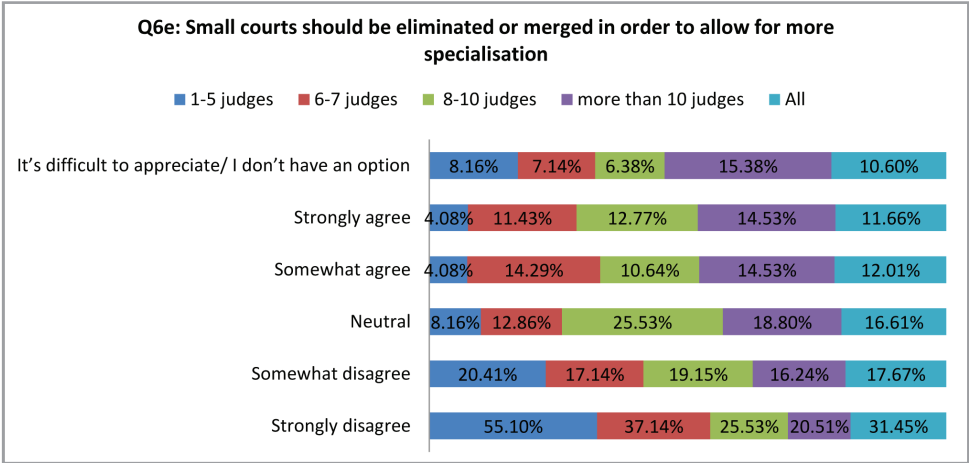
Figure 11: Opinion on implementing specialisation via specialised courts



Opinion regarding small courts:

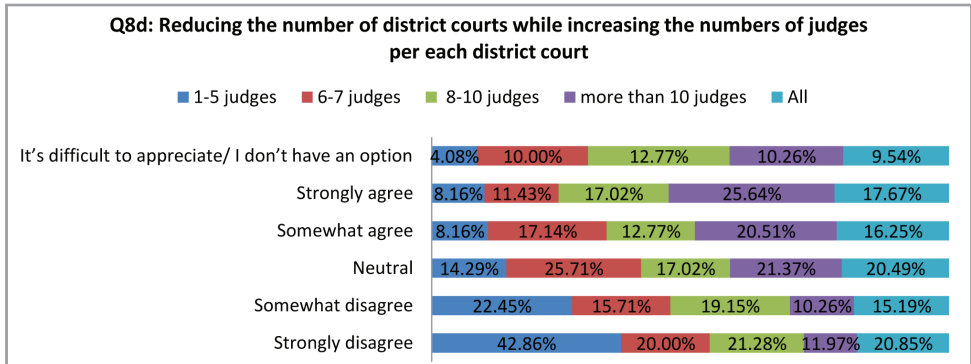
When asked about specialisation in general, 48% of respondent judges answered that the current size of the court does not allow for specialisation among judges, with 30% disagreeing with this statement, 15% neutral and 8% said it was difficult to appreciate. Later in the questionnaire, judges were asked their opinion regarding the following statement: small courts should be eliminated or merged in order to allow for more specialisation. 49% of respondents disagreed and only 24% agreed, with 17% neutral and 11% could not appreciate. It is perhaps not surprisingly to note that the biggest disagreement regarding this option of specialisation is found among judges that come from courts with 1-5 judges (76% of respondents from these courts disagree) and the biggest agreement comes from judges that come from courts with more than 10 judges (29% of respondents from these courts agree and 37% disagree). The detailed responses to this question are illustrated in the Figure 12 below.

Figure 12: Implementing specialisation via increasing the size of courts



Judges were also asked a controlling question related to the small courts. Namely, judges were asked their opinion on whether reducing the number of district courts while increasing the number of judges per each district court may help improve court performance. 33% of judges agreed with such a measure, 36% disagreed, 16% were neutral and 10% said it was difficult to appreciate. As it was perhaps predictable, judges' opinions on this issue vary significantly depending on the size of the court they come from. For example, while 65% of respondents from courts with 1-5 judges disagreed with this measure, only 22% of judges from courts with more than 10 judges disagreed with this measure. More detailed responses to this question are provided in the Figure 13 below.

Figure 13: Judges' opinion on measures that might help improve court performance: reducing the number of district courts and increasing the number of judges per courts



The answers to the above three questions related to the relationship between the size of the court and potential for specialisation of judges can be interpreted that the opinion of judges in Moldova on the issue of court size and specialisation of judges is divided and not yet very clear. Although almost half of judges (48%) agree that the small size of the courts does not allow for specialisation, only 24% of judges think that small courts should be closed to allow for more specialisation and only 33% of judges think that reducing the number of district courts while increasing the number of judges per court may help improve court performance.

To conclude regarding the options of specialisation, the survey results are suggesting the following. Specialisation only in two general fields of civil and criminal law is supported and has a real potential of being implemented in Moldova, with 68% of respondent judges supporting this type of specialisation and only 20% disagreeing. If such a decision is taken by the SCM, 54% of all judges would opt for civil and 44% for criminal cases.

Specialisation in more narrow fields does not have a wide support among judges. Asked whether specialisation should be done in more narrow fields, only 37% of respondent judges agreed, while 49% disagreed (24% strongly disagreed and 24% somewhat disagreed). Only 51% of respondent judges provided their opinion regarding the possible options for a narrower specialisation of judges. However, when asked to choose among several possible narrow fields of specialisation, at least 30% of respondent judges chose the following fields: commercial cases, administrative cases, labour law cases and criminal cases with juveniles and 43% of judges would be willing to specialise in cases related to family and minors. In case SCM decides to implement specialisation of judges in narrower fields, these fields should be considered. There seems also to be a sufficient interest among judges to specialise as investigative judges, with 19% of respondent judges having chosen this field. Several questions in the survey reinforced that specialisation in a more narrow field might create practical problems and is not advisable. For example, 42% of respondent judges consider that if only some judges specialise, this might create tensions among judges. Similarly to other countries, the risks of higher influence on the select group of judges by interest groups and higher risks of corruption that narrow specialisation of judges may bring is also shared by Moldovan judges. In particular, 13% of respondents agreed that a judge who is constantly focused on a narrow field risks to become too close to the interests and rights involved

and to lose his/her impartiality and 15% of respondents agreed that specialisation among judges increases the risk for inappropriate attempts to influence court decisions and corruption.

As to the technical way of ensuring specialisation of judges, the majority of judges seem to support specialisation of judges via specialist panels (57% agreed with this option, 22% disagreed and 15% were neutral. Judges from courts with 10 and more judges supported this option of specialisation the most). In contrast with this option, judges do not seem too much in favour of setting up specialised courts, with 41% of respondents disagreeing with such an option and only 29% agreeing, with 20% neutral and 10% said it was difficult to appreciate or had no option.

The opinion of judges in Moldova on the relationship of court size and specialisation of judges is divided. Although almost half of judges (48%) agree that the small size of the courts does not allow for specialisation, only 24% of respondent judges think that small courts should be closed to allow for more specialisation and only 33% of respondent judges think that reducing the number of district courts while increasing the number of judges per court may help improve court performance. Usually judges from small courts are against reducing the number of small courts. For example, only 8% of respondent judges from courts with 1-5 judges think that small courts should be eliminated to allow for more specialisation and only 16% of respondents from these courts think that reducing the number of district courts while increasing the number of judges per court may help improve court performance. For comparison, 29% of respondent judges from courts with more than 10 judges think that small courts should be eliminated to allow for more specialisation and 45% of respondents from these courts think that reducing the number of district courts while increasing the number of judges per court may help improve court performance. Judges' reluctance to closing the small courts in order to increase the size of courts to allow for more specialisation might also be interpreted as their preference for specialisation only in two fields (criminal and civil) and belief that this could be possible even in relatively small courts.

3.4 Supplementary means to specialisation of judges that might help improve court performance

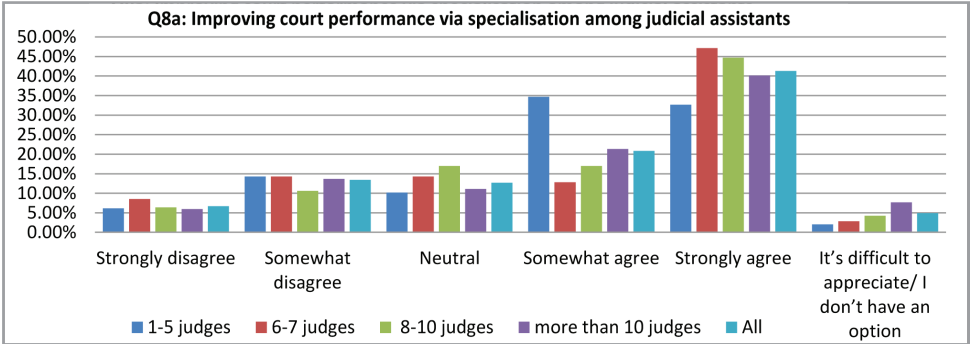
The survey included two questions regarding supplementary means to specialisation of judges, which can be included either in parallel or instead of specialisation of judges. These two means refer to specialisation among judicial assistants and implement an informal specialisation of judges by increasing sharing of knowledge among judges both at district courts level and per judicial system. Both means are supported by judges.

The experience from the Netherlands shows that having the judicial assistants working together in teams can be a major advantage exactly because it allows for specialization. For example, some judicial assistants will specialize in human trafficking, and since they will learn everything there is to learn about handling such cases they will handle them very efficiently. In addition, working in teams may be seen as way to avoid "simple structures", implying that judicial assistants working for just one judge may tend to focus too much on adjusting to the specific habits and preferences of that particular judge. This would make the transition to working for another judge difficult, and it might sustain a lack of uniformity in the way similar cases are handled²⁶.

²⁶ See for details Exploratory study on the position of: Judicial Assistants and Media Spokespersons in selected Council of Europe member states, report by Jesper Wittrup, September 2013, Joint

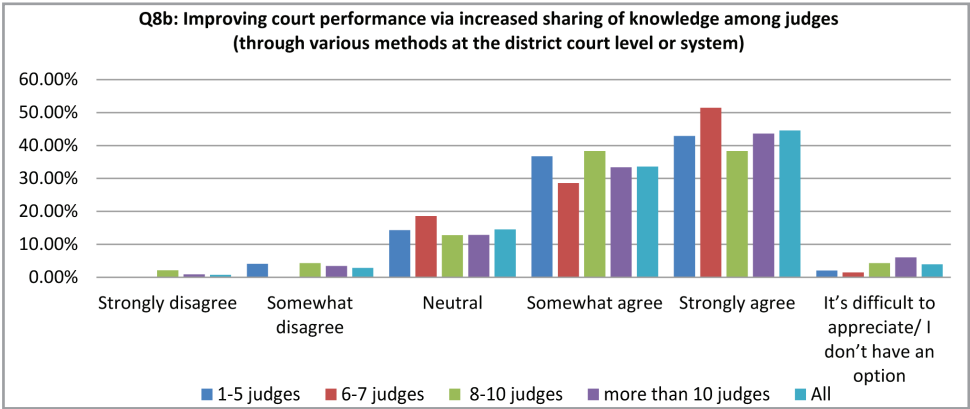
In Moldova, asked to state their opinion regarding the possible improvement of court performance through specialisation among judicial assistants, 62% of respondent judges agreed with this measure, with 20% disagreeing, 13% neutral and 5% thought it was difficult to appreciate. It is important to note that the level of agreement regarding the potential of increasing court performance via specialisation of judicial assistants is very similar among all categories of courts, ranging from 67% in courts with 1-5 judges to 62% in courts with more than 10 judges. Detailed answers are provided in Figure 14 below.

Figure 14: Judges’ opinion on measures that might help improve court performance: specialisation of judicial assistants



Asked to state their opinion regarding the possible improvement of court performance through increased sharing of knowledge among judges (through various methods at the district court level or system), an overwhelming majority of 78% of respondent judges agreed with this measure, with only 4% disagreeing, 15% neutral and 4% thought it was difficult to appreciate. The level of agreement regarding the potential of this measure is very similar among all categories of courts. Detailed answers are provided in Figure 15 below.

Figure 15: Judges’ opinion on measures that might help improve court performance: increased sharing of knowledge among judges



Judges’ answers to questions regarding supplementary methods to specialisation for improving court performance via specialisation among judicial assistants and increased sharing of knowledge among judges suggest a high support among judges of both these methods. In particular, 62% of respondent judges agreed that court performance can be improved via specialisation among judicial assistants and 78% of respondent judges agreed that court performance can be improved through increased sharing of knowledge among judges (through various methods at the district court level or system). Based on these answers, we recommend SCM considering at least specialisation among judicial assistants and increase the use of various methods for knowledge sharing among judges, including with the involvement of the National Institute of Justice. Both these measures are not involving significant financial costs and can be implemented in a relatively short period of time.

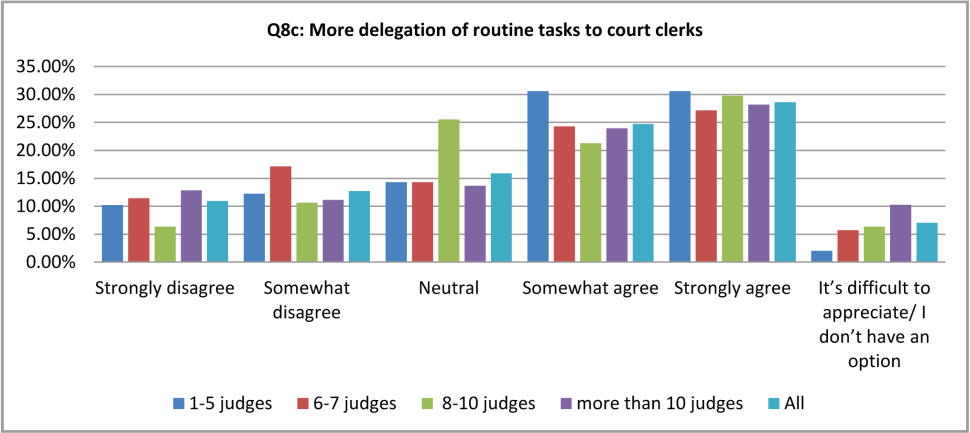
3.5 Additional recommendations for reducing judges’ workload

Specialisation of judges is usually promoted for two main reasons: to help judges better cope with the ever increasing amount and complexity of legislation and to increase court efficiency. Section one of this study lists a series of advantages and disadvantages of specialisation of judges. Due to the fact that implementation of specialisation of judges comes with some costs and important risks, the survey included a series of questions to identify judges’ opinions about other methods that can be implemented in Moldova to reduce judges’ workload, either in parallel or instead of specialisation of judges. Below an analysis of judges’ opinions on the various options is presented below.

Increased delegation of routine tasks to court clerks:

Asked if increased delegation of routine tasks to court clerks may help improve court performance, 53% of respondent judges agreed, 24% disagreed, 16% were neutral and 7% said it was difficult to appreciate. Judges from small courts in particular support this measure (61% of respondents from these courts agreed, compared with an average of 50% of respondent judges from the other courts). Detailed answers to this question are provided in Figure 16 below.

Figure 16: Judges’ opinion on measures that might help improve court performance: more delegation of tasks to court clerks



Simplification of the procedures for examining cases:

The survey asked judges' opinion on several options aimed at simplifying the procedure of examining cases, which should also contribute to decrease judges' workload.

Summoning the parties through e-mail:

65% of respondent judges agreed that summoning of parties through e-mail might help improve court performance, with only 21% disagreeing, 12% neutral and 3% finding it difficult to appreciate.

Simplify the method for drafting court hearing protocols (as a result of audio registering of court hearings):

An overwhelming majority of 80% of respondent judges agreed that simplifying the method for drafting court hearing protocols may help improve court performance, with only 7% disagreeing, 6% neutral and 3% finding it difficult to appreciate.

Introduce tougher measures to ensure diligent behaviour of parties:

An overwhelming majority of 89% of respondent judges agree that tougher measures to ensure diligent behaviour of parties might help improve court performance, with only 3% disagreeing, 7% neutral and 1% said it was difficult to appreciate.

Establish a uniform practice at the courts of appeal level:

An overwhelming majority of 90% of respondent judges agree that establishing a uniform practice at the courts of appeals level may help improve court performance, with only 2% disagreeing, 5% neutral and 2% said it was difficult to appreciate. Some judges commented that uniform practice should be established by the SCJ as well.

Reducing the legal avenues for challenging court judgments:

This measure is less supported by judges, with 33% of respondent judges considering that reducing the legal avenues for challenging court judgments may help improve court performance, with 31% disagreeing, 30% neutral and 6% said it was difficult to appreciate.

Other measures that might help improve court performance:

Judges were also invited to suggest other measures that they consider as possible for improving court performance. 16 judges chose to suggest other measures, which are listed below (not all 16 judges suggested all measures listed below, the list includes all measures mentioned, even if only one judge indicated it):

- Amendment of the Civil Procedure Code (CiPC) regarding appeals. In particular, art. 362 of the CiPC provides a term of 30 days, while art. 368 of the CiPC prolongs this term unjustifiably. For example, after the operative part of the judgment is pronounced, the appellant party submits an appeal request, mentioning that the reasoned appeal request will be submitted once s/he gets the full reasoned judgment. The full reasoned judgment is sent via post within one month without a proof of receipt. The case file arrives at the Court of Appeal with a non-reasoned appeal request in 2-3 months. The appellate court practically in each case adopts a decision to provide time for submitting the appeal request. Only after receiving this decision the party submits a reasoned appeal request. Consequently, the term for appeal is prolonged with 4-5 months, which infringes the rights of the other party;
- Improve court infrastructure to allow for full public hearings in every case;

- Reduce courts' competences to examine administrative offences by increasing the administrative subjects competences in this regard;
- Improve the procedure of summoning the parties;
- Increase public confidence in judiciary;
- Increase the court fees;
- Simplify of the content of the court judgments.

Judges' opinion on reducing courts' competence by increasing the competences of administrative agencies:

Another way of reducing judges' workload could be to reduce the number of the types of cases/matters examined currently by courts, by increasing the competence of examining and taking a decision on such issues by administrative agencies (existing or created for this purpose), whose decisions will only be subject to judicial review. The survey asked judges' opinion on the following 9 types of matters that may be excluded from judges' competence to examine as first instance:

- 1) Divorce that involve minors, where there are no disputes between parties (e.g. civil registration office to have the competence on such matters) – 69% of respondent judges agreed, 23% disagreed, 6% were neutral and 2% said it was difficult to appreciate;
- 2) Granting compensation for illegally bringing to criminal liability (e.g. Ministry of Justice to have competence on such matters) – 62% of respondent judges agreed, 25% disagreed, 10% were neutral and 4% said it was difficult to appreciate;
- 3) Granting compensation for violations of the reasonable time, Law no. 87 (e.g. Ministry of Justice to have competence on such matters) – 54% of respondent judges agreed, 30% disagreed, 13% were neutral and 3% found it difficult to appreciate;
- 4) Establishing the facts that have legal value, if the person has all the documents (e.g. the notary to have this function) – 74% of respondent judges agreed, 17% disagreed, 6% were neutral and 3% found it difficult to appreciate;
- 5) Limiting the number of misdemeanours assigned within the competence of the court (e.g. misdemeanours against minors) – 68% of responded judges agreed, 19% disagreed, 9% were neutral and 4% found it difficult to appreciate;
- 6) Increase the number of misdemeanours where the administrative agent could apply administrative sanctions, and the court only to have jurisdiction to consider the appeal against that decision – 79% of respondent judges agreed, 9% disagreed, 9% were neutral and 3% found it difficult to appreciate;
- 7) Authorization of telephone tapping – only 26% of respondent judges agreed, 60% disagreed, 11% were neutral and 7% found it difficult to appreciate;
- 8) Authorization of search warrants – only 19% of respondent judges agreed, 61% disagreed, 10% were neutral and 7% found it difficult to appreciate;
- 9) Child alimony – 48% of respondent judges agreed, 33% disagreed, 14% were neutral and 5% found it difficult to appreciate.

Besides the options above, judges were given an opportunity to suggest other types of cases/matters that might be excluded from courts' primary competence. 7 judges chose

to provide additional recommendations, which are enumerated below (not all 7 judges recommended all these matters; the list includes all recommendations, even if only one judge indicated it):

- Economic cases;
- Utilities related disputes;
- Debts collection;
- Pre-trial mandatory mediation;
- Insolvency;
- Ordinance procedures (art. 343 of the CiPC);
- Bailiffs' requests for forced bringing of persons to court for execution related proceedings.

In conclusion, based on the survey results, there could be several measures implemented by the relevant stake-holders meant to improve court performance. These measures may include the following. More delegation of routine tasks to court clerks is supported by 53% of respondent judges agreed. Summoning the parties through e-mail is supported by 65% of respondent judges. Simplification of the method for drafting court hearing protocols (as a result of audio registering of court hearings) is supported by an overwhelming majority of 80% of respondent judges. Introduction of tougher measures to ensure diligent behaviour of parties is supported by an overwhelming majority of 89% of respondent judges. Establishment of a uniform practice at the courts of appeal is supported by an overwhelming majority of 90% of respondent judges. Reducing the legal avenues for challenging court judgments is supported only by 33% of respondent judges.

Court's workload could be decreased by increasing the competence of examining and taking a decision on several issues by administrative agencies (existing or created for this purpose), whose decisions would only be subject to judicial review. In judges' opinion, the following cases/issues could be considered in this regard: increase of the number of misdemeanours where the administrative agent could apply administrative sanctions, and the court only to have jurisdiction to consider the appeal against that decision, supported by 79% of respondent judges; establishing the facts that have legal value, if the person has all the documents (e.g. the notary to have this function), supported by 74% of respondent judges; divorce that involve minors, where there are no disputes between parties (e.g. civil registration office to have the competence on such matters), supported by 69% of respondent judges; limiting the number of misdemeanours assigned within the competence of the court (e.g. misdemeanours against minors), supported by 68% of responded judges; granting compensation for illegally bringing to criminal liability (e.g. Ministry of Justice to have competence on such matters), supported by 62% of respondent judges; granting compensation for violations of the reasonable time, Law no. 87 (e.g. Ministry of Justice to have competence on such matters), supported by 54% of respondent judges; child alimony related cases, supported by 48% of respondent judges. Authorization of telephone tapping is supported only by 26% of respondent judges and authorization of search warrants only by 19% of respondent judges.

Feasibility of specialised administrative courts

The feasibility of creating specialised administrative courts in Moldova was analysed from three main perspectives: experiences of other countries, the workload regarding administrative cases in Moldova for 2010-2012 and the opinion of judges regarding specialisation in administrative cases and creation of specialised courts. Below each of this aspect is presented briefly.

4.1 Experience of other countries

Section 1 of this study listed the advantages and disadvantages of specialisation of judges, which can take be implemented in different forms, formal and informal. Where specialisation is implemented in a formal way, this usually is implemented by creating specialist chambers/panels or by specialist courts. In this section we look at the practices of setting up specialist courts in order to identify the trends in other countries, which might be useful for Moldova.

According to CCJE, the most widespread means of achieving specialisation is by the creation of specialist chambers or departments. This can be achieved often by means of internal court rules. The main sectors of specialisation are: family and juvenile law; intellectual property law; commercial law; insolvency law; serious crimes; the investigation of crimes and the enforcement of criminal sanctions²⁷. Specialist courts in administrative cases do not appear to be among the most widespread specialist courts in Europe, although many countries have specialised administrative jurisdiction courts²⁸. For example, in Romania the administrative justice is integrated into the national justice system. There are no separate administrative courts. At the upper courts (tribunals - county courts, courts of appeal and the High Court for Cassation and Justice) are functioning special sections for administrative litigation or at least specialised panels²⁹.

²⁷ Para 42, Opinion (2012) no. 15, CCJE.

²⁸ For details regarding European Union states that have set up specialist courts or implemented specialisation of judges in administrative law jurisdiction see the website of the Association of the Councils of State and Supreme Administrative Jurisdictions: <http://www.juradmin.eu/index.php/en/>.

²⁹ See for details the Questionnaire on the Independence and Efficiency of administrative justice: Romania, Association of European Administrative Judges, 2009, available here: http://www.aeaj.org/IMG/article_PDF/Questionnaire-on-the-Independence_a125.pdf.

At the same time, several countries have set up specialist courts in administrative cases. A few examples are listed below. *France* has a system of administrative courts, “which are arranged in a hierarchical structure, the apex of which is the Council of State. The administrative courts hear matters involving government contracts, tort actions brought against the government, select taxation disputes, and appeals of decisions issued by administrative agencies. Although such actions typically involve disputes between the government and private individuals or corporations, some involve disputes between independent government departments”³⁰.

In *Germany*, roughly 25% of the judges in the German judicial system serve in specialized court systems for administrative law, tax and fiscal matters, labour and employment law, and social security³¹. “The general administrative jurisdiction forms the largest system of specialised courts in Germany. It is competent for all kinds of non-constitutional public matters, unless the respective matter is explicitly assigned by statute to the fiscal or social courts... The present system of administrative jurisdiction in Germany is three-levelled, with 52 administrative tribunals of first instance at the bottom, 16 High Administrative Courts in the middle and the Federal Administrative Court at the top of the hierarchy. At present the administrative jurisdiction comprises approximately 2,400 judges”³².

In *Finland* Supreme Administrative Court and the regional Administrative Courts are general courts of administrative law³³. *Sweden* has two general court organisations: the general courts and the general administrative courts. The general courts handle criminal cases and civil disputes between individuals, e.g. civil law disputes. The general administrative courts primarily deal with cases relating to matters between a public authority and a private individual. The general administrative courts are the county administrative courts, the administrative courts of appeal and the Supreme Administrative Court³⁴. The Supreme Administrative Court is the supreme general administrative court and considers determinations on appeal from any of the four administrative courts of appeal in Sweden. In practice, the administrative courts of appeal are the final instance in most cases. Leave to appeal is only granted in a few percent of those cases that are referred to the Supreme Administrative Court. The most important function of the Supreme Administrative Court is, through its determinations in concrete cases, to create precedents, which may provide guidance for the courts and others who are required to apply current law³⁵.

³⁰ Overview of specialised courts, by Markus B. Zimmer, International Journal for Court Administration, August 2009, available here: <http://www.iaca.ws/files/LWB-SpecializedCourts.pdf>.

³¹ Markus B. Zimmer, Ibidem.

³² Website of the Federal Administrative Court of Germany, last checked on 10 January 2014: http://www.bverwg.de/informationen/english/federal_administrative_court.php.

³³ See for details http://www.juradmin.eu/images/media_kit/members/en/finland.pdf, last checked on 10 January 2014.

³⁴ See for details the Questionnaire on the Independence and Efficiency of administrative justice: Sweden, Association of European Administrative Judges, 2009, available here: http://www.aeaj.org/IMG/article_PDF/Questionnaire-on-the-Independence_a123.pdf.

³⁵ According to the website of the Supreme Administrative Court of Sweden, last checked on 14 January 2014: <http://www.hogstaforvaltningsdomstolen.se/The-Supreme-Administrative-Court/#sthash.QyiUpcy2.dpuf>.

Spain also has a system of specialised administrative law courts. “The Spanish court system features distinct specialized courts at the lowest level – the lower judicial administrative courts and the lower labour courts. Successive appeals from the decisions of those courts may pass into one or more of the provincial courts of justice, the superior courts of justice, the National Court of Justice, and the Supreme Court. Each of these categories of courts has multiple divisions or chambers with specified areas of jurisdiction. Where the first division or chamber exercises general civil jurisdiction, the second handles criminal matters. The third has authority to adjudicate disputes that fall within administrative law, and the fourth, disputes that fall under labour jurisdiction”³⁶.

Lithuania has a system of specialised administrative courts that consider disputes that arise in the sphere of public and internal administration. Specialised courts started to function in Lithuania from the 1st of May 1999. The system of administrative courts of Lithuania consists of 5 regional administrative courts (in Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys) and the Supreme Administrative Court of Lithuania. Rulings of the Supreme Administrative Court of Lithuania are final and not subject to appeal³⁷.

Estonia's court system consists of three instances: county and administrative courts are the first instance courts; circuit courts are the courts of the second instance, and the Supreme Court is the third instance. Supreme Court performs simultaneously the functions of the highest court of general jurisdiction, of the supreme administrative court as well as of the constitutional court³⁸.

Czech Republic does not have special administrative courts of first instance, but the regional courts include sections of administrative judiciary. Administrative decisions involving private-law rights are reviewed by general courts in civil judicial procedure. Since 2003 the Supreme Administrative Court was established as the last resort of public-law administrative judiciary. Regional courts provide control of administrative authorities as the courts of the first instance³⁹.

The examples given above are meant to illustrate the diversity of European practice regarding the establishment of specialised administrative courts. There is no recommendation on whether or not to establish a specialised system of administrative court, this being entirely a matter to be decided by each state taking into account the local needs. Creation of specialist courts bears similar risks as highlighted by CCJE regarding specialisation of judges in general (see Section 1 above). When considering setting up a system of specialised courts, these risks need to be assessed. In addition, experts in the field recommend considering a series of additional institutional issues, in particular regarding the kind of workload that these courts are expected to meet, the need of a permanent court versus a temporary court and the type of cases to examine⁴⁰.

³⁶ Markus B. Zimmer, Ibidem.

³⁷ Website of Supreme Administrative Court of Lithuania, last checked on 10 January 2014: <http://www.lvai.lt/en/administrative-courts.html>.

³⁸ Website of the Supreme Court of Estonia, last checked on 10 January 2014: <http://www.riigikohus.ee/?id=188>.

³⁹ See for more details the information provided on the website of Association of the Councils of State and Supreme Administrative Jurisdictions, last checked on 14 January 2014: http://www.juradmin.eu/images/media_kit/members/en/czech_republic.pdf.

⁴⁰ See for details Markus B. Zimmer, Ibidem.

4.2 Workload data

One of the main considerations for a decision on setting up specialised courts should be the workload, which would be sufficient to justify the costs of setting up such courts. The research for this study was undertaken in 2013, based on data on courts' workload for 2010-2012. Due to important legislative changes, explained below, the study cannot make strong recommendations in favour or against setting up specialist courts because of lack of recent data on workload of courts after the amendments of 2012. This is an important limitation of the study that has to be kept in mind.

Until 1 December 2012, the major part of administrative cases was examined by courts of appeal as first instance courts. Some administrative cases were also examined as first instance court by the district courts. In 2010, all the courts of appeals dealt with 3,940 administrative cases, in 2011 with 3,948 and in 2012 with 5,310 cases. On the other hand, all district courts examined in 2010 a total of 2,192 administrative cases, 3,268 in 2011 and 3,007 in 2012 (see Table 2 in Annex 2 of the study).⁴¹ It follows that these courts examined in total between 6,100 administrative cases in 2010 and 8,300 cases in 2012. This represented from 1.1% (in 2010) to 2.2% (in 2012) of the total number of procedures examined by district and appellate courts. The statistical data also shows that almost a half of administrative cases examined by district courts belong to category 1 cases, that is cases requiring the least time from a judge.

In 2012 important changes in the concept of the civil procedure were adopted, namely assignment to the district courts of the competence to examine as first instance all cases. These amendment were introduced by the Law on amendment and completion of the Civil Procedure Code, nr. 155 of 5 July 2012, in force since 1 December 2012. As a result of this law, the workload of district courts should increase, while the workload of the courts of appeal should decrease. In particular, the redistribution of administrative cases is relevant after this change, since most of administrative cases examined by courts of appeal will be examined by district courts. The biggest burden is expected to fall by far on district courts in Chişinău, followed, to a lesser degree, by the district courts in Bălţi and Cahul. Perhaps the cases in the other raions will be distributed proportionally in the respective district courts, depending on the residence of the plaintiff, in particular the local administration bodies. The statistical data from Tables 2-5 in Annex 2 of the study show that out of almost 8,300 administrative cases examined in 2012, 4,564 (55%) were examined by the Chişinău Court of Appeal and 1,028 (12%) by the district courts from Chişinău. In other words, in 2012, 67% of administrative cases were examined by the 6 courts from Chişinău and only 34% by the remaining 4 courts of appeal and 37 district courts.

Table 2 in Annex 2 of the study provides detailed data on the number of administrative cases dealt with by courts of appeal in 2010-2012 and the average.

Given the data on workload provided above, we are not sure that there are a sufficient number of administrative cases to justify setting up administrative courts. But, we acknowledge the importance of having specialised judges when complexity and the workload show a real need. We recommend introducing specialisation of judges in administrative cases via specialist

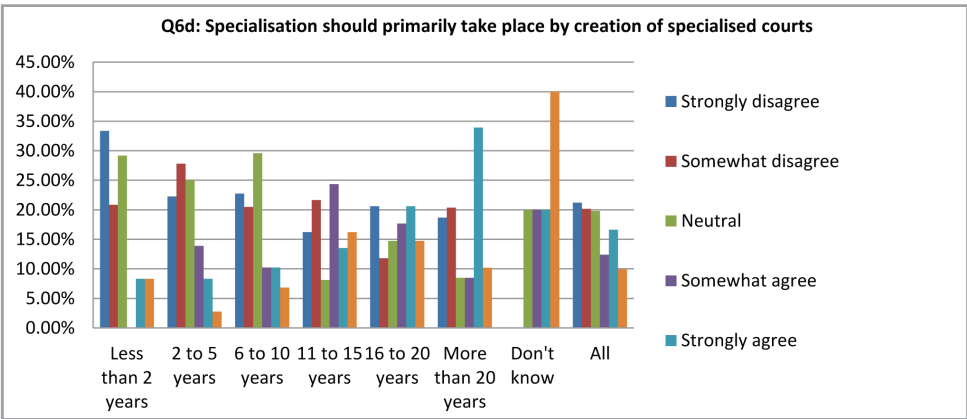
⁴¹ The data on workload of district and appellate courts for 2010-2012 were collected by LRCM for the purpose of the Study on optimization of judicial map in Moldova, Legal Resources Centre from Moldova, available from March 2014 at: www.crjm.org.

panels of judges, rather than setting up separate administrative law courts. However, for creating specialist panels the size of the courts should be sufficient. This might be possible if judicial map is redrawn. In any case, the decision on whether to have specialized sections, specialized panels of individual judges should be taken based on the real workload in every court.

4.3 Survey results

Judges do not seem to support the idea of setting up specialised courts, only 29% considering that specialisation should be implemented via specialised courts, 41% disagreeing, 20% were neutral and 10% said it was difficult to appreciate. Detailed responses regarding this question are provided in Figure 11 above. Regarding the same question from the perspective of courts of the respondent judges, 21% of respondent district courts judges support the idea of setting up specialised courts, while 45% disagree and 23% are neutral. Out of the respondent appellate court judges, 43% support setting up specialised courts, 38% are against and 10% are neutral. It is interesting to note that the level of support for setting up specialised courts is higher among judges with a bigger work experience. The results to this question are provided below, with details on respondent judges' experience.

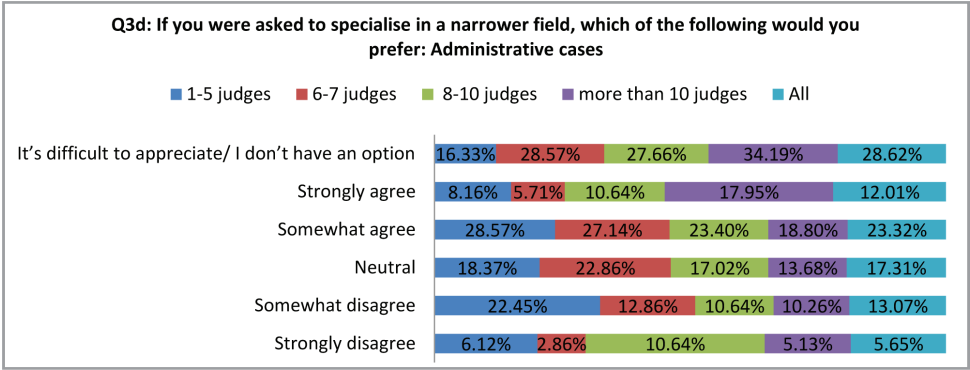
Figure 17: Judges' opinion on implementing specialisation by creation of specialised courts



At the same time, there is a relatively high interest of judges to specialise in the field of administrative cases. In particular, 29% of respondent judges consider that judges should specialise in administrative cases, while 5% disagree, 5% are neutral, 10% said it was difficult to appreciate and 48% of respondent judges chose not to answer. Out of 210 respondent judges from district courts, 110 chose not to answer this question and 56 judges (27%) consider that judges should specialise in administrative cases. Out of 53 respondent judges from appellate courts, 19 chose not to answer this question and 18 judges (34%) consider that judges should specialise in administrative cases.

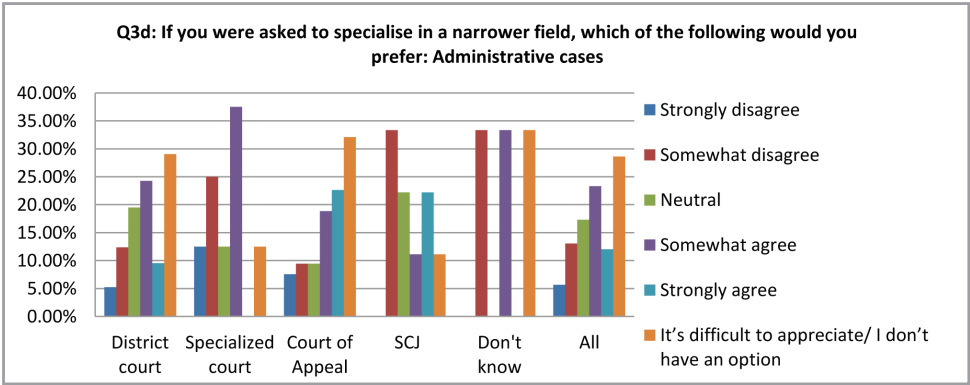
If judges were asked to specialise in narrower fields, 35% of judges said they would specialise in administrative cases, 19% disagreed, 17% were neutral and 29% said it was difficult for them to appreciate. Figure 18 below shows the detail results to the question on judges' willingness to specialise in administrative law cases.

Figure 18: Judges’ willingness to specialise in administrative cases should they be asked to specialise in narrower fields



The distribution of judges willing to specialise in administrative cases per different levels of courts varies. 34% of respondent judges from district courts would specialise in administrative cases, 42% of respondent judges from appellate courts and 33% of respondent judges from the SCJ. The detailed responses on judges’ willingness to specialise in administrative cases should they be asked to choose a narrower field, divided by levels of courts, are presented in Figure 19 below.

Figure 19: Judges’ willingness to specialise in administrative cases should they be asked to specialise in narrower fields



The survey results suggest that there is not a big support among judges to implement specialisation of judges via setting up specialised courts. The question regarding setting up specialised courts did not ask directly about administrative cases, but generally implementing specialisation of judges via specialised courts. However, when asked about potential fields judges should specialise in, 29% of judges suggested administrative cases as one of the fields. When asked which field they would choose to specialise in, 35% of judges said they would specialise in administrative cases. These responses allow us to conclude that specialisation in administrative cases should be considered by decision-makers. However, regarding the form of implementing the specialisation, it seems that specialisation of judges via specialist

panels or informal specialisation has more support among judges than setting up specialist administrative courts.

4.4 Conclusions regarding specialised administrative cases

As with specialisation of judges in general, there is no international recommendation on whether or not to establish a specialised system of administrative courts. This matter needs to be decided by each state taking into account the local needs. Creation of specialist courts brings both advantages and disadvantages. The main advantages of setting up specialist courts would be ensuring that the judges have specialist knowledge and experience in their field of jurisdiction, which should improve the quality of judicial decision; such a system can better promote consistency in judicial decisions and create an environment for judges to be able to better identify the most suited decisions in the given realities and achieve better efficiency when dealing with the same type of cases. At the same time, specialist courts bear a series of disadvantages, including the danger of isolating the judges from the specialist courts from the rest of judiciary, creating an environment for an easier improper influence by third parties over judges from the specialised courts, isolation of judges from the specialised courts can lead to an isolation of their practice from the general judicial practice and general principles of laws, negatively affecting the principle of legal certainty. Specialised courts should be set up only when there is a sufficient workload to justify their creation, otherwise they can be inefficient and too expensive for the system. When considering setting up a system of specialised courts, the advantages and potential risks need to be carefully assessed.

The analysis of the number of administrative cases processed by judicial system in Moldova in 2010–2013 undertaken within the scope of this study does not allow us to conclude that there are a sufficient number of administrative cases to justify setting up administrative courts. The survey results also suggest that there is not a big support among judges to implement specialisation of judges via setting up specialised courts. The question regarding setting up specialised courts did not ask directly about administrative cases, but generally implementing specialisation of judges via specialised courts.

While we do not recommend setting up specialised administrative courts, we recommend considering specialisation of judges in administrative cases at the level of district courts, appellate courts and Supreme Court of Justice. However, for specializing judges, the size of the courts should be sufficient to have at least 3–4 judges to ensure the random distribution of cases. This might be possible if judicial map is redrawn. In any case, the decision on whether to have specialized sections or specialized judges should be taken based on the real workload in each court. An analysis of the workload of administrative cases in at least two years since the amendment of 2012 of the civil procedure will be useful for taking a more informed decision on specialization or not in administrative cases. If the workload shows that only some localities, for example Chişinău and Bălţi, have a high workload of administrative cases and the court size allows that, specialist judges for administrative cases may be promoted in these courts/localities. However, to avoid isolation of these judges, this specialization should not impede rotation of judges and changing to other panels or changing/promotion to other courts to examine other cases.

According to the survey, when asked about potential fields judges should specialise in, 29% of judges suggested administrative cases as one of the fields. When asked which field they would choose to specialise in, 35% of judges said they would specialise in administrative cases. These responses allow us to conclude that if specialisation in administrative cases is considered by decision-makers, there would be a sufficient number of judges willing to specialise in this field. On the other hand, if the formal specialization is set in district courts, the judges should be rotated every several years to ensure the impartiality and multilateral professional development of every judge.

Conclusions and recommendations

There is no firm international or regional recommendation to strictly guide the Moldovan authorities regarding the issue of specialisation of judges. What seems to transpire from the CCJE Opinion No. 15 and the studies undertaken so far is that there is no solid empirical evidence to speak in favour or against of specialisation, but there is a movement in many countries towards some specialisation of judges, while maintaining in parallel generalist judges and courts. It is, therefore, for the relevant Moldovan authorities to decide whether specialisation is needed in Moldova and the degree or the forms of specialisation that should be pursued.

The current study presents was undertaken to help the authorities in taking a decision on the opportunity of specialisation of judges in Moldova. The study presents the judges' opinion on this issue, collected through a representative survey among judges, as well as our conclusions based on the analysis of the survey results, the workload and structure of courts in Moldova and qualitative interviews with judges from different levels of courts and experts in the field.

It has to be emphasised that specialisation of judges in the context of Moldova refers in particular to district court judges, since judges at the courts of appeal and SCJ are already specialised by panels in civil and criminal fields. However, when considering narrower fields of specialisation that civil and criminal, then specialisation of all judges is meant.

The analysis of the survey results suggests that the majority of judges in Moldova are in favour of specialisation of judges, but also with maintaining wide knowledge of legal principles and practice. Judges in Moldova see the main benefits of specialisation in enhanced quality and efficiency of courts. The following results confirm this conclusion: 76% of respondent judges think that a specialised judge will likely make better judicial decisions than a generalist judge; 80% of respondent judges think that specialisation among judges will help to increase the quality of judicial decisions and 72% of respondent judges think that specialisation among judges will help increase efficiency of courts. There is also a shared opinion among judges about the potential negative impact of specialisation of judges on impartiality of judges if a judge or group of judges constantly focuses on a narrow field. This can be interpreted as an indicator against narrow specialisation and/or in favour of a flexible approach to specialisation, which would encourage judges to change their fields at certain periods of time, rather than a permanent specialisation.

The survey results suggest that specialisation only in two general fields of civil and criminal law is supported and has a real potential of being implemented in Moldova, with 68 % of respondent judges supporting this type of specialisation and only 20% disagreeing. If such a decision is taken by the SCM, 54% of all judges would opt for civil and 44% for criminal cases.

Specialisation of judges can be implemented only in courts of a sufficient size, i.e. at least 3–4 judges per panel, to ensure the random assignment of cases. Small courts might not be able to set up specialist chambers, hence judges in such courts need to be versatile to be able to address various specialist matters, which would be hampered by excessive specialisation. In terms of the size of courts, in 2013, at the time the study was drafted, the court system of Moldova included 48 district courts (including 2 specialised courts – military and commercial district courts), 5 courts of appeal and 1 Supreme Court of Justice. Out of the 48 district courts, according to the number of allocated judges per court as of March 2013, there were 29 district courts with less than 7 judges and 10 district courts with less than 5 judges. We believe that specialisation of judges in the current system would not be possible in all courts, even if implemented only in civil and criminal fields.

Based on judges' preferences and the current judicial map, we recommend specialisation of judges in two fields: civil and criminal. At the same time, we recommend considering implementation of specialisation of judges only after the decision is taken on redrawing the judicial map. In case judges are specialised in civil and criminal cases, this specialisation should not prohibit judges to change the field of specialisation with time and should only be considered as an advantage for promotion in the same field, rather than a prohibition for promoting from a field to another field at a higher court. If the formal specialization is set in district courts, the judges should be rotated every several years, to ensure the impartiality and multilateral professional development of every judge.

At the same time, given the constantly increasing complexity of law and the workload of judges, the Superior Council of Magistracy might consider promoting an informal specialisation of judges in narrower fields. This could be done primarily through trainings and informal acting of judges as expert for certain fields. We were told that informally judges at the SCJ are specialising by more specific fields within the two more general fields of civil and criminal law. This specialisation, as we understood, is not reflected in judges' examination of cases, but rather in their participation in drafting explanatory judgments, recommendations and other documents produced by the SCJ, their participation in training of judges, as well as their informal discussions and share of experience with their colleagues on matters of their expertise. We consider the SCJ practice regarding informal specialisation of judges a beneficial one, which could be shared with the courts of appeal and the district courts with a size that allows for at least some specialisation of judges.

When whether specialisation should be done in narrower fields, only 37% of respondent judges agreed, while 49% disagreed (24% strongly disagreed and 24% somewhat disagreed). Only 51% of respondent judges provided their opinion regarding the possible options for a narrower specialisation of judges. However, when asked to choose among several possible narrow fields of specialisation, at least 30% of respondent judges chose the following fields:

commercial cases, administrative cases, labour law cases and criminal cases with juveniles and 43% of judges would be willing to specialise in cases related to family and minors. In case SCM decides to implement specialisation of judges in narrower fields, these fields should be considered. There seems also to be a sufficient interest among judges to specialise as investigative judges, with 19% of respondent judges having chosen this field. Several questions in the survey reinforced that specialisation in a more narrow field might create practical problems and is not advisable. For example, 42% of respondent judges consider that if only some judges specialise, this might create tensions among judges. Similarly to other countries, the risks of higher influence on the select group of judges by interest groups and higher risks of corruption that narrow specialisation of judges may bring is also shared by Moldovan judges. In particular, 13% of respondents agreed that a judge who is constantly focused on a narrow field risks to become too close to the interests and rights involved and to lose his/her impartiality and 15% of respondents agreed that specialisation among judges increases the risk for inappropriate attempts to influence court decisions and corruption.

As to the technical way of ensuring specialisation of judges, the majority of judges seem to support specialisation of judges via specialist panels (57% agreed with this option, 22% disagreed and 15% were neutral. Judges from courts with 10 and more judges supported this option of specialisation the most). In contrast with this option, judges do not seem too much in favour of setting up specialised courts, with 41% of respondents disagreeing with such an option and only 29% agreeing, with 20% neutral and 10% said it was difficult to appreciate or had no option.

The opinion of judges in Moldova on the relationship of court size and specialisation of judges is divided. Although almost half of judges (48%) agree that the small size of the courts does not allow for specialisation, only 24% of judges think that small courts should be closed to allow for more specialisation and only 33% of judges think that reducing the number of district courts while increasing the number of judges per court may help improve court performance. Usually judges from small courts are against reducing the number of small courts. Judges' reluctance to closing the small courts in order to increase the size of courts to allow for more specialisation might also be interpreted as their preference for specialisation only in two fields (criminal and civil) and belief that this could be possible even in relatively small courts.

Judges' answers to questions regarding supplementary methods to specialisation for improving court performance via specialisation among judicial assistants and increased sharing of knowledge among judges suggest a high support among judges of both these methods. In particular, 62% of respondent judges agreed that court performance can be improved via specialisation among judicial assistants and 78% of respondent judges agreed that court performance can be improved through increased sharing of knowledge among judges (through various methods at the district court level or system). Based on these answers, we recommend SCM considering at least specialisation among judicial assistants and increase the use of various methods for knowledge sharing among judges, including with the involvement of the National Institute of Justice. Both these measures are not involving significant financial costs and can be implemented in a relatively short period of time.

In addition to specialisation of judges and judicial assistants, there could be several measures implemented by the relevant stake-holders meant to improve court performance. These measures may include the following. More delegation of routine tasks to court clerks is supported by 53% of respondent judges. Summoning the parties through e-mail is supported by 65% of respondent judges. Simplification of the method for drafting court hearing protocols (as a result of audio registering of court hearings) is supported by an overwhelming majority of 80% of respondent judges. Introduction of tougher measures to ensure diligent behaviour of parties is supported by an overwhelming majority of 89% of respondent judges. Establishment of a uniform practice at the courts of appeal is supported by an overwhelming majority of 90% of respondent judges. Reducing the legal avenues for challenging court judgments is supported only by 33% of respondent judges.

Courts' workload could be decreased by increasing the competence of examining and taking a decision on several issues by administrative agencies (existing or created for this purpose), whose decisions would only be subject to judicial review. In judges' opinion, the following cases/issues could be considered in this regard: increase of the number of misdemeanours where the administrative agent could apply administrative sanctions, and the court only to have jurisdiction to consider the appeal against that decision, supported by 79% of respondent judges; establishing the facts that have legal value, if the person has all the documents (e.g. the notary to have this function), supported by 74% of respondent judges; divorce that involve minors, where there are no disputes between parties (e.g. civil registration office to have the competence on such matters), supported by 69% of respondent judges; limiting the number of misdemeanours assigned within the competence of the court (e.g. misdemeanours against minors), supported by 68% of responded judges; granting compensation for illegally bringing to criminal liability (e.g. Ministry of Justice to have competence on such matters), supported by 62% of respondent judges; granting compensation for violations of the reasonable time, Law no. 87 (e.g. Ministry of Justice to have competence on such matters), supported by 54% of respondent judges; child alimony related cases, supported by 48% of respondent judges. Authorization of telephone tapping is supported only by 26% of respondent judges and authorization of search warrants only by 19% of respondent judges.

Regarding administrative courts, the analysis of the number of administrative cases processed by judicial system in Moldova in 2010-2013 undertaken within the scope of this study does not allow us to conclude that there are a sufficient number of administrative cases to justify setting up administrative courts. In 2010, all courts of appeal dealt with 3,940 administrative cases, in 2011 with 3,948 and in 2012 with 5,310 cases. On the other hand, all district court examined 2,192 administrative cases in 2010, 3,268 cases in 2011 and 3,007 cases in 2012. It follow that these courts examined in total between 6,100 administrative cases in 2010 and 8,300 administrative cases in 2013. This represents from 1.1% in 2010 to 2.2% in 2012 of the total number of cases examined by district and appellate courts. The statistical data also shows that almost half of the administrative cases examined by district courts are category 1 cases. The statistical data show that out of 8,300 administrative cases examined in 2012, 4,564 (55%) were examined by the Chişinău Court of Appeal and 1,028

(12%) by the district courts from Chişinău. In other words, in 2012, 67% of administrative cases were examined by the 6 courts from Chişinău and only 34% by the remaining 4 courts of appeal and 37 district courts. This leads to the conclusion that the current workload does not justify the creation of several administrative courts in the country. The creation of one administrative court per country in Chişinău would seriously hamper the access to that court. Moreover, in case of commercial courts creation of a single specialized district court did not prove to be sustainable, including from the perspective of higher external pressure on that court.

Annexes

Annex 1. Questionnaire: Judges' Specialisation

Date: Month: 2013 Number of the questionnaire:

Methodological indications: please answer each question from the questionnaire. The answer that reflects your opinion shall be indicated by ticking the box corresponding to the version of the answer chosen by you. The statements are indicated on the left side of the table, while the options for answer on the top row.

Q1. The following statements refer to the potential for increased judicial specialisation. Please, indicate your opinion regarding each of the following statements:

[illegible]

9b. Granting compensation for illegally bringing to criminal liability (e.g. Ministry of Justice)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9c. Granting compensation for breach of the reasonable time (Law no. 87) (ex. Ministry of Justice)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9d. Establishing the facts that have legal value, if the person has all the documents (ex. notary)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9e. Limiting the number of misdemeanours assigned within the competence of the court (eg misdemeanours against minors)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9f. Increase the number of misdemeanours where the administrative agent could apply administrative sanctions, and the court only to have jurisdiction to consider the appeal against that decision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9g. Authorization of telephone tapping	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9h. Authorization of search warrants	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9i. Child alimony	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9j. Others	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If you selected Others, please specify the type of cases you are referring to	<input type="text"/> <input type="text"/> <input type="text"/>					

Q10. For how many years have you been a judge?

Less than 2 years	<input type="checkbox"/>
2 to 5 years	<input type="checkbox"/>
6 to 10 years	<input type="checkbox"/>
11 to 15 years	<input type="checkbox"/>
16 to 20 years	<input type="checkbox"/>
More than 20 years	<input type="checkbox"/>

Q11. At the moment I work at:

District court	<input type="checkbox"/>
Specialized district court	<input type="checkbox"/>
Court of Appeal	<input type="checkbox"/>
SCJ (Supreme Court of Justice)	<input type="checkbox"/>

Q12. If you have any additional comments to the subject of judges' specialization, please mention them bellow:

[illegible]

Annex 2: Administrative, economic/commercial cases and activity of investigative judges in 2010 - 2012, including comparison with the total number of cases

Table 1: Administrative cases examined by courts of appeal in 2010–2012

COURT OF APPEALS	All cases			Administrative cases examined by courts of appeal in 2010			Administrative cases				
	Category I	Category II	Category III	Total admin. cases	% total admin. cases (from all cases)	Category I	% of cat. I (from all cases cat I)	Category II	% of cat. II (from all cases cat. II)	Category III	% of cat. III (from all cases cat. III)
CA Bălți	449	3,785	146	349	8,0%	67	14,9%	176	4,6%	106	72,6%
CA Bender	33	1,135	31	91	7,6%	10	30,3%	73	6,4%	8	25,8%
CA Cahul	954	824	30	61	6,4%	3	3,0%	46	5,6%	12	40,0%
CA Chișinău	15,782	12,022	2,366	3,338	21,2%	818	58,7%	388	3,2%	2,132	90,1%
CA Comrat	856	183	619	54	11,8%	22	12,0%	32	5,2%	47	87,0%
Total	23,471	18,385	2,627	3,940	17,0%	920	42,6%	715	3,9%	2,305	87,7%
Administrative cases examined by courts of appeal in 2011											
CA Bălți	529	4,074	179	406	8,5%	72	13,6%	196	4,8%	138	77,1%
CA Bender	36	1,005	44	106	9,8%	5	13,9%	78	7,8%	23	52,3%
CA Cahul	866	582	75	85	9,8%	24	11,5%	47	8,1%	14	18,7%
CA Chișinău	16,992	12,696	2,666	3,231	19,0%	789	48,4%	47	0,4%	2,395	89,8%
CA Comrat	893	138	707	48	13,4%	15	10,9%	62	8,8%	43	89,6%
Total	24,618	19,064	3,012	3,948	16,0%	905	35,6%	430	2,3%	2,613	86,8%
Administrative cases examined by courts of appeal in 2012											
CA Bălți	668	4,048	200	396	8,1%	81	12,1%	180	4,4%	135	67,5%
CA Bender	53	1,199	58	110	8,4%	8	15,1%	70	5,8%	32	55,2%
CA Cahul	1,015	735	105	104	10,2%	26	14,9%	48	6,5%	30	28,6%
CA Chișinău	21,587	15,379	3,397	4,564	21,1%	1,305	46,4%	528	3,4%	2,731	80,4%
CA Comrat	859	158	636	65	15,8%	27	17,1%	52	8,2%	57	87,7%
Total	29,687	21,997	3,825	5,310	17,9%	1,447	37,4%	878	4,0%	2,985	78,0%
Administrative cases examined by courts of appeal - average for 2010-2011											
CA Bălți	549	3,969	175	384	8,17%	73	13,55%	184	4,64%	126	72,40%
CA Bender	41	1,113	44	102	8,59%	8	19,76%	74	6,68%	21	44,42%
CA Cahul	945	714	70	83	8,82%	18	9,78%	47	6,73%	19	29,08%
CA Chișinău	18,120	13,366	2,810	3,711	20,44%	971	51,17%	321	2,34%	2,419	86,78%
CA Comrat	869	160	654	56	13,69%	21	13,33%	49	7,37%	49	88,10%
Total	25,825	19,815	3,155	4,399	16,98%	1,091	38,55%	674	3,38%	2,634	84,18%

Table 2: Administrative cases examined by district courts in 2010

Administrative cases in district courts - 2010											
N/ IJ	District court	All cases (2010)	All cases			Administrative cases					
			Cat I	Cat II	Cat III	Total number	% (from all cases)	Cat I	% cat I (from all cases of cat I)	Cat III	% cat III (from all cases of cat III)
	mun. Chişinău										
1	Botanica sector	14.684	3.286	3.468	7.930	155	1,1%	105	3,2%	50	0,6%
2	Buiucani sector	17.201	1.986	8.404	6.811	89	0,5%	54	2,7%	35	0,5%
3	Centru sector	18.475	2.337	10.959	5.179	106	0,6%	51	2,2%	55	1,1%
4	Ciocana sector	10.810	1.898	3.651	5.261	27	0,2%	8	0,4%	19	0,4%
5	Rîşcani sector	16.213	3.468	6.050	6.695	208	1,3%	108	3,1%	100	1,5%
6	mun. Bălţi	9.679	1.897	3.117	4.665	108	1,1%	52	2,7%	56	1,2%
7	Bender	1.592	171	260	1.161	1	0,1%	0	0,0%	1	0,1%
8	Tiraspol										
9	Anenii Noi	4.840	855	2.091	1.894	82	1,7%	21	2,5%	61	3,2%
10	Basarabeasca	1.573	284	839	450	21	1,3%	7	2,5%	14	3,1%
11	Briceni	3.438	655	1.455	1.328	44	1,3%	22	3,4%	22	1,7%
12	Cahul	3.977	990	1.299	1.688	72	1,8%	14	1,4%	58	3,4%
13	Canemir	1.967	271	601	1.095	26	1,3%	5	1,8%	21	1,9%
14	Călăraşi	3.117	658	1.068	1.391	21	0,7%	5	0,8%	16	1,2%
15	Căuşeni	3.823	619	1.164	2.040	31	0,8%	6	1,0%	25	1,2%
16	Ceadir-Lunga	2.379	343	912	1.124	21	0,9%	8	2,3%	13	1,2%
17	Cimişlia	2.029	613	500	916	51	2,5%	16	2,6%	35	3,8%
18	Comrat	3.601	972	1.061	1.568	45	1,2%	29	3,0%	16	1,0%
19	Criuleni	2.089	569	585	935	44	2,1%	15	2,6%	29	3,1%
20	Donduşeni	1.282	261	438	583	12	0,9%	6	2,3%	6	1,0%
21	Drochia	3.093	942	897	1.254	24	0,8%	8	0,8%	16	1,3%
22	Dubăsari	1.383	391	359	633	19	1,4%	12	3,1%	7	1,1%
23	Edineţ	3.426	1.247	584	1.595	158	4,6%	74	5,9%	84	5,3%
24	Făleşti	2.768	640	1.541	587	48	1,7%	31	4,8%	17	2,9%
25	Floreşti	3.015	1.141	729	1.145	20	0,7%	8	0,7%	12	1,0%
26	Glodeni	1.732	330	640	762	15	0,9%	10	3,0%	5	0,7%
27	Grigoriopol										
28	Hînceşti	3.970	1.247	891	1.832	79	2,0%	53	4,3%	26	1,4%
29	Ialoveni	5.241	1.031	1.160	3.050	80	1,5%	36	3,5%	44	1,4%
30	Leova	2.414	538	431	1.445	18	0,7%	10	1,9%	8	0,6%
31	Nisporeni	1.336	328	462	546	27	2,0%	5	1,5%	22	4,0%
32	Ocnîţa	2.220	500	1.030	690	21	0,9%	11	2,2%	10	1,4%
33	Orhei	5.859	1.319	2.040	2.500	92	1,6%	32	2,4%	60	2,4%
34	Rezina	2.525	453	843	1.229	33	1,3%	12	2,6%	21	1,7%
35	Rîbniţa										
36	Rîşcani	3.481	411	1.572	1.498	42	1,2%	12	2,9%	30	2,0%
37	Sîngerei	2.341	288	662	1.391	29	1,2%	12	4,2%	17	1,2%
38	Slobozia										
39	Soroca	4.817	1.589	1.717	1.511	40	0,8%	18	1,1%	22	1,5%
40	Străşeni	4.904	867	1.486	2.551	110	2,2%	64	7,4%	46	1,8%
41	Şoldăneşti	1.347	240	339	768	18	1,3%	6	2,5%	12	1,6%
42	Ştefan Vodă	3.424	425	1.226	1.773	27	0,8%	6	1,4%	21	1,2%
43	Taraclia	1.918	579	440	899	25	1,3%	10	1,7%	15	1,7%
44	Teleneşti	2.977	413	904	1.660	20	0,7%	4	1,0%	16	1,0%
45	Ungheni	5.385	1.310	1.984	2.091	58	1,1%	28	2,1%	30	1,4%
46	Vulcăneşti	1.072	260	419	393	25	2,3%	17	6,5%	8	2,0%
	TOTAL	193.417	38.622	70.278	84.517	2.192	1,1%	1.011	2,6%	1.181	1,7%

Table 3: Administrative cases examined by district courts in 2011

Administrative cases in district courts - 2011											
N/ IJ	District court	All cases (2011)	All cases			Administrative cases					
			Cat I	Cat II	Cat III	Total number	% (from all cases)	Cat I	% cat I (from all cases of cat I)	Cat III	% cat III (from all cases of cat III)
	<i>mun. Chişinău</i>										
1	Botanica sector	13.433	3.509	4.479	5.445	132	1,0%	84	2,4%	48,00	0,9%
2	Buiucani sector	17.070	2.608	9.359	5.103	119	0,7%	68	2,6%	51,00	1,0%
3	Centru sector	20.642	2.659	13.155	4.828	211	1,0%	92	3,5%	119,00	2,5%
4	Ciocana sector	9.610	2.157	3.947	3.506	55	0,6%	24	1,1%	31,00	0,9%
5	Rîşcani sector	14.408	4.092	5.931	4.385	258	1,8%	132	3,2%	126,00	2,9%
6	mun. Bălţi	8.393	2.163	3.355	2.875	108	1,3%	42	1,9%	66,00	2,3%
7	Bender	1.420	182	479	759	5	0,4%	1	0,5%	4,00	0,5%
8	Tiraspol										
9	Anenii Noi	4.181	1.169	1.589	1.423	83	2,0%	31	2,7%	52,00	3,7%
10	Basarabesca	1.581	373	787	421	47	3,0%	16	4,3%	31,00	7,4%
11	Briceni	6.386	697	1.102	4.587	81	1,3%	12	1,7%	69,00	1,5%
12	Cahul	4.307	866	1.502	1.939	175	4,1%	43	5,0%	132,00	6,8%
13	Cantemir	1.758	293	656	809	27	1,5%	17	5,8%	10,00	1,2%
14	Călăraşi	3.221	719	1.133	1.369	68	2,1%	20	2,8%	48,00	3,5%
15	Căuşeni	2.985	586	927	1.472	38	1,3%	8	1,4%	30,00	2,0%
16	Ceadir-Lunga	2.170	353	1.016	801	39	1,8%	9	2,5%	30,00	3,7%
17	Cimişlia	1.948	551	592	805	89	4,6%	19	3,4%	70,00	8,7%
18	Comrat	3.122	705	1.024	1.393	88	2,8%	30	4,3%	58,00	4,2%
19	Criuleni	2.415	483	641	1.291	38	1,6%	12	2,5%	26,00	2,0%
20	Donduşeni	1.369	291	599	479	74	5,4%	7	2,4%	67,00	14,0%
21	Drochia	2.441	651	770	1.020	30	1,2%	9	1,4%	21,00	2,1%
22	Dubăsari	1.204	377	295	532	14	1,2%	8	2,1%	6,00	1,1%
23	Edineţ	2.552	825	686	1.041	149	5,8%	67	8,1%	82,00	7,9%
24	Făleşti	2.246	613	988	645	51	2,3%	29	4,7%	22,00	3,4%
25	Floreşti	2.968	1.046	940	982	21	0,7%	12	1,1%	9,00	0,9%
26	Glodeni	1.681	279	778	624	26	1,5%	12	4,3%	14,00	2,2%
27	Grigoriopol										
28	Hînceşti	3.246	1.066	747	1.433	129	4,0%	51	4,8%	78,00	5,4%
29	Ialoveni	5.343	1.037	1.636	2.670	122	2,3%	38	3,7%	84,00	3,1%
30	Leova	2.435	557	571	1.307	59	2,4%	1	0,2%	58,00	4,4%
31	Nisporeni	1.900	334	495	1.071	75	3,9%	9	2,7%	66,00	6,2%
32	Ocnîţa	1.893	493	866	534	39	2,1%	23	4,7%	16,00	3,0%
33	Orhei	5.693	1.207	1.705	2.781	85	1,5%	28	2,3%	57,00	2,0%
34	Rezina	2.753	496	923	1.334	30	1,1%	11	2,2%	19,00	1,4%
35	Rîbniţa										
36	Rîşcani	1.792	327	693	772	34	1,9%	3	0,9%	31,00	4,0%
37	Sîngerei	2.494	430	815	1.249	36	1,4%	18	4,2%	18,00	1,4%
38	Slobozia										
39	Soroca	4.687	1.539	1.589	1.559	175	3,7%	46	3,0%	129,00	8,3%
40	Străşeni	4.955	827	1.795	2.333	159	3,2%	27	3,3%	132,00	5,7%
41	Şoldăneşti	1.371	305	377	689	15	1,1%	4	1,3%	11,00	1,6%
42	Ştefan Vodă	2.618	380	1.078	1.160	23	0,9%	7	1,8%	16,00	1,4%
43	Taraclia	1.516	396	434	686	23	1,5%	7	1,8%	16,00	2,3%
44	Teleneşti	2.429	513	1.047	869	29	1,2%	16	3,1%	13,00	1,5%
45	Ungheni	4.986	1.137	1.770	2.079	144	2,9%	48	4,2%	96,00	4,6%
46	Vulcăneşti	1.015	232	349	434	65	6,4%	46	19,8%	19,00	4,4%
	TOTAL	184.637	39.523	73.620	71.494	3.268	2,2%	1.187	3,3%	2.081,00	3,5%

Table 4: Administrative cases examined by district courts in 2012

Administrative cases in district courts - 2012											
N/ I/	District court	All cases (2012)	All cases			Administrative cases					
			Cat I	Cat II	Cat III	Total number	% (from all cases)	Cat I	% cat I (from all cases of cat I)	Cat III	% cat III (from all cases of cat III)
	<i>mun. Chişinău</i>										
1	Botanica sector	14.879	4.928	5.752	4.199	127	0,9%	92	1,9%	35,00	0,8%
2	Buiucani sector	19.389	4.823	7.951	6.615	194	1,0%	97	2,0%	97,00	1,5%
3	Centru sector	23.155	4.594	13.127	5.434	167	0,7%	91	2,0%	76,00	1,4%
4	Ciocana sector	9.916	3.178	3.464	3.274	84	0,8%	45	1,4%	39,00	1,2%
5	Rîşcani sector	18.427	6.336	6.785	5.306	456	2,5%	223	3,5%	233,00	4,4%
6	mun. Bălţi	8.893	2.336	3.702	2.855	85	1,0%	39	1,7%	46,00	1,6%
7	Bender	1.704	236	575	893	1	0,1%	0	0,0%	1,00	0,1%
8	Tiraspol										
9	Anenii Noi	4.586	918	2.371	1.297	145	3,2%	55	6,0%	90,00	6,9%
10	Basarabesca	1.463	313	815	335	36	2,5%	26	8,3%	10,00	3,0%
11	Briceni	3.498	796	1.657	1.045	45	1,3%	23	2,9%	22,00	2,1%
12	Cahul	4.163	927	1.714	1.522	139	3,3%	47	5,1%	92,00	6,0%
13	Cantemir	1.753	221	821	711	43	2,5%	22	10,0%	21,00	3,0%
14	Călăraşi	3.371	755	1.186	1.430	56	1,7%	16	2,1%	40,00	2,8%
15	Căuşeni	3.261	605	1.127	1.529	72	2,2%	37	6,1%	35,00	2,3%
16	Ceadir-Lunga	2.052	436	1.023	593	41	2,0%	23	5,3%	18,00	3,0%
17	Cimişlia	2.162	471	710	981	60	2,8%	25	5,3%	35,00	3,6%
18	Comrat	2.838	711	1.040	1.087	60	2,1%	34	4,8%	26,00	2,4%
19	Criuleni	2.208	509	657	1.042	88	4,0%	35	6,9%	53,00	5,1%
20	Donduşeni	1.596	288	869	439	22	1,4%	11	3,8%	11,00	2,5%
21	Drochia	2.548	532	1.166	850	43	1,7%	30	5,6%	13,00	1,5%
22	Dubăsari	1.093	273	314	506	15	1,4%	8	2,9%	7,00	1,4%
23	Edineţ	2.466	849	618	999	98	4,0%	38	4,5%	60,00	6,0%
24	Făleşti	2.344	782	934	628	42	1,8%	26	3,3%	16,00	2,5%
25	Floreşti	2.374	945	887	542	58	2,4%	45	4,8%	13,00	2,4%
26	Glodeni	1.907	335	1.026	546	23	1,2%	12	3,6%	11,00	2,0%
27	Grigoriopol										
28	Hînceşti	3.089	807	1.105	1.177	66	2,1%	53	6,6%	13,00	1,1%
29	Ialoveni	5.385	878	2.249	2.258	74	1,4%	42	4,8%	32,00	1,4%
30	Leova	2.239	638	661	940	13	0,6%	5	0,8%	8,00	0,9%
31	Nisporeni	2.102	435	647	1.020	62	2,9%	27	6,2%	35,00	3,4%
32	Ocnîţa	1.814	610	776	428	40	2,2%	25	4,1%	15,00	3,5%
33	Orhei	5.157	1.209	2.128	1.820	84	1,6%	6	0,5%	78,00	4,3%
34	Rezina	2.651	590	1.002	1.059	38	1,4%	16	2,7%	22,00	2,1%
35	Rîbniţa										
36	Rîşcani	1.842	416	718	708	23	1,2%	16	3,8%	7,00	1,0%
37	Sîngerei	2.248	461	956	831	21	0,9%	6	1,3%	15,00	1,8%
38	Slobozia										
39	Soroca	4.673	1.629	1.595	1.449	68	1,5%	32	2,0%	36,00	2,5%
40	Străşeni	4.445	870	1.847	1.728	106	2,4%	74	8,5%	32,00	1,9%
41	Şoldăneşti	3.637	1.317	584	1.736	19	0,5%	6	0,5%	13,00	0,7%
42	Ştefan Vodă	2.945	267	1.418	1.260	22	0,7%	5	1,9%	17,00	1,3%
43	Taraclia	1.458	407	470	581	47	3,2%	17	4,2%	30,00	5,2%
44	Teleneşti	2.875	372	1.568	935	24	0,8%	2	0,5%	22,00	2,4%
45	Ungheni	3.914	1.116	1.333	1.465	70	1,8%	35	3,1%	35,00	2,4%
46	Vulcăneşti	866	133	440	293	30	3,5%	22	16,5%	8,00	2,7%
	TOTAL	193.386	49.252	79.788	64.346	3.007	1,8%	1.489	4,1%	1.518,00	2,6%

Table 5: Economic cases examined by district courts in 2010

Economic cases examined by district courts - 2010													
N/ IJ	District Court	All cases	All cases			Economic cases							
			Cat I	Cat II	Cat III	Total number	% (from all cases)	Cat I	% cat I (from all cases of cat I)	Cat II	% cat II (from all cases of cat II)	Cat III	% cat III (from all cases of cat III)
	mun. Chişinău												
1	Botanica sector	14.684	3.286	3.468	7.930	0	0,0%	0	0,0%	0	0,0%	0	0,0%
2	Buiucani sector	17.201	1.986	8.404	6.811	0	0,0%	0	0,0%	0	0,0%	0	0,0%
3	Centru sector	18.475	2.337	10.959	5.179	0	0,0%	0	0,0%	0	0,0%	0	0,0%
4	Ciocana sector	10.810	1.898	3.651	5.261	0	0,0%	0	0,0%	0	0,0%	0	0,0%
5	Rîşcani sector	16.213	3.468	6.050	6.695	0	0,0%	0	0,0%	0	0,0%	0	0,0%
6	mun. Bălţi	9.679	1.897	3.117	4.665	0	0,0%	0	0,0%	0	0,0%	0	0,0%
7	Bender	1.592	171	260	1.161	0	0,0%	0	0,0%	0	0,0%	0	0,0%
8	Tiraspol												
9	Anenii Noi	4.840	855	2.091	1.894	0	0,0%	0	0,0%	0	0,0%	0	0,0%
10	Basarabasca	1.573	284	839	450	0	0,0%	0	0,0%	0	0,0%	0	0,0%
11	Briceni	3.438	655	1.455	1.328	0	0,0%	0	0,0%	0	0,0%	0	0,0%
12	Cahul	3.977	990	1.299	1.688	0	0,0%	0	0,0%	0	0,0%	0	0,0%
13	Cantemir	1.967	271	601	1.095	0	0,0%	0	0,0%	0	0,0%	0	0,0%
14	Călăraşi	3.117	658	1.068	1.391	0	0,0%	0	0,0%	0	0,0%	0	0,0%
15	Căuşeni	3.823	619	1.164	2.040	0	0,0%	0	0,0%	0	0,0%	0	0,0%
16	Ceadir-Lunga	2.379	343	912	1.124	0	0,0%	0	0,0%	0	0,0%	0	0,0%
17	Cimişlia	2.029	613	500	916	0	0,0%	0	0,0%	0	0,0%	0	0,0%
18	Comrat	3.601	972	1.061	1.568	0	0,0%	0	0,0%	0	0,0%	0	0,0%
19	Criuleni	2.089	569	585	935	0	0,0%	0	0,0%	0	0,0%	0	0,0%
20	Donduşeni	1.282	261	438	583	0	0,0%	0	0,0%	0	0,0%	0	0,0%
21	Drochia	3.093	942	897	1.254	0	0,0%	0	0,0%	0	0,0%	0	0,0%
22	Dubăsari	1.383	391	359	633	0	0,0%	0	0,0%	0	0,0%	0	0,0%
23	Edineţ	3.426	1.247	584	1.595	0	0,0%	0	0,0%	0	0,0%	0	0,0%
24	Făleşti	2.768	640	1.541	587	0	0,0%	0	0,0%	0	0,0%	0	0,0%
25	Floreşti	3.015	1.141	729	1.145	0	0,0%	0	0,0%	0	0,0%	0	0,0%
26	Glodeni	1.732	330	640	762	0	0,0%	0	0,0%	0	0,0%	0	0,0%
27	Grigoriopol												
28	Hînceşti	3.970	1.247	891	1.832	0	0,0%	0	0,0%	0	0,0%	0	0,0%
29	Ialoveni	5.241	1.031	1.160	3.050	0	0,0%	0	0,0%	0	0,0%	0	0,0%
30	Leova	2.414	538	431	1.445	0	0,0%	0	0,0%	0	0,0%	0	0,0%
31	Nisporeni	1.336	328	462	546	0	0,0%	0	0,0%	0	0,0%	0	0,0%
32	Ocnîţa	2.220	500	1.030	690	0	0,0%	0	0,0%	0	0,0%	0	0,0%
33	Orhei	5.859	1.319	2.040	2.500	0	0,0%	0	0,0%	0	0,0%	0	0,0%
34	Rezina	2.525	453	843	1.229	0	0,0%	0	0,0%	0	0,0%	0	0,0%
35	Rîbniţa												
36	Rîşcani	3.481	411	1.572	1.498	0	0,0%	0	0,0%	0	0,0%	0	0,0%
37	Sîngerei	2.341	288	662	1.391	0	0,0%	0	0,0%	0	0,0%	0	0,0%
38	Slobozia												
39	Soroca	4.817	1.589	1.717	1.511	0	0,0%	0	0,0%	0	0,0%	0	0,0%
40	Străşeni	4.904	867	1.486	2.551	0	0,0%	0	0,0%	0	0,0%	0	0,0%
41	Şoldăneşti	1.347	240	339	768	0	0,0%	0	0,0%	0	0,0%	0	0,0%
42	Ştefan Vodă	3.424	425	1.226	1.773	0	0,0%	0	0,0%	0	0,0%	0	0,0%
43	Taraclia	1.918	579	440	899	0	0,0%	0	0,0%	0	0,0%	0	0,0%
44	Teleneşti	2.977	413	904	1.660	0	0,0%	0	0,0%	0	0,0%	0	0,0%
45	Ungheni	5.385	1.310	1.984	2.091	0	0,0%	0	0,0%	0	0,0%	0	0,0%
46	Vulcăneşti	1.072	260	419	393	0	0,0%	0	0,0%	0	0,0%	0	0,0%
48	Comm. District Court	10.173	3.250	51	6.872	10.173	100,0%	3.250	100,0%	51	100,0%	6.872	100,0%
	TOTAL	203.590	41.872	70.329	91.389	10.173	5,0%	3.250	7,8%	51	0,1%	6.872	7,5%

Table 6: Economic cases examined by district courts in 2011

Economic cases examind by district courts - 2011													
N/ IJ	District Court	All cases	All cases			Economic cases							
			Cat I	Cat II	Cat III	Total number	% (from all cases)	Cat I	% cat I (from all cases of cat I)	Cat II	% cat II (from all cases of cat II)	Cat III	% cat III (from all cases of cat III)
	<i>mun. Chişinău</i>												
1	Botanica sector	13.433	3.509	4.479	5.445	319	2,4%	230	72,1%	0	0,0%	89	27,9%
2	Buiucani sector	17.070	2.608	9.359	5.103	204	1,2%	129	63,2%	0	0,0%	75	36,8%
3	Centru sector	20.642	2.659	13.155	4.828	230	1,1%	160	69,6%	0	0,0%	70	30,4%
4	Ciocana sector	9.610	2.157	3.947	3.506	154	1,6%	118	76,6%	0	0,0%	36	23,4%
5	Rîşcani sector	14.408	4.092	5.931	4.385	62	0,4%	54	87,1%	0	0,0%	8	12,9%
6	mun. Bălţi	8.393	2.163	3.355	2.875	77	0,9%	60	77,9%	0	0,0%	17	22,1%
7	Bender	1.420	182	479	759	2	0,1%	2	100,0%	0	0,0%	0	0,0%
8	Tiraspol												
9	Anenii Noi	4.181	1.169	1.589	1.423	9	0,2%	7	77,8%	0	0,0%	2	22,2%
10	Basarabasca	1.581	373	787	421	2	0,1%	1	50,0%	0	0,0%	1	50,0%
11	Briceni	6.386	697	1.102	4.587	6	0,1%	4	66,7%	0	0,0%	2	33,3%
12	Cahul	4.307	866	1.502	1.939	7	0,2%	4	57,1%	0	0,0%	3	42,9%
13	Cantemir	1.758	293	656	809	0	0,0%	0		0	0,0%	0	
14	Călăraşi	3.221	719	1.133	1.369	3	0,1%	3	100,0%	0	0,0%	0	0,0%
15	Căuşeni	2.985	586	927	1.472	4	0,1%	2	50,0%	0	0,0%	2	50,0%
16	Ceadir-Lunga	2.170	353	1.016	801	5	0,2%	4	80,0%	0	0,0%	1	20,0%
17	Cimişlia	1.948	551	592	805	8	0,4%	6	75,0%	0	0,0%	2	25,0%
18	Comrat	3.122	705	1.024	1.393	28	0,9%	21	75,0%	0	0,0%	7	25,0%
19	Criuleni	2.415	483	641	1.291	17	0,7%	9	52,9%	0	0,0%	8	47,1%
20	Donduşeni	1.369	291	599	479	12	0,9%	8	66,7%	0	0,0%	4	33,3%
21	Drochia	2.441	651	770	1.020	9	0,4%	6	66,7%	0	0,0%	3	33,3%
22	Dubăsari	1.204	377	295	532	1	0,1%	1	100,0%	0	0,0%	0	0,0%
23	Edineţ	2.552	825	686	1.041	22	0,9%	17	77,3%	0	0,0%	5	22,7%
24	Făleşti	2.246	613	988	645	9	0,4%	4	44,4%	0	0,0%	5	55,6%
25	Floreşti	2.968	1.046	940	982	4	0,1%	4	100,0%	0	0,0%	0	0,0%
26	Glodeni	1.681	279	778	624	22	1,3%	7	31,8%	0	0,0%	15	68,2%
27	Grigoriopol												
28	Hinceşti	3.246	1.066	747	1.433	11	0,3%	10	90,9%	0	0,0%	1	9,1%
29	Ialoveni	5.343	1.037	1.636	2.670	25	0,5%	19	76,0%	0	0,0%	6	24,0%
30	Leova	2.435	557	571	1.307	1	0,0%	1	100,0%	0	0,0%	0	0,0%
31	Nisporeni	1.900	334	495	1.071	11	0,6%	7	63,6%	0	0,0%	4	36,4%
32	Ocnîţa	1.893	493	866	534	15	0,8%	8	53,3%	0	0,0%	7	46,7%
33	Orhei	5.693	1.207	1.705	2.781	33	0,6%	17	51,5%	0	0,0%	16	48,5%
34	Rezina	2.753	496	923	1.334	26	0,9%	5	19,2%	0	0,0%	21	80,8%
35	Ribniţa												
36	Rîşcani	1.792	327	693	772	8	0,4%	6	75,0%	0	0,0%	2	25,0%
37	Sîngerei	2.494	430	815	1.249	1	0,0%	1	100,0%	0	0,0%	0	0,0%
38	Slobozia												
39	Soroca	4.687	1.539	1.589	1.559	12	0,3%	6	50,0%	0	0,0%	6	50,0%
40	Străşeni	4.955	827	1.795	2.333	12	0,2%	5	41,7%	0	0,0%	7	58,3%
41	Şoldăneşti	1.371	305	377	689	16	1,2%	12	75,0%	0	0,0%	4	25,0%
42	Ştefan Vodă	2.618	380	1.078	1.160	28	1,1%	8	28,6%	0	0,0%	20	71,4%
43	Taraclia	1.516	396	434	686	24	1,6%	5	20,8%	0	0,0%	19	79,2%
44	Teleneşti	2.429	513	1.047	869	5	0,2%	3	60,0%	0	0,0%	2	40,0%
45	Ungheni	4.986	1.137	1.770	2.079	14	0,3%	3	21,4%	0	0,0%	11	78,6%
46	Vulcăneşti	1.015	232	349	434	2	0,2%	2	100,0%	0	0,0%	0	0,0%
48	Comm. District Court	10.173	6.567	71	4.799	10.173	100,0%	6.567	100,0%	71	100,0%	4.799	100,0%
	TOTAL	194.810	46.090	73.691	76.293	11.633	6,0%	7.546	16,4%	71	0,1%	5.280	6,9%

Table 7: Commercial cases examined by district courts in 2012

Commercial cases examinind by district courts - 2012													
N/ IJ	District Court	All cases	All cases			Commercial cases							
			Cat I	Cat II	Cat III	Total number	% (from all cases)	Cat I	% cat I (from all cases of cat I)	Cat II	% cat II (from all cases of cat II)	Cat III	% cat III (from all cases of cat III)
mun. Chişinău													
1	Botanica sector	14.879	4.928	5.752	4.199	1.729	11,6%	1.016	58,8%	0	0,0%	713	41,2%
2	Buiucani sector	19.389	4.823	7.951	6.615	1.393	7,2%	659	47,3%	0	0,0%	734	52,7%
3	Centru sector	23.155	4.594	13.127	5.434	1.705	7,4%	913	53,5%	0	0,0%	792	46,5%
4	Ciocana sector	9.916	3.178	3.464	3.274	1.063	10,7%	574	54,0%	0	0,0%	489	46,0%
5	Rîşcani sector	18.427	6.336	6.785	5.306	1.370	7,4%	746	54,5%	0	0,0%	624	45,5%
6	mun. Bălţi	8.893	2.336	3.702	2.855	552	6,2%	248	44,9%	0	0,0%	304	55,1%
7	Bender	1.704	236	575	893	5	0,3%	3	60,0%	0	0,0%	2	40,0%
8	Tiraspol					0							
9	Anenii Noi	4.586	918	2.371	1.297	56	1,2%	30	53,6%	0	0,0%	26	46,4%
10	Basarabasca	1.463	313	815	335	29	2,0%	14	48,3%	0	0,0%	15	51,7%
11	Briceni	3.498	796	1.657	1.045	55	1,6%	17	30,9%	0	0,0%	38	69,1%
12	Cahul	4.163	927	1.714	1.522	141	3,4%	91	64,5%	0	0,0%	50	35,5%
13	Cantemir	1.753	221	821	711	36	2,1%	7		0	0,0%	29	
14	Călăraşi	3.371	755	1.186	1.430	46	1,4%	11	23,9%	0	0,0%	35	76,1%
15	Căuşeni	3.261	605	1.127	1.529	85	2,6%	30	35,3%	0	0,0%	55	64,7%
16	Ceadir-Lunga	2.052	436	1.023	593	73	3,6%	35	47,9%	0	0,0%	38	52,1%
17	Cimişlia	2.162	471	710	981	84	3,9%	18	21,4%	0	0,0%	66	78,6%
18	Comrat	2.838	711	1.040	1.087	185	6,5%	83	44,9%	0	0,0%	102	55,1%
19	Cruleni	2.208	509	657	1.042	71	3,2%	26	36,6%	0	0,0%	45	63,4%
20	Donduşeni	1.596	288	869	439	20	1,3%	2	10,0%	0	0,0%	18	90,0%
21	Drochia	2.548	532	1.166	850	89	3,5%	54	60,7%	0	0,0%	35	39,3%
22	Dubăsari	1.093	273	314	506	31	2,8%	20	64,5%	0	0,0%	11	35,5%
23	Edineţ	2.466	849	618	999	149	6,0%	89	59,7%	0	0,0%	60	40,3%
24	Făleşti	2.344	782	934	628	77	3,3%	34	44,2%	0	0,0%	43	55,8%
25	Floreşti	2.374	945	887	542	34	1,4%	22	64,7%	0	0,0%	12	35,3%
26	Glodeni	1.907	335	1.026	546	47	2,5%	16	34,0%	0	0,0%	31	66,0%
27	Grigoriopol							0					
28	Hînceşti	3.089	807	1.105	1.177	129	4,2%	81	62,8%	0	0,0%	48	37,2%
29	Ialoveni	5.385	878	2.249	2.258	187	3,5%	112	59,9%	0	0,0%	75	40,1%
30	Leova	2.239	638	661	940	21	0,9%	11	52,4%	0	0,0%	10	47,6%
31	Nisporeni	2.102	435	647	1.020	43	2,0%	18	41,9%	0	0,0%	25	58,1%
32	Ocnîţa	1.814	610	776	428	79	4,4%	48	60,8%	0	0,0%	31	39,2%
33	Orhei	5.157	1.209	2.128	1.820	190	3,7%	54	28,4%	0	0,0%	136	71,6%
34	Rezina	2.651	590	1.002	1.059	42	1,6%	13	31,0%	0	0,0%	29	69,0%
35	Rîbniţa												
36	Rîşcani	1.842	416	718	708	43	2,3%	19	44,2%	0	0,0%	24	55,8%
37	Sîngerei	2.248	461	956	831	45	2,0%	17	37,8%	0	0,0%	28	62,2%
38	Slobozia												
39	Soroca	4.673	1.629	1.595	1.449	110	2,4%	48	43,6%	0	0,0%	62	56,4%
40	Străşeni	4.445	870	1.847	1.728	149	3,4%	56	37,6%	0	0,0%	93	62,4%
41	Şoldăneşti	3.637	1.317	584	1.736	958	26,3%	467	48,7%	0	0,0%	491	51,3%
42	Ştefan Vodă	2.945	267	1.418	1.260	72	2,4%	9	12,5%	0	0,0%	63	87,5%
43	Taraclia	1.458	407	470	581	127	8,7%	53	41,7%	0	0,0%	74	58,3%
44	Teleneşti	2.875	372	1.568	935	33	1,1%	10	30,3%	0	0,0%	23	69,7%
45	Ungheni	3.914	1.116	1.333	1.465	191	4,9%	80	41,9%	0	0,0%	111	58,1%
46	Vulcăneşti	866	133	440	293	40	4,6%	15	37,5%	0	0,0%	25	62,5%
48	Comm. District Court	1.303	972	33	298	1.303	100,0%	972	100,0%	33	100,0%	298	100,0%
	TOTAL	194.689	50.224	79.821	64.644	12.887	6,6%	6.841	13,6%	33	0,0%	6.013	9,3%

Table 8: Cases examined by investigative judges in 2010

Cases examined by investigative judges - 2010																
N/ IJ	District Court	All cases (2010)	All cases			Statistic data regarding cases examined by investigative judges						Presentations Form 1 exam.	Complaints exam. - art. 298-299, 313 CPC	Requests exam. - art. 300-306 CPC	Requests on arrest exam.	Requests on prolong of arrest- exam.
			Cat I	Cat II	Cat III	Total number	% (from all cases)	Cat I	% cat I (from all cases of cat I)	Cat II	% cat II (from all cases of cat II)					
mun. Chişinău																
1	Botanica sector	14.684	3.286	3.468	7.930	2.295	15,6%	18	0,5%	2.277	65,7%	18	131	1.589	313	244
2	Buiucani sector	17.201	1.986	8.404	6.811	4.786	27,8%	523	26,3%	4.263	50,7%	523	358	3.374	285	246
3	Centru sector	18.475	2.337	10.959	5.179	8.403	45,5%	0	0,0%	8.403	76,7%	0	220	7.383	440	360
4	Ciocana sector	10.810	1.898	3.651	5.261	3.318	30,7%	107	5,6%	3.211	87,9%	107	108	2.852	159	92
5	Rîşcani sector	16.213	3.468	6.050	6.695	3.409	21,0%	683	19,7%	2.726	45,1%	683	435	1.854	251	186
6	mun. Bălţi	9.679	1.897	3.117	4.665	1.968	20,3%	388	20,5%	1.580	50,7%	388	88	1.339	111	42
7	Bender	1.592	171	260	1.161	166	10,4%	89	52,0%	77	29,6%	89	5	49	18	5
8	Tiraspol															
9	Anenii Noi	4.840	855	2.091	1.894	433	8,9%	37	4,3%	396	18,9%	37	4	287	70	35
10	Basarabeasca	1.573	284	839	450	149	9,5%	28	9,9%	121	14,4%	28	3	47	35	36
11	Briceni	3.438	655	1.455	1.328	608	17,7%	169	25,8%	439	30,2%	169	14	318	66	41
12	Cahul	3.977	990	1.299	1.688	577	14,5%	94	9,5%	483	37,2%	94	70	252	91	70
13	Cantemir	1.967	271	601	1.095	233	11,8%	23	8,5%	210	34,9%	23	10	120	54	26
14	Călăraşi	3.117	658	1.068	1.391	399	12,8%	91	13,8%	308	28,8%	91	12	220	37	39
15	Căuşeni	3.823	619	1.164	2.040	279	7,3%	0	0,0%	279	24,0%	0	20	167	56	36
16	Ceadir-Lunga	2.379	343	912	1.124	557	23,4%	27	7,9%	530	58,1%	27	10	427	40	53
17	Cimişlia	2.029	613	500	916	276	13,6%	113	18,4%	163	32,6%	113	9	63	39	52
18	Comrat	3.601	972	1.061	1.568	431	12,0%	0	0,0%	431	40,6%	0	14	313	60	44
19	Criuleni	2.089	569	585	935	297	14,2%	63	11,1%	234	40,0%	63	26	119	65	24
20	Donduşeni	1.282	261	438	583	43	3,4%	5	1,9%	38	8,7%	5	10	12	9	7
21	Drochia	3.093	942	897	1.254	730	23,6%	449	47,7%	281	31,3%	449	22	152	51	56
22	Dubăsari	1.383	391	359	633	187	13,5%	12	3,1%	175	48,7%	12	8	120	27	20
23	Edineţ	3.426	1.247	584	1.595	290	8,5%	31	2,5%	259	44,3%	31	26	116	99	18
24	Făleşti	2.768	640	1.541	587	304	11,0%	32	5,0%	272	17,7%	32	26	153	59	34
25	Floreşti	3.015	1.141	729	1.145	273	9,1%	146	12,8%	127	17,4%	146	15	83	20	9
26	Glodeni	1.732	330	640	762	171	9,9%	0	0,0%	171	26,7%	0	6	129	25	11
27	Grigoriopol															
28	Hînceşti	3.970	1.247	891	1.832	515	13,0%	231	18,5%	284	31,9%	231	60	158	33	33
29	Ialoveni	5.241	1.031	1.160	3.050	511	9,8%	35	3,4%	476	41,0%	35	38	255	75	108
30	Leova	2.414	538	431	1.445	397	16,4%	216	40,1%	181	42,0%	216	6	108	51	16
31	Nisporeni	1.336	328	462	546	109	8,2%	7	2,1%	102	22,1%	7	12	38	28	24
32	Ocnîţa	2.220	500	1.030	690	180	8,1%	38	7,6%	142	13,8%	38	11	103	16	12
33	Orhei	5.859	1.319	2.040	2.500	1.036	17,7%	342	25,9%	694	34,0%	342	45	482	106	61
34	Rezina	2.525	453	843	1.229	366	14,5%	165	36,4%	201	23,8%	165	5	156	21	19
35	Ribniţa															
36	Rîşcani	3.481	411	1.572	1.498	204	5,9%	8	1,9%	196	12,5%	8	20	122	38	16
37	Sîngerei	2.341	288	662	1.391	147	6,3%	0	0,0%	147	22,2%	0	10	96	23	18
38	Slobozia															
39	Soroca	4.817	1.589	1.717	1.511	1.101	22,9%	691	43,5%	410	23,9%	691	16	178	81	135
40	Străşeni	4.904	867	1.486	2.551	700	14,3%	52	6,0%	648	43,6%	52	76	411	109	52
41	Şoldăneşti	1.347	240	339	768	63	4,7%	1	0,4%	62	18,3%	1	10	38	12	2
42	Ştefan Vodă	3.424	425	1.226	1.773	250	7,3%	73	17,2%	177	14,4%	73	14	74	66	23
43	Taraclia	1.918	579	440	899	259	13,5%	145	25,0%	114	25,9%	145	12	66	21	15
44	Teleneşti	2.977	413	904	1.660	191	6,4%	13	3,1%	178	19,7%	13	18	104	39	17
45	Ungheni	5.385	1.310	1.984	2.091	487	9,0%	45	3,4%	442	22,3%	45	63	266	73	40
46	Vulcăneşti	1.072	260	419	393	129	12,0%	19	7,3%	110	26,3%	19	11	66	15	18
TOTAL		193.417	38.622	70.278	84.517	37.227	13,9%	5.209	13,1%	32.018	33,3%	5.209	2.077	24.259	3.287	2.395

Table 9: Cases examined by investigative judges in 2011

Cases examined by investigative judges - 2011																
N/ IJ	District Court	All cases (2011)	All cases			Statistic data regarding cases examined by investigative judges						Presentations Form 1 exam.	Complaints exam. - art. 298-299, 313 CPC	Requests exam. - art. 300-306 CPC	Requests on arrest exam.	Requests on prolong of arrest- exam.
			Cat I	Cat II	Cat III	Total number	% (from all cases)	Cat I	% cat I (from all cases of cat I)	Cat II	% cat II (from all cases of cat II)					
	mun. Chişinău															
1	Botanica sector	13.433	3.509	4.479	5.445	2.420	18,0%	19	0,5%	2.401	53,6%	19	126	1.752	301	222
2	Buiucani sector	17.070	2.608	9.359	5.103	5.209	30,5%	453	17,4%	4.756	50,8%	453	378	3.870	268	240
3	Centru sector	20.642	2.659	13.155	4.828	9.863	47,8%	0	0,0%	9.863	75,0%	0	271	8.591	484	517
4	Ciocana sector	9.610	2.157	3.947	3.506	3.575	37,2%	163	7,6%	3.412	86,4%	163	111	2.935	194	172
5	Rîşcani sector	14.408	4.092	5.931	4.385	3.624	25,2%	1.077	26,3%	2.547	42,9%	1.077	416	1.559	235	337
6	mun. Bălţi	8.393	2.163	3.355	2.875	2.095	25,0%	453	20,9%	1.642	48,9%	453	131	1.314	135	62
7	Bender	1.420	182	479	759	333	23,5%	72	39,6%	261	54,5%	72	5	215	17	24
8	Tiraspol															
9	Anenii Noi	4.181	1.169	1.589	1.423	455	10,9%	32	2,7%	423	26,6%	32	36	302	59	26
10	Basarabasca	1.581	373	787	421	235	14,9%	28	7,5%	207	26,3%	28	9	142	29	27
11	Briceni	6.386	697	1.102	4.587	598	9,4%	181	26,0%	417	37,8%	181	23	321	42	31
12	Cahul	4.307	866	1.502	1.939	603	14,0%	103	11,9%	500	33,3%	103	46	316	83	55
13	Cantemir	1.758	293	656	809	321	18,3%	9	3,1%	312	47,6%	9	8	223	51	30
14	Călăraşi	3.221	719	1.133	1.369	412	12,8%	60	8,3%	352	31,1%	60	23	228	60	41
15	Căuşeni	2.985	586	927	1.472	237	7,9%	0	0,0%	237	25,6%	0	13	136	51	37
16	Ceadir-Lunga	2.170	353	1.016	801	690	31,8%	28	7,9%	662	65,2%	28	5	556	60	41
17	Cimişlia	1.948	551	592	805	217	11,1%	17	3,1%	200	33,8%	17	16	56	43	85
18	Comrat	3.122	705	1.024	1.393	429	13,7%	0	0,0%	429	41,9%	0	17	336	40	36
19	Criuleni	2.415	483	641	1.291	350	14,5%	83	17,2%	267	41,7%	83	24	143	65	35
20	Donduşeni	1.369	291	599	479	81	5,9%	20	6,9%	61	10,2%	20	10	30	14	7
21	Drochia	2.441	651	770	1.020	254	10,4%	41	6,3%	213	27,7%	41	11	157	27	18
22	Dubăsari	1.204	377	295	532	112	9,3%	9	2,4%	103	34,9%	9	21	69	10	3
23	Edineţ	2.552	825	686	1.041	264	10,3%	17	2,1%	247	36,0%	17	17	174	42	14
24	Făleşti	2.246	613	988	645	235	10,5%	46	7,5%	189	19,1%	46	21	115	31	22
25	Floreşti	2.968	1.046	940	982	348	11,7%	195	18,6%	153	16,3%	195	17	77	39	20
26	Glodeni	1.681	279	778	624	172	10,2%	0	0,0%	172	22,1%	0	9	129	21	13
27	Grigoriopol															
28	Hînceşti	3.246	1.066	747	1.433	490	15,1%	113	10,6%	377	50,5%	113	102	159	52	64
29	Ialoveni	5.343	1.037	1.636	2.670	786	14,7%	57	5,5%	729	44,6%	57	35	540	92	62
30	Leova	2.435	557	571	1.307	540	22,2%	260	46,7%	280	49,0%	260	6	197	58	19
31	Nisporeni	1.900	334	495	1.071	91	4,8%	10	3,0%	81	16,4%	10	5	18	30	28
32	Ocnîţa	1.893	493	866	534	163	8,6%	20	4,1%	143	16,5%	20	17	91	16	19
33	Orhei	5.693	1.207	1.705	2.781	799	14,0%	275	22,8%	524	30,7%	275	35	313	104	72
34	Rezina	2.753	496	923	1.334	484	17,6%	139	28,0%	345	37,4%	139	24	274	30	17
35	Rîbniţa															
36	Rîşcani	1.792	327	693	772	175	9,8%	7	2,1%	168	24,2%	7	15	100	30	23
37	Sîngerei	2.494	430	815	1.249	134	5,4%	17	4,0%	117	14,4%	17	15	76	15	11
38	Slobozia															
39	Soroca	4.687	1.539	1.589	1.559	1.001	21,4%	344	22,4%	657	41,3%	344	12	450	107	88
40	Străşeni	4.955	827	1.795	2.333	921	18,6%	64	7,7%	857	47,7%	64	54	593	146	64
41	Şoldăneşti	1.371	305	377	689	104	7,6%	6	2,0%	98	26,0%	6	9	66	19	4
42	Ştefan Vodă	2.618	380	1.078	1.160	390	14,9%	78	20,5%	312	28,9%	78	14	213	62	23
43	Taraclia	1.516	396	434	686	233	15,4%	137	34,6%	96	22,1%	137	9	35	33	19
44	Teleneşti	2.429	513	1.047	869	195	8,0%	13	2,5%	182	17,4%	13	20	127	26	9
45	Ungheni	4.986	1.137	1.770	2.079	490	9,8%	23	2,0%	467	26,4%	23	45	294	100	28
46	Vulcăneşti	1.015	232	349	434	184	18,1%	20	8,6%	164	47,0%	20	9	121	11	23
	TOTAL	184.637	39.523	73.620	71.494	40.312	15,7%	4.689	11,2%	35.623	36,4%	4.689	2.190	27.413	3.332	2.688

Table 10: Cases examined by investigative judges in 2012

Cases examined by investigative judges - 2012																
N/ IJ	District Court	All cases (2012)	All cases			Statistic data regarding cases examined by investigative judges						Presentations Form 1 exam.	Complaints exam. - art. 298-299, 313 CPC	Requests exam. - art. 300-306 CPC	Requests on arrest exam.	Requests on prolong arrest- exam.
			Cat I	Cat II	Cat III	Total num-ber	% (from all cases)	Cat I	% cat I (from all cases of cat I)	Cat II	% cat II (from all cases of cat II)					
	mun. Chişinău															
1	Botanica sector	14.684	3.286	3.468	7.930	2.459	16,7%	13	0,4%	2.446	70,5%	13	136	1.723	322	265
2	Biuiucani sector	17.201	1.986	8.404	6.811	5.376	31,3%	404	20,3%	4.972	59,2%	404	459	3.994	278	241
3	Centru sector	18.475	2.337	10.959	5.179	9.091	49,2%	620	26,5%	8.471	77,3%	620	330	7.304	447	390
4	Ciocana sector	10.810	1.898	3.651	5.261	2.805	25,9%	171	9,0%	2.634	72,1%	171	134	2.260	143	97
5	Rîşcani sector	16.213	3.468	6.050	6.695	3.947	24,3%	550	15,9%	3.397	56,1%	550	448	2.319	267	363
6	mun. Bălţi	9.679	1.897	3.117	4.665	2.378	24,6%	462	24,4%	1.916	61,5%	462	105	1.551	169	91
7	Bender	1.592	171	260	1.161	282	17,7%	81	47,4%	201	77,3%	81	14	282	13	12
8	Tiraspol															
9	Anenii Noi	4.840	855	2.091	1.894	488	10,1%	0	0,0%	488	23,3%	0	45	368	45	30
10	Basarabasca	1.573	284	839	450	165	10,5%	27	9,5%	138	16,4%	27	5	68	43	22
11	Briceni	3.438	655	1.455	1.328	693	20,2%	142	21,7%	551	37,9%	142	20	434	49	48
12	Cahul	3.977	990	1.299	1.688	700	17,6%	133	13,4%	567	43,6%	133	69	423	46	29
13	Cantemir	1.967	271	601	1.095	358	18,2%	6	2,2%	352	58,6%	6	8	245	47	52
14	Călăraşi	3.117	658	1.068	1.391	389	12,5%	87	13,2%	302	28,3%	87	26	175	61	40
15	Căuşeni	3.823	619	1.164	2.040	280	7,3%	0	0,0%	280	24,1%	0	23	190	45	22
16	Ceadir-Lunga	2.379	343	912	1.124	712	29,9%	39	11,4%	673	73,8%	39	19	582	34	38
17	Cimişlia	2.029	613	500	916	137	6,8%	27	4,4%	110	22,0%	27	9	42	25	34
18	Comrat	3.601	972	1.061	1.568	489	13,6%	0	0,0%	489	46,1%	0	19	405	24	41
19	Criuleni	2.089	569	585	935	363	17,4%	95	16,7%	268	45,8%	95	39	143	51	35
20	Donduşeni	1.282	261	438	583	89	6,9%	9	3,4%	80	18,3%	9	17	31	16	16
21	Drochia	3.093	942	897	1.254	254	8,2%	1	0,1%	253	28,2%	1	31	138	36	48
22	Dubăsari	1.383	391	359	633	118	8,5%	10	2,6%	108	30,1%	10	20	66	13	9
23	Edineţ	3.426	1.247	584	1.595	231	6,7%	14	1,1%	217	37,2%	14	24	130	33	30
24	Făleşti	2.768	640	1.541	587	379	13,7%	93	14,5%	286	18,6%	93	17	212	38	19
25	Florêşti	3.015	1.141	729	1.145	270	9,0%	168	14,7%	102	14,0%	168	17	52	15	18
26	Glodeni	1.732	330	640	762	167	9,6%	0	0,0%	167	26,1%	0	4	92	31	40
27	Grigoriopol															
28	Hînceşti	3.970	1.247	891	1.832	472	11,9%	0	0,0%	472	53,0%	0	87	238	76	71
29	Ialoveni	5.241	1.031	1.160	3.050	870	16,6%	51	4,9%	819	70,6%	51	64	573	83	99
30	Leova	2.414	538	431	1.445	526	21,8%	277	51,5%	249	57,8%	277	20	179	45	5
31	Nisporeni	1.336	328	462	546	136	10,2%	36	11,0%	100	21,6%	36	15	27	25	33
32	Ocnîţa	2.220	500	1.030	690	170	7,7%	13	2,6%	157	15,2%	13	21	103	13	20
33	Orhei	5.859	1.319	2.040	2.500	1.134	19,4%	299	22,7%	835	40,9%	299	26	589	148	72
34	Rezina	2.525	453	843	1.229	519	20,6%	147	32,5%	372	44,1%	147	11	299	29	33
35	Ribniţa															
36	Rîşcani	3.481	411	1.572	1.498	209	6,0%	18	4,4%	191	12,2%	18	17	92	43	39
37	Sîngerei	2.341	288	662	1.391	190	8,1%	13	4,5%	177	26,7%	13	25	97	32	23
38	Slobozia															
39	Soroca	4.817	1.589	1.717	1.511	839	17,4%	140	8,8%	699	40,7%	140	12	442	106	139
40	Străşeni	4.904	867	1.486	2.551	838	17,1%	64	7,4%	774	52,1%	64	75	419	178	102
41	Şoldăneşti	1.347	240	339	768	200	14,8%	5	2,1%	195	57,5%	5	7	144	32	12
42	Ştefan Vodă	3.424	425	1.226	1.773	439	12,8%	10	2,4%	429	35,0%	10	22	294	72	41
43	Taraclia	1.918	579	440	899	207	10,8%	143	24,7%	64	14,5%	143	7	27	19	11
44	Teleneşti	2.977	413	904	1.660	237	8,0%	22	5,3%	215	23,8%	22	24	126	31	34
45	Ungheni	5.385	1.310	1.984	2.091	398	7,4%	11	0,8%	387	19,5%	11	40	251	67	29
46	Vulcăneşti	1.072	260	419	393	262	24,4%	23	8,8%	239	57,0%	23	9	168	12	50
	TOTAL	193.417	38.622	70.278	84.517	40.266	15,5%	4.424	11,1%	35.842	40,7%	4.424	2.520	27.297	3.302	2.843

Table 11: Results regarding the recommended allocation of investigative judges per district courts

Results regarding the allocation of investigative judges per district courts (according to the study on optimisation of the judicial map in the Republic of Moldova)									
ID	District court	Assigned Investigative Judges per court (2011)	model 1 - DEA for average of cases for 2010-2012	model 2 - DEA for cases of 2012	model 3 - socio-demographic data for 2010-2011	Average estimate of Models 1-3	Most conservative estimate	Recommended judge-time for investigating judges related activities	Recommended - based on average of models 1-3 and the following scheme:
1	Botanica sector	1	2	4	4	3,33	2	3,5	0.1-0.3 = 0.25
2	Buiucani sector	2	4	7	2	4,33	2	4,5	0.4-0.6 = 0.5
3	Centru sector	2	9	10	2	7,00	2	7	0.7-0.8 = 0.75
4	Ciocana sector	1	1	4	6	3,67	1	3,5	0.9-1.2 = 1
5	Rîșcani sector	2	5	5	6	5,33	5	5,5	1.3-1.7 = 1.5
6	mun. Bălți	1	3	3	4	3,33	3	3,5	1.8-2.2 = 2
7	Bender	1	0,25	0,25	n/a	0,25	0,25	0,25	2.3-2.7 = 2.5
8	Tiraspol	0	0	0	0	0,00	0	0	2.8-3.2 = 3
9	Anenii Noi	1	1,5	1,5	1,5	1,50	1,5	1,5	3.3-3.7 = 3.5
10	Basarabasca	1	1,25	1,125	0,25	0,88	1	1	3.8-4.2 = 4
11	Briceni	1	1,5	0,5	0,5	0,83	1	0,75	4.3-4.7 = 4.5
12	Cahul	1	0,5	1,5	0,5	0,83	1	0,75	4.8-5.2 = 5
13	Cantemir	1	0,25	0,25	0,25	0,25	0,25	0,25	5.3-5.7 = 5.5
14	Călărași	1	1,5	0,25	0,25	0,67	1	0,75	5.8-6.2 = 6
15	Căușeni	1	0,25	0,25	0,5	0,33	0,5	0,25	6.3-6.7 = 6.5
16	Ceadir-Lunga	1	1	1	0,5	0,83	1	0,75	6.8-7.2 = 7
17	Cimișlia	1	0,25	1,125	0,25	0,54	1	0,5	
18	Comrat	1	1,5	1,5	1,5	1,50	1,5	1,5	
19	Criuleni	1	0,25	1,25	1,5	1,00	1	1	
20	Dondușeni	1	1,063	0,125	1,063	0,75	1	0,75	
21	Drochia	1	1,5	1,25	0,5	1,08	1	1	
22	Dubăsari	1	0,125	1,125	0,125	0,46	1	0,5	
23	Edineț	1	1,25	0,25	0,5	0,67	1	0,75	
24	Fălești	1	1,25	0,25	1,25	0,92	1	1	
25	Florești	1	0,25	1,25	0,25	0,58	1	0,5	
26	Glodeni	1	1,25	0,25	0,25	0,58	1	0,5	
27	Grigoriopol	0	0	0	0	0,00	0	0	
28	Hîncești	1	1,5	1,5	0,5	1,17	1	1	
29	Ialoveni	1	1	2	2	1,67	1	1,5	
30	Leova	1	1,5	0,5	0,25	0,75	1	0,75	
31	Nisporeni	1	0,125	1,125	0,125	0,46	1	0,5	
32	Ocnîța	1	1,125	1,25	0,125	0,83	1	0,75	
33	Orhei	1	2	2	1,5	1,83	1,5	2	
34	Rezina	1	1,5	1,5	1,5	1,50	1,5	1,5	
35	Rîbnița	0	0	0	0	0,00	0	0	
36	Rîșcani	1	1,25	1,25	1,25	1,25	1,25	1,5	
37	Sîngerei	1	1,125	0,25	1,25	0,88	1	1	
38	Slobozia	0	0	0	0	0,00	0	0	
39	Soroca	1	2	1	2	1,67	1	1,5	
40	Strășeni	1	2	2	1	1,67	1	1,5	
41	Șoldănești	1	1,125	1,25	0,25	0,88	1	1	
42	Ștefan-Vodă	1	1,5	1,5	1,5	1,50	1,5	1,5	
43	Taraclia	1	0,25	1,25	1,25	0,92	1	1	
44	Telenești	1	1,25	1,25	1,25	1,25	1,25	1,5	
45	Ungheni	1	1,5	1,5	1,5	1,50	1,5	1,5	
46	Vulcănești	1	1,25	1	0,125	0,79	1	0,75	
TOTAL		45						62,5	

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The objective of the study is to help the decision-makers in Moldova that are in charge of deciding on the opportunity of specialisation of judges in Moldova and creation of specialised administrative courts. To implement this objective, the study provides an analysis of international best practices regarding specialisation of judges and an analysis of experiences and workload of courts in Moldova, as well as the opinion of Moldovan judges on specialisation of judges.

The Legal Resources Centre from Moldova is a not-for profit non-governmental organization based in Chişinău, Republic of Moldova. LRCM strives to ensure a qualitative, prompt and transparent delivery of justice and effective observance of civil and political rights in Moldova. In achieving these aims, LRCM combines policy research and advocacy in an independent and non-partisan manner.

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