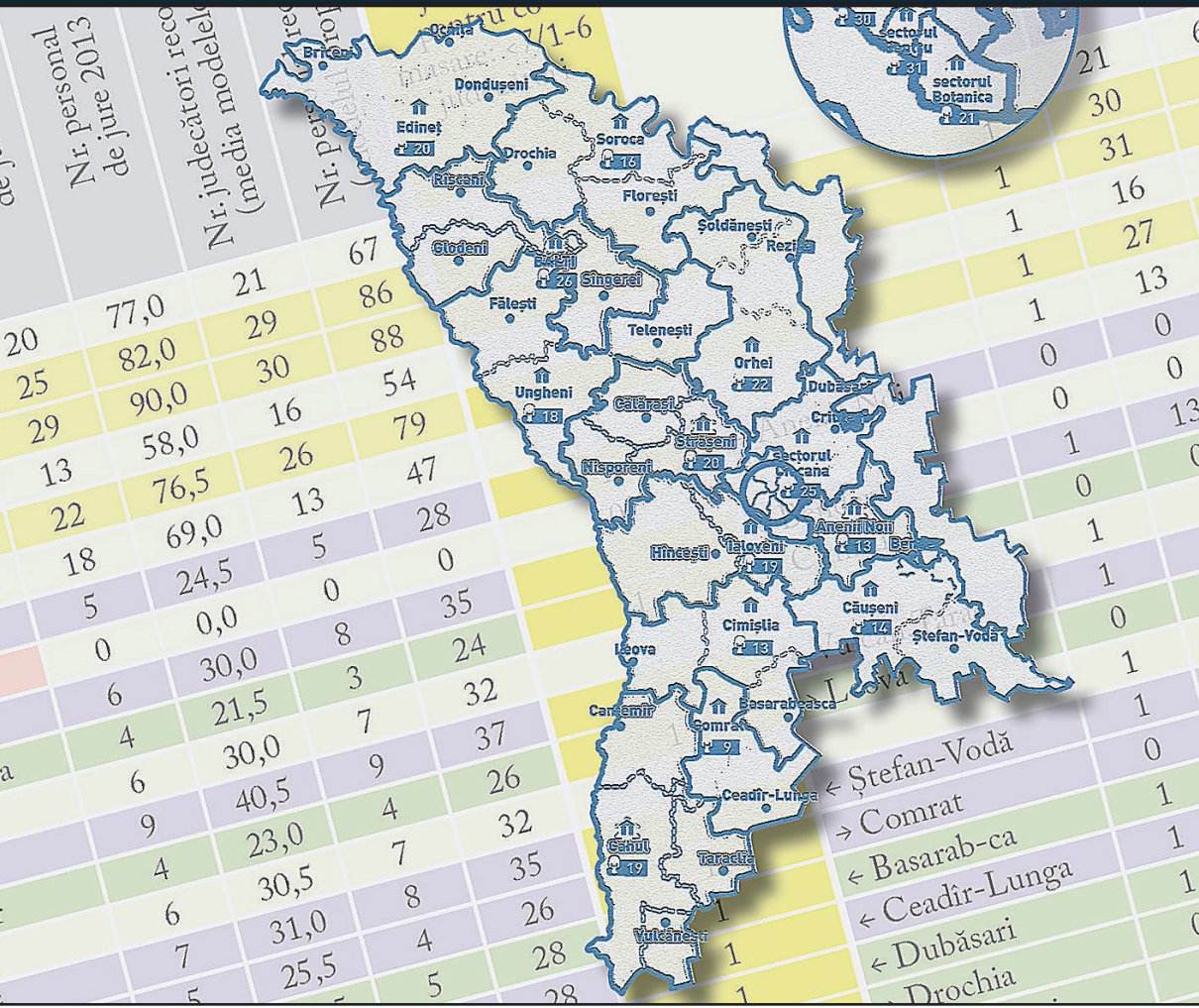


STUDY ON OPTIMIZATION OF THE JUDICIAL MAP in the Republic of Moldova



STUDY ON OPTIMIZATION OF THE JUDICIAL MAP in the Republic of Moldova

Nadejda Hriptievschi, Vladislav Gribincea and Jesper Wittrup

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Study on optimisation of the judicial map in the Republic of Moldova

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Executive Summary

The study on optimization of the judicial map 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 specialization of judges and feasibility of creating administrative courts 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 in Moldova within the program to assist in the implementation of the Justice Sector Reform Strategy (JSRS) for 2011-2016, approved by the Parliament on 25 November 2011, and its action plan. The content of the study is the full responsibility of the LRCM.

This study is provided by JSRS strategic direction 1.1., specific intervention area 1.1.1. The study only looked at the district courts and the courts of appeal and, respectively, provides recommendations only for these courts.

One of the main challenges of carrying out the study was lack of ready to use data and the need to both identify relevant data and collect them particularly for this study. For providing a clear picture to the reader, the data collected for the study are explained in detail. The main data used for the study include the workload of courts for 2010-2012, the number of judges and of non-judge staff for 2010-2012 and for 2013 and the socio-demographic data for 2010-2011. The authors emphasize the need for a more thorough approach to the workload of courts, which takes into account the different levels of complexity of cases, rather than the use of the traditional approach to include all cases and divide them by number of judges. The authors also emphasize the need for improving the data collection in the judicial system, which means that all courts should use the Case Management Integrated Program for examined cases.

The main method used for the study is the Data Envelopment Analysis (DEA), which was used for calculating the assignment of judges per courts. The DEA-models have been supplemented by various other models, including a regression model to assess the statistical relationship between court workload and population characteristics, and a ratio model which is used to estimate the optimal number of non-judge staff per court. Annex 1 explains in more detail the best practices used internationally for measurement of court efficiency, allocation of staff and assessment of court structure.

The study is structured in three main parts. In the first part, chapter 1 and 2, it explains why optimization of courts is beneficial in Moldova and describes in detail the methodology applied for the study. The second part, chapter 3, includes an analysis of allocation of judges and non-judge staff per courts. The third part, chapter 4, includes recommendations for optimizing the judicial map in Moldova by merging certain courts.

The study concludes that optimisation of judicial map is beneficial for Moldova. The main arguments for optimization of the judicial map are to create conditions for enhancing quality of the justice and a better use of public funds in the judicial field. The study focuses on how best to assign judges and non-judge staff per courts in order to ensure an even workload among courts and makes recommendations in this respect. Ensuring a relatively even workload among different courts ensures not only an efficient use of public funds, but also creates a healthy environment for delivering qualitative justice. It also ensures a fair functioning of the system by providing equal remuneration for the similar amount of work performed.

The study does not provide an estimate for the optimal total number of judges in the system and does not analyse the Supreme Court of Justice (SCJ). Recommending an estimate for the total number of judges and making recommendations for the SCJ would require a different methodology and much more detailed analysis of the actual work processes in courts than what have been possible within the scope of this project. The study includes two estimates for allocation of judges per court and recommends one of these models, with specific numbers, for allocation of judges per each district and appellate court. The implementation of recommendations would mean reallocation of 66 judge-positions within the system. The study also recommends the necessary judge-time per investigative judges per court and recommends adopting a more flexible approach for assigning investigative judges per court based on the workload, rather than using one approach of 1-2 investigative judges per all courts. Where the workload does not justify a full-time position of an investigative judge, the respective judge should handle other types of cases as well. The study provides two estimates for allocation of the non-judge staff per district and appellate courts. The exact recommendations on the number of judges and non-judge staff to be adjusted per each court are provided in Chapter 3 of the study (Tables 1, 2, 3, 6 and 9), as well as in Conclusions and Recommendations.

The chapter includes three scenarios for potential merger of courts. These scenarios are based on the minimum number of judges per court. The scenarios include proposals for merger of all courts that are below 5, 7 or 9 judges. *Scenario 1* recommends 13 district courts, including the 2 specialised courts, for merger due to the fact that they have less than 5 judges (1-4 judges). These courts are: Basarabeasca, Cantemir, Ceadir-Lunga, Donduşeni, Dubăsari, Făleşti, Floreşti, Glodeni, Ocnița, Taraclia, Vulcănești, Military Court and Commercial District Court. *Scenario 2* recommends 27 district courts, including the 2 specialised courts, for merger due to the fact that they have less than 7 judges (1-6 judges). These courts are: Bender, Basarabeasca, Cantemir, Ceadir-Lunga, Cimișlia, Comrat, Criuleni, Donduşeni, Drochia, Dubăsari, Făleşti, Floreşti, Glodeni, Leova, Nisporeni, Ocnița, Rezina, Rîșcani, Sîngerei, Soroca, Șoldănești, Ștefan-Vodă, Taraclia, Telenești, Vulcănești, Military Court

and Commercial District Court. *Scenario 3* recommends 34 district courts, including the 2 specialised courts, for merger due to the fact that they have less than 9 judges (1-8 judges). These courts are: Bender, Anenii Noi, Basarabasca, Briceni, Cantemir, Călărași, Căușeni, Ceadâr-Lunga, Cimișlia, Comrat, Criuleni, Dondușeni, Drochia, Dubăsari, Edineț, Fălești, Florești, Glodeni, Hîncești, Leova, Nisporeni, Ocnîța, Rezina, Rîșcani, Sîngerei, Soroca, Strășeni, Șoldănești, Ștefan-Vodă, Taraclia, Telenești, Vulcănești, Military Court and Commercial District Court. All three scenarios recommend closing the current two specialised courts (Military and District Commercial Court) due to low workload.

The merger recommendations are only provided as examples of potential mergers. A more in-depth analysis of the best options could be further done, to look in more detail at the geographic distances between the merged courts, the accessibility of public transportation, the costs necessary for improving the courts' infrastructure and the impact of amending the judicial map on other justice sector institutions. As most of the buildings of the current courts in Moldova are in need of renovation or capital investment in order to provide adequate conditions for the functioning of the court, investments are necessary in any way. However, specific costs analysis should be done for deciding on the best options for merger and the scale of the necessary investment.

The study is primarily meant for the policy-makers that can decide on the allocation of judges and non-judge staff per courts and the structure of the judicial map. The main policy-makers with these competences are the Superior Council of Magistracy, the Government, in particular the Ministry of Justice and the Ministry of Finance, and the Parliament. We hope that the study will be useful for them, as well as for the judiciary and other representatives of the justice sector and public administration.

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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 time, dedication and commitment to explain to the team and explore the various options for collecting the relevant data and for applying them through various models in order to ensure accuracy and relevance. Without Jesper's involvement this study would not have been possible.

The study was carried out in collaboration with a local coordination group that has advised the LRCM team throughout the project and to whom we are indebted for their time and able guidance. The group included the following persons: Supreme Council of Magistracy, represented by Dumitru Visternicean and Ioana Chironeț; the Ministry of Justice, represented by Constantin Bragoi, Lilia Ioniță, Sabina Cerbu and Ausra Raulickyte, and the US Embassy in Moldova, represented by Radu Foltea.

Collection of data was a particular challenge for us. Many of the data had to be collected manually, which required a lot of time of several persons. We would like in particular to thank Ardelă Babiuc and Maria Raetchi from the Department of Judicial Administration, who have spent time to help us understand and collect the correct data regarding the workload of courts and budgets. We are also grateful to their superior, Constantin Bragoi, who has facilitated our access to all data that we needed, including during a difficult time for the Department. We are very grateful to Ioana Chironeț for her openness and invaluable help with data regarding the judges and the approved staff for 2013, data that were crucial for the study.

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Abbreviations

CA – court of appeal

CPC – Criminal Procedure Code

CiPC – Civil Procedure Code

CEPEJ – The European Commission for the Efficiency of Justice

CMIP - Case Management Integrated Program

Cts – courts (abbreviation used in tables)

DJA – Department of Judicial Administration (Ministry of Justice)

JSRS – Justice Sector Reform Strategy

Nr. - number

NBS – National Bureau of Statistics

USAID – United States Agency for International Development

ROLISP - Rule of Law Institutional Strengthening Program

SCJ – Supreme Court of Justice

SCM – Superior Council of Magistracy

TAU Găgăuzia - Territorial Administrative Unit Găgăuzia

Why optimization of judicial map is beneficial for the Republic of Moldova?

Optimization of courts is used in different contexts and can mean different things. The current study is focused on optimization of judicial map and refers to two main aspects: reallocation of judge and non-judge positions within the courts and changes at the level of judicial map through merger or closure of courts.

If positions within the court system are never reallocated, it is likely that the court system will end up with serious imbalances. These imbalances may lead to various negative consequences, in particular to:

- inequality of justice, because court user receives services of a different quality depending on how much time judges have in different courts (judges with higher workload are objectively able to allocate less time to the cases they examine);
- unfair distribution of tasks among the courts, with judges that have different workload for the same remuneration;
- inefficient use of public funds, because small courts are disproportionately more costly than the big ones (economy of scale arguments).

Optimization of judicial map (or redrawing of judicial map as used in other studies) is not only carried out in Moldova. It is generally used to enhance quality of justice and increase the efficiency of the court system. Rethinking of the judicial map is listed among the recommendations of the European Network of Councils of the Judiciary in the Vilnius Declaration on Challenges and Opportunities for the Judiciary in the Current Economic Climate¹. It has been a common trend among European countries lately to reduce the number of courts in order to create larger court units. This is due to both quality and efficiency concerns. Some countries, such as Denmark, Norway, the Netherlands, reduce the number of courts to enhance quality of justice. These countries do not expect to achieve net savings by reducing the number of courts. In Denmark, opportunities are seen for cost reduction through specialization, independent of the reorganization. In other countries, such as Portugal, Greece, Austria, Ireland, UK, Poland, Romania and Turkey, besides higher quality, it is expected that cost reductions can be reached by closing underused and sometimes even run-down courts and shifting the cases to nearby courts. The Netherlands,

¹ See recommendation 3 of the Vilnius Declaration, adopted by the General Assembly of the European Network of Councils for the Judiciary (ENCJ) on 8-10 June 2011.

Poland and Turkey aim at bringing several small courts under one umbrella to reduce the costs of management and overhead in general. In other countries, such as Belgium and Italy, the revision of the judicial map is considered necessary, but consensus on specific measures has not yet been reached, although in Italy the legal conditions have been created for reorganization².

Large courts are seen as better suited to provide more efficient and quality professional management; they can better respond to the opportunities for economies of scale (duplication of functions can be avoided); they are less vulnerable to vacancies or sudden changes in the amount of litigation; they allow better opportunities for specialization and use of the principle of collegiality (more than one presiding judge) and, finally, large courts are often better able to create a healthy professional environment where judges may discuss and share knowledge about legal issues³.

The main argument against abolishing the smaller courts is that their proximity to local communities gives citizens convenient access to justice. However, with improved infrastructure and opportunities for transportation this becomes less of a concern in countries that undergone or are undergoing judicial map reforms. This is partially explained by the fact that physical presence of parties and other trial participants such as witnesses is becoming less important. The application of information technology, particularly video conferencing, is becoming normal in large countries, and participation in a hearing at a distance is not seen as a serious obstacle⁴.

Moldova is quite a small country and transportation is improving, increase of public investment in national and local roads' infrastructure being one of the priorities of Moldova's development until 2020⁵. Furthermore, most citizens only need to attend court a few times in their life, if ever⁶. Finally, large courts may be able to retain some of the advantages of proximity if they are allowed to operate branches or courtrooms in different cities. The smaller community may thus be visited from time to time by a judge, or a team of judges, who can then handle cases that cannot be conveniently heard in the city where the main

² See for details in *Judicial Reform in Europe. Report 2011-2012*, European Network of Councils for the Judiciary (ENCJ), p. 6. The report is available at: http://www.encj.eu/images/stories/pdf/GA/Dublin/encj_report_judicial_reform_def.pdf.

³ See for details Study on Romanian court rationalization, Terry R. Lord (judicial specialist) and Jesper Wittrup (court administration specialist), 2005, available at: <http://www.just.ro/MinisterulJusti%C8%9Biei/Sistemuljudiciarrom%C3%A2n/Rapoarte/tabid/92/Default.aspx>

⁴ *Judicial Reform in Europe. Report 2011-2012*, ibidem, p. 6.

⁵ *Moldova 2020. National Development Strategy: 7 Solutions for economic growth and reducing poverty*, approved by Law on approval of the National Development Strategy "Moldova 2020", nr. 166 of 11 July 2012.

⁶ According to a national representative study carried out in 2012, 22.2% of the respondents reported experience with one or more justiciable problems in the last 3.5 years, which means that more than one in five Moldovans had to cope with a complicated problem in the 3.5 years before the interview. Out of these problems, for 23.1% or a bit more than one out of five serious and difficult to resolve problems are resorted to the courts (Met and Unmet Legal Needs in Moldova, Martin Gramatikov, Chisinau 2012, Soros Foundation-Moldova, available in Romanian at http://www.soros.md/files/publications/documents/Legal%20Needs%20Moldova_ro.pdf).

court is located⁷. For some parts of Moldova this may be considered an option, especially where politically closing a court may not seem feasible.

In Moldova, the review of judicial map or court optimization is provided in the Justice Sector Reform Strategy (JSRS) for 2011-2016, approved by the Moldovan Parliament by the Law nr. 231 of 25 November 2011. This is the main policy document for the implementation of which the current study was undertaken and recommendations provided. The JSRS provides in the strategic direction 1.1., specific intervention area 1.1.1. "Optimization of judicial map to strengthen the institutional capacity of courts, the number of judges and to ensure a more effective use of available resources". The Action Plan of the JSRS provides under specific intervention area 1.1.1. carrying out a study on optimization of judicial map in Moldova in 2012, drafting the necessary laws based on the study's recommendations in 2013 and reorganizing the court system in 2014-2016.

Optimization of courts is needed in Moldova not only for implementing the JSRS. It was included in the JSRS for some reasons. The main reasons for undertaking the study on optimization of judicial map in Moldova are the need to enhance quality of justice and improve court efficiency.

(1) Enhancing quality of justice, including by ensuring a more even workload:

Larger courts can create a better working environment by allowing judges to discuss complex legal issues and exchange experiences, which can improve the quality of their decisions. Larger courts allow full implementation of random assignment of cases, which is an important element in building confidence of the court users in impartiality of judicial system. Larger courts also allow for specialization of judges, which allows for more in-depth knowledge in the legal field in questions and, in turn, can improve the quality of the decisions taken by the judge⁸. Judges in the 29 district courts with less than 7 judges and 10 district courts with less than 5 judges in Moldova are in a more difficult position to make use of the advantages of experience sharing among colleagues due to the small size of their courts.

According to 2012 CEPEJ Report, in 2010 Moldova was far behind other Council of Europe countries in respect of number of judges per number of population, with 12.4 judges per 100,000 inhabitants (average in Council of Europe - 21.3; median - 18.0). In the light of the high number of migration from Moldova, this does not necessarily mean that the number of judges should increase. However, a detailed scrutiny of the workload of judges is necessary in order to decide on the relevant number of judges per court. This is important especially due to the fact that the statistical data show that the workload of judges vary substantially throughout the country. For example, for 2010-2012, the district court sector Buiucani has constantly had an annual workload per judge of more than 1,100 cases (1,229,

⁷ See for details Study on Romanian court rationalization, Terry R. Lord (judicial specialist) and Jesper Witttrup (court administration specialist), 2005, available here: <http://www.just.ro/MinisterulJusti%C8%9Biei/Sistemuljudiciarrom%C3%A2n/Rapoarte/tabid/92/Default.aspx>

⁸ See for example Opinion (2012) No. 15 of the Consultative Council of European Judges (CCJE) on the specialization of judges, adopted at the 13-th plenary meeting of the CCJE (Paris, 5-6 November 2012), para. 8-13.

1,219 and 1,145 cases respectively). At the same time, there were other district courts that had a significantly lower annual workload per judge, for example in 2010 Dondușeni district court had 256 cases per judge and the Military Court had 24; in 2011, Glodeni district court had 336 cases, while in 2012 Dubăsari district court had 273 cases and the Commercial District Court had 130 cases per judge.

The workload varies considerably at the courts of appeal level too. For example, Chișinău Court of Appeals had an annual workload per judge of 478 cases in 2010, 515 in 2011 and 480 in 2012, while the Comrat and Bender courts of appeal had an annual workload of less than 200 cases per judge in 2010-2012 (the judge workload of Bender Court of Appeals in 2012 was 218).

The above numbers are at best indicative for the need to carry out an assessment of the workload and reallocate the judges among the courts, due to the fact that they are overall numbers of all cases, with no difference due to complexity of cases. However, the big differences among the overall workload are an indication that something is wrong in the allocation of judges per different courts. Annex 1 to this study presents a table with the total number of cases, judges and average overall workload per judge for all district and specialized courts, as well as courts of appeal for 2010-2012. Annex 2 to the study presents total number of cases, judges and average overall workload per judge, divided by complexity levels, for all district and specialized courts, as well as courts of appeal for 2010-2012. An uneven workload affects negatively the quality of overloaded judges and the efficiency indicators for the courts with a “relaxed” workload. It also impedes establishing country-wide performance indicators and the establishment of an efficient system of performance evaluation of courts.

(2) Courts' system efficiency:

An important reason for optimization of judicial map is to ensure that public funds are not spent unreasonably on inefficient courts, that is, courts with a low workload compared to the number of judges and other staff. It also involves considering possible *economies of scale*, implying that larger units, e.g. courts, may use the funds more efficiently than small courts.

The displacement of the district courts in Moldova was not decided based on objective criteria for efficiency of those courts. It was rather decided based on the administrative structure of the country. The Law on judicial organization of 1995 provided for a system of 4 levels of courts: district courts, tribunals, the Court of Appeals and the Supreme Court of Justice. The Law regarding the reorganization of the courts, nr. 853 of 29 May 1996, provided that the jurisdiction of the district courts are established according to the administrative-territorial organization of Moldova. As a result, 48 district courts and one military court were set up. The respective law also provided for 5 tribunals, 1 Court of Appeals and 1 Supreme Court of Justice. The previous Arbitration was reorganized in Economic District Court Chișinău, a first instance court with commercial jurisdiction for the entire country, and Economic Court of the Republic of Moldova⁹. The reorganization of the court system was finished by 27 August 1996. The system was not changed until 2002.

⁹ See Law regarding the economic courts, nr. 970 of 24 July 1996.

In 2001, the new Government launched a reform of the judiciary system. The main structural element of the reform consisted in reducing the levels of jurisdiction from 4 to 3. The reform was not preceded by feasibility or other types of studies. The main arguments of the reform were to simplify the judicial system in order to provide a more accessible justice system for the population. The Law for the amendment of certain legislative acts, nr. 191 of 8 May 2003, provided that the court system includes district courts, courts of appeal and the Supreme Court of Justice. It provided for the following specialized courts: Military Court, Economic District Court and Economic Court of Appeals. The Military Court and the Economic District Court were assimilated by their activity to district courts. The previous tribunals were reorganized in courts of appeal and the previous court of appeal was closed. Annex 1 of the respective law established the number of judges per each court. The reorganization of the court system was set to be implemented by 12 June 2003. As a result of this reorganization, the court system included: 48 district courts, two district specialized courts, 5 courts of appeal, one specialized court of appeal and one Supreme Court (altogether 57 courts). These courts included the courts for Transnistrian Region of the Republic of Moldova (4 courts), which were never operational for the reason that Moldova does not exercise effective control over that territory.

Since the 2003 reorganization, two district courts were closed, namely the district courts Căinari and Cămenca, due to the fact that the localities where they were placed lost the status of raion centres as a result of the administrative-territorial reform¹⁰. On 13 March 2012 the Economic Court of Appeal stopped its activity by law¹¹. According to the same law, the Economic District Court was reorganized in Commercial District Court and its material jurisdiction was latter reduced significantly.

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. 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 judge positions. Out of these 29 district courts, in 10 district courts there were less than 5 judge positions.

Optimization of judicial map should lead to a more efficient use of the courts' budget. Until 2013, the budget allocated for the court system was low, if compared to other European countries¹². However, even if small, the allocated budget is not spent very efficiently¹³. Since

¹⁰ See Law on the amendment of the Law nr. 514 on judicial organization, nr. 564 of 25 December 2003.

¹¹ See Law on amending certain legislative acts, nr. 29 of 6 March 2012.

¹² According to 2012 CEPEJ Report, if calculated per capita, in 2010, Republic Moldova was allocating to the court system the lowest budget among the Members of the Council of Europe (EUR 2.4 per capita) far beyond the next country (Albania, with EUR 3.3 per capita). The average amount is of EUR 37 and the median of EUR 27. Reported to GDP, the Moldova court budget for 2010 was 20% below the average allocated in the Council of Europe area.

¹³ In 2010, only 93.6% of the budget of the judiciary has been spent, while in 2011 - 93.2%. In 2012, 99% of the budget of the judiciary has been spent. In 2011 and 2012 the level of execution of the budget of the judiciary was in fact lower, for the reason that during the budgetary year the budget of the judiciary was decreased and these amendments were not taken into consideration when calculating the budget execution rate.

2009 the court budget is being increased, with the most spectacular increase in 2013. The courts budget was increased in 2013 by 60% compared to 2012 (the approved budget for 2013 was of MDL 241,610,100¹⁴ and for 2012 the approved budget was of MDL 150,915,700¹⁵. The JSRS envisages a continuous increase of the courts' budget at least until 2016. In order for the court system to be able to get the necessary budgetary increase and further maintain it at an appropriate level, it must prove, as any publicly funded institution, that the public funds are spent in an efficient way. Accordingly, the goal of optimization of judicial map in Moldova is not to reduce the allocated budget, but to help the court system improve efficiency for attracting more public funds and further maintain them at an acceptable level.

This study makes recommendations on two main levels. Firstly, the study recommends reallocation of judges per existing district courts and courts of appeal in order to allow for a more even workload distribution. The study also recommends a proportion of non-judge court staff per different numbers of judges, which will also contribute to ensuring a more even workload and a more effective use of public funds per courts for their administration. Secondly, the study makes recommendations for merging a certain number of courts, which will ensure in the long-term an enhanced quality of justice and a more efficient use of public funds.

The Superior Council of Magistracy (SCM) can solely take the decision regarding the reallocation of judges per courts, within the total number of judges set by law¹⁶. According to the Law on judicial organization¹⁷, the total number of judicial positions per country is 504 and since 1 January 2013 the SCM is the competent authority to decide on the appropriate number of judges per court¹⁸. The SCM had already allocated 16 positions of the SCJ judges to other courts through its decision nr. 605/30 of 9 October 2012 as a result of reduced number of judges at the SCJ to 33. On 26 February 2013, by decision nr. 175/7, the SCM approved the Regulation on criteria for determining the number of judges per court. The regulation provides for a periodic review, every 3 years, of the number of judges per court, according to following criteria:

- Workload of judges for the previous 3 years;
- Number of case files per year, per country and number of judges per country (annual average workload per judge per country);
- Complexity of cases (levels of complexity);
- Number of judges per capita;
- Number of residents in the court's jurisdiction;
- Number of specific case files for that court and court jurisdiction;
- Other criteria that can influence the activity of the court.

The above criteria set a basis for the SCM for a periodic assessment of the number of judges per courts. The current study presents an analysis of the workload of judges in all

¹⁴ See Law on state budget for 2013, nr. 249 of 2 November 2012, annex 1.

¹⁵ See Law on state budget for 2012, nr. 272 of 27 December 2011, annex 1, Justice, courts.

¹⁶ Until 2012 the total number of judges and the number of judges per court was decided by the Law on court organization.

¹⁷ See art. 21 para (2) and (4) of the Law on judicial organization, nr. 514 of 6 July 1995.

¹⁸ This competence was introduced by the Law on amending certain legislative acts, nr. 153 of 5 July 2012.

district and appellate courts, including the specialized courts, and provides recommendations for the allocation of judges per each court. The study takes it as approved the total number of 504 and makes recommendations within this number, without looking into the question of how many judges are necessary per total in the country.

The non-judge staff per district and appellate courts is approved by the Superior Council of Magistrates, after coordinating with the Ministry of Finances and State Chancellery¹⁹. The study also makes recommendations for the allocation of non-judge staff per courts, given the overall approved number of non-judge staff per system.

The executive and legislative powers need to take decisions regarding the merger of the courts, since any merger or closure of any court must be provided for by law.

¹⁹ This conclusion is based on the understanding of art. 21 paragraph (3) and art. 45-46 of the Law on judicial organization, as well as the practice of establishing the number of non-judge staff for 2013.

Methodology applied

2.1 Overview of the methodology of the study

Any decision related to reallocations of positions between courts or court mergers is a „big” decision and a potentially controversial one. It is a very serious step to take for the decision-makers. Such a decision should only be made based upon objective criteria and a cautious approach, so that recommendations are only made when all the available data backs the recommendations. This is the approach taken in this study by the authors.

The current study provides recommendations regarding the allocation of the number of judges and non-judge staff, as well as the court structure (judicial map), based on the current case numbers and practice, as well as socio-demographic data. The study does not respond to the question – what is the optimal number of judges per system²⁰. The study therefore takes the total number of judges as a given and makes recommendations within this number.

In an ideal world or a court system that has all data accurately collected and easily available, the decision on optimization of judicial map would be taken based on the time necessary for a judge to handle specific types of cases. In several countries, studies have been carried out to assess the necessary time to handle different types of cases, but such studies are very complex and time-consuming. The present study relies on an alternative approach²¹. This approach consists of assessing the relative complexity of cases based on the time needed for different broad categories of cases and applying the Data Envelopment Analysis (DEA) method for assessing the workload of judges.

The study only looks at the allocation of judges and the map of district courts and courts of appeal. It does not make recommendations for the Supreme Court of Justice (SCJ). The study relies on a method that is based on comparison between different units. In the case of district courts, the data are the richest and, consequently, the conclusions are the most comprehensive, since the study compares 44 units (42 district courts of general jurisdiction and 2 district/first instance specialised courts). For the courts of appeal, the study compares 5 units (5 courts of appeal). In order to make credible and valid recommendations for the SCJ, a different methodology is required.

²⁰ A different and much lengthier and costly methodology would be necessary for assessing the adequacy of the total number of judges per country.

²¹ There is no data available in Moldova regarding the judge-time necessary for handling different types of cases.

The current study uses *data* on cases examined by the district courts and courts of appeal in 2010-2013 and the socio-demographic data for 2010-2011. The decision to take the data for the last 3 years was based on the rationale of having the most current data and, at the same time, to have the option of seeing caseload in some dynamic. Such an approach should increase the validity of the analysis and recommendations. The socio-demographic data were collected only for 2010-2011 due to the fact that the ones for 2012 were not ready at the moment of analysing the data for the current study. However, given the fact that demographic data are not changing very fast, the data for 2010-2011 are sufficient.

The present study presents a vast improvement over the simple and traditional approach to assessing court workload. The traditional approach is to base the assessment of staffing needs on just the overall number of cases filed, without taking into account the types of cases or basing staffing and budgets primarily on previous year's allocation. This approach has proven to be seriously flawed²² and should be abandoned. Modern judicial budgeting is based upon detailed assessments of the output and workload of courts. In this way it is possible to allocate budgets and auxiliary personnel according to the level of funding and staffing that is actually needed, on average, to hear, process, or investigate the different types of cases. With this in mind, the data collected for this study were not used in a simple or traditional way. Different types of cases require different amount of effort put by the judge into examining such cases. Therefore, when one assesses the workload of judges, the differences between the types of cases handled should be considered. For the current study, 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 SCM²³.

The socio-demographic data were used for assessing the numbers and types of cases as it can be estimated from the socio-demographic data of each court jurisdiction. This was important to do in order to provide an alternative calculation that does not rely solely on court statistics and, therefore, provides a more comprehensive picture of the workload. The socio-demographic data are also important as the numbers generated as a result of this model is the most indicative for the future years, given the fact that socio-demographic data are not so rapidly changing as legislative changes or other amendments that can affect the court statistics. The next section explains in detail the types of data collected for this study.

The next step in the study was the application of the *Data Envelopment Analysis (DEA) method* on the data collected. DEA is one of the methods recently used in efficiency

²² Gramckow, Heike (2012). "Estimating Staffing Needs in the Justice Sector". World Bank Working Paper.

²³ Initially we were hoping that we could collect the data by complexity levels, according to the SCM regulation on complexity levels of cases. However, although this regulation is taken into account at the assignment of cases in courts, it turned out that only a few courts recorded all cases electronically and, therefore, it was not possible to extrapolate the numbers by complexity levels. Moreover, the Case Management Integrated Program (CMIP) in early 2013 did not yet have an option of generating reports on court cases per different categories of complexity.

evaluation and has proven an appropriate and accessible method for judicial field as well²⁴, especially due to developments in computer software. The DEA approach has its methodological roots in mathematical programming. The major advantages of the DEA model compared to other, less advanced benchmarking methods (e.g. weighted caseload model) is that it requires no or very little preference, price/weight or priority information and can be used to cope effectively with multiple inputs and outputs²⁵.

The DEA approach attempts to put every court in the best possible light relative to other courts. The basic idea is to find case or performance weights such that the evaluated court looks as good as possible. When a court, even given the most positive evaluation possible, still appears to be overstaffed or inefficient, we can thus be pretty certain action is required. This conservative bias is especially relevant when it comes to resource allocation because it is very important to ensure that each court is given a fair assessment of its workload. A decision about reallocating staff is a serious one, and it is crucial to make certain that such reallocations only take place when there is a sound basis for knowing that they will in fact contribute to increasing the overall efficiency of the court system.

One major disadvantage with DEA in relation to allocation of staff is that it in its basic forms tells us by how many judges (and clerks) certain courts could reduce staff in order to become as efficient as the most efficient other courts. In general, however, the aim with allocation of staff between courts is not to reduce the overall number of staff, but rather to ensure a more balanced allocation of staff reflecting actual court workload.

The Annex 6 of the current study: Best International Practices for measurement of court efficiency, allocation of staff, and assessment of court structure provides for more details and explanations on the DEA, as well as other models used in assessment of courts efficiency, provides a detailed explanation of the DEA and other models used for assessing the court structures and assignment of court personnel.

The study used the DEA model to assess the optimal number of judges per each district court and Court of Appeal. For this it used 3 models, based on the following data: data regarding the average workload of courts for the past 3 years (2010-2012), data regarding the workload of courts for the most recent year (2012) and socio-demographic data per courts' jurisdictions for 2010-2011. The first two DEA-models are based upon the number and types of cases reported by the courts (divided and analysed according to the 3 levels

²⁴ The method has been used in Belgium, Brazil, Denmark, Germany, Norway, Spain, Sweden, Romania, see for more details Annex 6 of this study: Best International Practices for measurement of court efficiency, allocation of staff, and assessment of court structure (author Jesper Wittrup).

²⁵ DEA estimates a best practice technology from the actual observations of the inputs used and outputs produced in a group of courts using a minimal extrapolation principle. It finds the smallest set of input-output combinations that 1) contains the actual observations, and 2) satisfies some general properties related to production. The base model, often referred to as the VRS (variable returns to scale) assumes free disposability of inputs and outputs and convexity of the set of feasible input-output combinations. It should be stressed that while state-of-the-art benchmarking literature is indeed rather technical, the conceptual ideas behind modern benchmarking can be understood intuitively and from simple illustrations. The complicated calculations are taken care of by relevant computer software.

of complexity, see explanations in section 2.2. of the study). Our third model, however, relies upon and socio-economic data to estimate court workload (socio-economic data as reported by the National Bureau of Statistics, see for details section 2.2. of the study). This third model may be considered a relevant supplement to the models based on cases reported by courts, when there is a concern about the quality of case statistics, since it provides an alternative estimate for the number of cases (and potentially also types of cases) a given court is expected to receive given the population within its jurisdiction.

The study also applies the DEA-based estimates for the number of judges to provide a separate estimate for the need for non-judge staff (auxiliary personnel). This is done by applying an advanced ratio model to establish the proper relationship between the number of judges and the number of non-judge staff.

Lastly, the DEA model was applied for a structural analysis of the court system in order to assess the need for court merger. The recommendations for the court merger were based on the number of judges per court, providing recommendations of three levels: merger of all courts with less than 5, 7 and 9 judges. It is not possible to provide a scientific answer to the minimum number of judges per court. Decision-makers need to take this decision, weighting arguments of quality and efficiency. The European practice varies in this respect. For example, a study conducted in Denmark reached the conclusion that a single court should have no fewer than 6-8 full judges (and in addition a number of deputy judges). In Romania, there is no formal SCM decision on this issue, but the general opinion is that at least 5 judges are needed per court²⁶. In Poland it was decided that a court should have minimum 10 judges and in Sweden – minimum 10 employees and two judges. The Austrian authorities are considering a decision with 4 minimum judges per court). There is no formal decision on this issue in Italy, but there is an assumption of minimum 20 judges per court. There are countries that have no regulations on the minimum number of judges per court (e.g. Bulgaria, Lithuania, Germany, Hungary, Estonia, Georgia, France)²⁷. Other jurisdictions have set a minimum sitting days of the court and a minimum number of new cases per year when deciding on courts that are disproportionate and inefficient to maintain. In Scotland, for example, it was considered to be disproportionate and inefficient to maintain a sheriff court that is schedule to sit on average two days or less each week, and has an annual caseload of less than 200 new criminal cases, and less than 300 new civil cases²⁸. In Romania, for example, the working group created in 2012 to analyse the necessary measures for ensuring an optimal functioning of courts from the perspective of

²⁶ The 2012 impact studies regarding the implementation of the new codes in Romania found that a court should have at least 4 judges in order to meet the requirements regarding incompatibility. See for more details a summary of the study findings and recommendations here <http://cristidanilet.wordpress.com/2012/03/14/noile-coduri-pestre-trei-ani/>.

²⁷ The information regarding the minimum number of judges in these countries was collected from experts in the respective countries, to whom the authors are grateful for the time to check and respond.

²⁸ See for example “Shaping Scotland’s court services. A public consultation on proposals for a court structure for the future”, September 2012, (paper available here <http://www.scotcourts.gov.uk/consultations/docs/CourtStructures/ShapingScotlandsCourtServices.pdf>, p. 39).

implementation of new codes, used the number of 3,600 cases per year for courts that were selected for further analysis in the context of rationalization of judicial map²⁹.

One important aspect has to be mentioned regarding the data used for the study and the recommendations made. The study relies on data on caseload for the past 3 years that is 2010-2012. During this period of time important legislative changes have taken place, which have also already affected the workload of some courts and will still affect the workload of district courts and courts of appeal. In this context, any decision on reallocation of judges or merger of courts might be wise to be examined in light of these changes as well. The most relevant changes that will have an impact on district courts and courts of appeal workload are the following:

- The limitation of the categories of cases that fall within the competence of the Commercial District Court (previously Economic District Court, reorganized as such in March 2012), the closure of the Economic Court of Appeals in March 2012 and assignment of most of economic cases in the competence of the district courts. This change is captured partially in the study, as the data for 2012 on the Commercial District Court's workload already show significant reductions in numbers of examined cases. The distribution of cases previously examined by the Economic Court of Appeal is not fully captured in this study. However, the impact on the other courts should not be significant given the relatively small number of cases dealt with by the Economic Court of Appeal³⁰;
- The changes in the concept of the civil procedure, by assigning to the district courts the competence of examining all cases as first instance court (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 (which previously examined as first instance court several types of cases) 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

²⁹ The working group used the following evaluation criteria for the selected 67 courts and prosecutor offices with less than 3,600 cases per year for the period of 2009-2012: territorial jurisdiction; infrastructure (auto and trains) and distances; the situation of the court buildings from legal, functional and expenses perspective. After a period of consultations and analysis, the working group proposed closure of 30 courts and prosecutor offices and assignment of localities of these courts to other courts/prosecution offices; maintaining the court/prosecutor office in parallel with increasing their territorial jurisdiction for 25 courts and prosecutor offices; maintaining the court/prosecutor office with the current jurisdiction for 15 courts and prosecutor offices. See for more details the report regarding the conclusions Interdepartmental Working Group for the preparation of the judicial system for the entry into force of the new codes of 28 May 2013.

³⁰ In 2010-2011, on average the Economic Court of Appeal examined 604 cases of complexity I (simple); 1,345 of complexity II (medium) and 355.5 of complexity III (complex).

district courts, depending on the residence of the defendant, in particular the local administration bodies³¹. This change is not captured in this study due to the fact that the changes only entered into force in December 2012, while the data on courts' caseload included the years of 2010-2012;

- Amendments in the court staff structure, which should lead to a more efficient examination of cases by judges, and hence, a better turnover of cases due to additional help provided to judges. This change includes the following two aspects: (1) creation of a new position in each court of head of court secretariat, which should decrease the administrative burden of court presidents and, hence, increase their time available for examining cases; and (2) creation in each court of new positions of judicial assistants, with a number equivalent with the number of judges (one judicial assistant is assigned to one judge). Hence, in light of these new changes, each judge, in addition to having one full-time court clerk, will have also one more full-time person with legal training, who will assist the judge with legal research, drafting of documents and other tasks. The latter change has the biggest potential to improve the capacity of each judge to examine more efficiently the allocated cases. These amendments were provided for by Law on amending certain legislative acts, nr. 153 of 5 July 2012. The amendments regarding the positions of heads of secretariat and judicial assistants entered into force for courts of appeal and district courts of Chişinău on 1 September 2012 and for the rest of the courts on 1 January 2013. The implementation of these legislative provisions was delayed. Therefore, the data used in the current study did not capture this amendment;
- Amendments regarding the judicial proceedings, namely the amendment to the Civil Procedure Code (CiPC), art. 236³², according to which the obligation to reason/ motivate the court decisions of first instance was excluded, except in cases where the parties expressly request the reasoning of the decision; if the decision is appealed and if the decision shall be recognized and executed on the territory of another state. This amendment, although questionable from the perspective of access to justice of the court users, should free up a significant portion of judge time at district courts (which examine all first instance cases, with few exceptions) that would be otherwise spent on reasoning the court decision. However, this amendment can also have another side, namely the increase of the time for examining appeals by the appellate courts, due to submission of unreasoned appeals

³¹ The data collected for this study show that the average number of administrative cases out of the total number of cases dealt with by courts of appeal in 2010-2012 is as follows: Chişinău CA – 20.5%; Bălţi – 8.2%; Bender CA – 8.5%; Cahul CA – 8.8% and Comrat CA – 13.7%. However, this percentage is not as relevant as the percentage divided by categories of complexity: complexity I - Chişinău CA – 49.9%; Bălţi – 13.4%; Bender CA – 18.9%; Cahul CA – 11% and Comrat CA – 13.4%; complexity II - Chişinău CA – 2.4%; Bălţi – 4.6%; Bender CA – 6.6%; Cahul CA – 6.6% and Comrat CA – 7.4%; and complexity III - Chişinău CA – 86.1%; Bălţi – 72.2%; Bender CA – 47.4%; Cahul CA – 26.7% and Comrat CA – 88%. (These calculations were done for the purpose of this study based on the data collected for the study).

³² Amended by Law nr. 155 of 5 July 2012, in force since 1 December 2012.

and the time allocated to parties for amending the submitted appeals once the full first instance court judgment is received. This amendment entered into force on 1 December 2012 and, therefore, its impact is not captured in the study.

2.2 Data used in the study

The data used for this study are broadly of three categories: workload of district courts and courts of appeal; human resources of district courts and courts of appeal and socio-demographic data. Each of these categories is explained in more detail below.

a) Workload of district courts and courts of appeal:

As mentioned above, this study is based on a methodology that heavily relies on the workload of courts and judges. The workload of Moldovan judges was never subject to thorough calculation. The authorities would generally rely on the number of incoming cases. The mere reference to the number of incoming cases can be misleading. 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.

Each category of complexity was assigned a different weight when the calculations were done, in order to reflect accurately their complexity. In order to provide the maximum benefit to the courts, the types of cases in the simple category were analysed together, as a total number. Similarly all the types of cases included in the medium category were added together. The types of cases in the complex category are those which may be considered to have a potentially very large impact on real court workload. For this reason we applied more detailed data about these cases.

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, as these statistics include all cases and activities / materials handled by courts³³. 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.

The difficulty with data collection was the fact that all these data were available only in paper format at the premises of the DJA, which required a lengthy period of time for data collection, verification and clarification of the problematic numbers (there were mistakes in the official reporting too, since it is all done manually). For the future, it is strongly recommended that all courts use the Case Management Integrated Program (*CMIP*) and the DJA/SCM generates electronic reports on all categories of cases and courts.

³³ The annual report of the SCM, for example, does not include all categories and therefore could not be used.

Below are presented 3 tables with the types of cases dealt with by the district courts of common jurisdiction, courts of appeal and specialized courts, as divided by complexity categories. The titles of the types of cases reflect the titles used for official statistical reporting.

District courts		
Types of cases	Type of case as recorded in court statistics	Brief explanations of procedures (<u>underlined in column 2</u>)
<i>Cases of Complexity I - simple</i>		
Civil	General – <u>discontinued, stricken out or sent according to competence</u>	These are cases that are recorded as received and examined. However, the court never rules on the merits of the case. The procedures are discontinued for formal grounds or sent to the competent court (relevant for all types of cases)
	Special procedures - discontinued, stricken out or sent according to competence	
	Ordinance procedure – <u>refusal to receive the complaint</u>	Similar to discontinued, stricken out or sent according to competence
	<u>Ordinance procedure – ended with a court judgment</u>	These cases concern special categories of disputes provided by law. The judge can deliver a judgment on these disputes based on the evidence presented by the plaintiff and without a hearing.
Administrative	Refusal to receive the complaint	Similar to discontinued, stricken out or sent according to competence
	Discontinued, stricken out or sent according to competence	
Economic	<u>Rejected complaints</u>	Similar to discontinued, stricken out or sent according to competence
	Discontinued, stricken out or sent according to competence	
	Ordinance procedure – refusal to receive the complaint	
	Ordinance procedure - examined (ended with a court judgment)	
Criminal	Individuals - <u>sent according to competence</u>	These cases are recorded as received and examined. However, the court never rules on the merits of the case. The case-files are sent to the competent court.
	Legal entities - <u>sent according to competence</u>	
	<u>Investigative judge - Form I presentations</u>	These are requests for anticipated liberation of detainees. The procedures are not complex.
Misdemeanours	Individuals - sent according to competence	
	Legal Entities - sent according to competence	

District courts		
Types of cases	Type of case as recorded in court statistics	Brief explanations of procedures (<u>underlined in column 2</u>)
<i>Cases of Complexity II - medium</i>		
Civil	Special procedure – ended with a court judgment	These are the procedures provided by art. 289-318 ⁸ of the CiPC (adoption, declaration of a person as disappeared, protection orders, etc.)
	<u>Revision of the case</u> – examined (ended with a court judgment)	These are not the full revision of the cases, but only the decisions on whether or not to accept the revision of the case. The merits of the case is not discussed and the procedure is generally short.
Enforcement of civil judgments	Execution civil judgments – examined (ended with a court judgment)	These procedures are short because the merits of the case are not discussed.
	Appeals against orders of the bailiffs – examined (ended with a court judgment)	
Criminal	<u>Individuals – ended with a court judgment on plea agreement</u>	Unlike in criminal cases without plea agreement, in these cases the examination of evidence is not so thorough and these cases are usually dealt with in one hearing.
	Investigative judge – complaints against actions of the criminal investigation body according to <u>art. 313 of the CPC</u> (former 298-299 CPC)	The complaints are generally examined based on the evidence from the case-file. The judge is called to deal only with issues of law.
	Investigative judge – requests for authorisation of criminal investigation measures, such as wiretapping or searches, according to <u>art. 300-306 of the CPC</u> – examined	These requests are dealt with in the same day, in camera and without adversarial proceedings.
	Investigative judge – requests for <u>arrest warrants</u> – examined	In these procedures the judge focuses exclusively on grounds for arrest.
	Investigative judge – requests for <u>prolongation of arrest warrants</u> – examined	
Misdemeanours	Individuals – examined (ended with a court judgment)	These cases generally take less time of a judge that a criminal case.
	Legal entities - examined (ended with a court judgment)	
	Appeals against decisions of administrative bodies – examined (ended with a court judgment)	
	<u>Revision of the case</u> – examined (ended with a court judgment)	

District courts		
Types of cases	Type of case as recorded in court statistics	Brief explanations of procedures (underlined in column 2)
<i>Cases of Complexity III – complex</i>		
Civil	Civil cases general procedure – ended with a court judgment	These are all procedures for examining the merits of the case and a judgment is taken. These cases were considered by judges as most time-consuming.
Administrative	Ended with a court judgment	
Economic	Ended with a court judgment	
Criminal	Individuals - ended with a court judgment (except plea bargaining)	
	Legal entities - ended with a court judgment	
Misdemeanours	Individuals – requests / change of sanction	
	Legal entities – requests / change of sanction	

Courts of appeal		
Types of cases	Type of case as recorded in court statistics	Brief explanations of procedures
<i>Cases of Complexity I – simple</i>		
Civil	First instance - Discontinued, stricken out or sent according to competence	These cases are recorded as received and examined. However, the court never rules on the merits of the case. The procedures are discontinued for formal grounds or sent to the competent court.
	Appeal – Discontinued and sent without examination	
	Cassation - Discontinued and sent without examination	
Economic	First instance - Discontinued, stricken out or sent according to competence	
	Appeal – Discontinued and sent without examination	
	Cassation - Discontinued and sent without examination	
Administrative	First instance - Discontinued, stricken out or sent according to competence	
	Appeal – Discontinued and sent without examination	
	Cassation - Discontinued and sent without examination	

Courts of appeal		
Types of cases	Type of case as recorded in court statistics	Brief explanations of procedures
Criminal	First instance – sent according to competence	These cases are recorded as received and examined. However, the court never rules on the merits of the case. The procedures are discontinued for formal grounds or sent to the competent court.
	Appeal – Discontinued and sent without examination	
	Cassation - Discontinued and sent without examination	
Misdemeanours	Cassation - Discontinued and sent without examination	
	Revision - Discontinued and sent without examination	
Conflict of competence	Examined	
<i>Cases of Complexity II- medium</i>		
Civil	Appeal – examined (ended with a court judgment)	In these proceedings, the court deals with the merits of the arguments advanced by the parties. However, the proceedings concern points of law rather than establishment of facts. The judges considered these categories of cases as less time-consuming than the cases examined as first instance (complexity III).
	Cassation - examined (ended with a court judgment)	
	Revision - examined (ended with a court judgment)	
Economic	Appeal - examined (ended with a court judgment)	
	Cassation - examined (ended with a court judgment)	
	Revision - examined (ended with a court judgment)	
Administrative	Appeal - examined (ended with a court judgment)	
	Cassation - examined (ended with a court judgment)	
Misdemeanours	Cassation - examined (ended with a court judgment)	
	Revision - examined (ended with a court judgment)	
Criminal	Appeal - examined (ended with a court judgment)	
	Cassation - examined (ended with a court judgment)	
	Preventative measures / Remand procedures - examined	These are the appeals against investigative judges orders regarding preventative measures.

Courts of appeal		
Types of cases	Type of case as recorded in court statistics	Brief explanations of procedures
<i>Cases of Complexity III- complex</i>		
Civil	First instance – ended with a court judgment	These cases were considered by judges as most time-consuming
Economic	First instance – ended with a court judgment	
Administrative	First instance – ended with a court judgment	
Criminal	First instance – ended with a court judgment (ALL)	

Specialised courts		
Types of case	Type of case as recorded in court statistics	Complexity level assigned
<i>District Economic Court (Commercial Court since 2012)</i>		
Economic	General - Discontinued, stricken out or sent according to competence	Complexity I - simple
	Ordinance procedure - Refusal to receive the complaint	
	Ordinance procedure – examined (ended with a court judgment)	
	Revision – examined (ended with a court judgment)	Complexity II - medium
	Ended with a court judgment	Complexity III - complex
<i>Economic Court of Appeal (closed in 2012)</i>		
Economic	First instance - Discontinued, stricken out or sent according to competence	Complexity I - simple
	Appeal – Discontinued and sent without examination	
	Cassation - Discontinued and sent without examination	
	Ordinance – Examined (ended with a court judgment)	
	Revision – Sent without examination	
	Appeal - Examined (ended with a court judgment)	Complexity II - medium
	Cassation – Rejected as inadmissible	

Specialised courts		
Types of case	Type of case as recorded in court statistics	Complexity level assigned
	Cassation - Examined (ended with a court judgment)	Complexity II - medium
	Revision - Examined (ended with a court judgment)	
	First instance - Examined (ended with a court judgment)	Complexity III - complex
<i>Military Court</i>		
Criminal	Sent according to competence	Complexity I - simple
	Ended with a court judgment on plea agreement	Complexity II - medium
	Ended with a court judgment (except those on plea agreement)	Complexity III - complex

One clarification note is needed regarding the data per courts. Moldova has four district courts for the raions of the Transnistrian Region of the Republic of Moldova, which are included in the list of courts, but for which there are no data as these courts de facto do not exist. These are: Tiraspol, Grigoriopol, Rîbnița and Slobozia courts. Until 2012 the number of judges for these courts was provided in the law. For three of these courts: Grigoriopol, Rîbnița, Slobozia, there was 1 judge and 1 court clerk assigned, which work de facto in other courts, that is: Centru district of Chișinău, Rezina and Ștefan-Vodă district courts. However, these judges don't examine exclusively cases related to Transnistrian Region. They deal with all cases allocated to the court where they work. Similarly, the cases that are reported by each of the last three courts include the cases that were examined by the judges allocated for the courts for Transnistrian Region. At the same time, there are no data about the workload for the courts of Grigoriopol, Rîbnița and Slobozia. Therefore, for the purpose of this study, the data per Centru district of Chișinău, Rezina and Ștefan-Vodă district courts included all the judges that were effectively working in that court, although in the books for 2010-2012 one judge of each of these courts was recorded for courts of Grigoriopol, Rîbnița and Slobozia. Since the amendment introduced by the Law nr. 153 entered into force, only the total number of judges is determined by law, which includes the number of judges for the courts of the raions for Transnistrian Region. In 2013, SCM allocated for Tiraspol, Grigoriopol, Rîbnița and Slobozia courts 15 positions of judges³⁴.

b) Human resources of district courts and courts of appeal

Statistical data related to human resources of district and appellate courts were collected from several sources. The number of judges and non-judge staff, according to *book records*

³⁴ See decision nr. 68/3 of 22 January 2013.

and *de facto employed at the end of the year*, for 2010-2012, were collected from the DJA. These data were cross-checked with the data kept by the SCM on the number of judges. For 2013, the number of non-judge staff *allocated at the beginning of the year*, were collected from DJA and SCM and further cross-checked with the relevant SCM decisions³⁵. Statistical data related to the non-judge staff of the Military District Court were collected from the Ministry of Defence.

For the purpose of the study, the court personnel was divided in two categories: judges and non-judge staff. The *judges category* includes the court president, deputy-president and judges. The non-judge staff includes the *qualified staff* (the public servants positions, the chancellery section staff, the head and various specialists of the auxiliary service³⁶) and the *non-qualified technical staff* (the other positions from court's auxiliary service, mainly workers³⁷).

c) Socio-demographic data

Socio-demographic data were mainly collected from the National Bureau of Statistic (NBS), for 2010-2011 years and for each district of the country, except the Transnistrian Region of the Republic of Moldova. It includes data on *stable and present population*,³⁸ divided per group age and rural/urban; average monthly salary; unemployment rate; number of registered crimes and misdemeanours.

The data related to the Territorial Administrative Unit Găgăuzia (TAU Găgăuzia) districts were collected from the Department of Statistics of TAU Găgăuzia.

The number of *registered enterprises/businesses* for 2010-2012, at the end of the year, were collected from the State Registration Chamber.

³⁵ For further details see: SCM Decision nr. 68/3 from 22nd January 2013 regarding the approval of the number of staff for district courts and courts of appeal; CSM Decision nr. 307/12 from 2nd April 2013 regarding the approval of number of judges for district courts.

³⁶ For 2013 this category includes different positions due to a change in division and nomination of courts staff, compared to 2010-2012 years.

³⁷ Ibidem.

³⁸ Terminology used according to National Bureau of Statistics (NBS) definitions. www.statistica.md.

Analysis of the allocation of judges and non-judge staff in district courts and courts of appeal

This chapter analyses and makes recommendations for the allocation of judges and non-judge staff per district courts and courts of appeal. The methodology used is the same – application of the DEA method to the data collected on workload of courts, numbers of judges and non-judge staff and socio-demographic data. Different models were used for judge and staff allocation, therefore these will be explained in the beginning of the first two sections of this chapter (sub-sections 3.1.1. and 3.2.1.).

Specific analysis of the allocation of investigative judges was not our express task, but given the availability of data we were able to make recommendations regarding the workload and the necessary investigative judge-time per district court is necessary. These recommendations are explained in a separate sub-section below.

Finally, during drafting of the study, a question has appeared from the Ministry of Justice regarding the creation of a Palace of Justice. We are not able to assess this proposal based on the available data and the methodology used for this study, but our thoughts on this matter are briefly outlined in the third section of this chapter.

3.1 Allocation of judges

3.1.1 Models used for calculating judges' allocation

Allocation of judges per court is an important issue and has to be carefully considered. Since court workload is a matter that depends on a series of socio-economic and human nature factors, it can never be predicted 100%. Similarly, there is no model that would be 100% sure to be recommended. One needs to exercise his/her own judgment when taking the final decision on which model to accept.

In order to provide the Moldovan decision-makers with the best possible models to choose from, we have used 3 models for calculating the assignment of judges per court, within the total number of judges allocated per country. These models are the following:

- *Model 1:* Average numbers and types of cases for 2010–2012. This model is the most robust to fluctuations in the caseload, due to the fact it considers the caseload in its dynamic for the past 3 years;
- *Model 2:* Numbers and types of cases for 2012. This model provides the most recent data on caseload, hence providing the most recent picture on workload of courts;

- *Model 3*: Numbers and types of cases estimated from the socio-demographic data. This model provides an important alternative to the previous two models that rely on court statistics, while model 3 relies on statistics collected primarily by the National Bureau of Statistics. It is important to use this model particularly for mitigating any potential flaws of court statistics.

Decision-makers can decide to use any of these models or their average. However, if decision-makers decide to choose one of the 3 models, they should be aware of the disadvantages and the risks of each of these models. In our recommendations we have chosen the estimate based on the average of the three models. When recommending the concrete number of judges per court, we have rounded every number that was equal and above 0.5 to 1 (e.g. if the average is 4.5, we recommend 5 judge positions. If the average is 4.4, we recommend 4 judge positions).

In addition, we have worked out one alternative set of recommendations, namely the most conservative estimated number. The “most conservative estimate” means as close as possible to *status quo* of the court (the current number of judges). The basic idea is that one should not change the *status quo* unless there are very good reasons to do so and, if one is changing the *status quo*, then this should be changed as little as possible. The following explains how the most conservative estimate is calculated. Consider a court which currently has S judges. If we have three models with 3 estimates, x_1 , x_2 , x_3 , then let $\min(x)$ be the lowest estimate and $\max(x)$ be the highest estimate. If $\min(x) \leq S \leq \max(x)$ then the models do not convince us that S is neither too high, nor too low. The recommendation is to stick with S . In this case, the most conservative estimate = S . If $S > \max(x)$, all models are telling us that the court has too many judges. In this case, the most conservative estimate = $\max(x)$. If $S < \min(x)$, all models are telling us the court has too few judges. In this case, the most conservative estimate = $\min(x)$.

Our conclusions and recommendations on allocation of judges in district courts are illustrated in the below three sub-sections, each accompanied by the relevant explanations.

3.1.2 Recommendations for allocation of judges in district courts, including specialised courts

The following Table 1 illustrates our conclusions regarding the allocation of judges in district courts and presents recommendations for reallocation of judges in order to ensure a more even workload. The table includes the following (columns from left to right):

- Column 1 – The names of the district and specialised courts;
- Column 2 – The number of judges de facto at the end of 2012;
- Column 3 – The number of judges per court as approved in 2013 by the SCM (the final decision of the SCM on reallocation of judges nr. 307/12 of 2 April 2013);
- Column 4 – Model 1 – DEA for average of cases for 2010-2012;
- Column 5 – Model 2 – DEA for cases for 2012;
- Column 6 – Model 3 – DEA for socio-demographic data for 2010-2011;
- Column 7 – Average estimate of Models 1-3;
- Column 8 – Most conservative estimate;
- Column 9 – Authors’ recommended number of judges per court (recommendations are based on average of Models 1-3);

- Column 10 – Authors’ recommendations regarding courts where there is a need for adding or reducing the number of judges (the recommended numbers represent the difference between the recommended number of judges included in column 9 and the approved number of judges for 2013 included in column 3).

Table 1: Results regarding allocation of judges in district courts, including specialised courts

District court	Nr. of judges de facto 2012	Nr. of judges de jure 2013	Model 1 - DEA for average of cases for 2010-2012	Model 2 - DEA for cases of 2012	Model 3 - socio-demo-graphic data for 2010-2011	Average estimate of Models 1-3	Most conservative estimate	Recommended nr. of judges per court (average of models 1-3)	Recommendations for transfer per court
sec. Botanica	17	20	21	19	24	21.3	20	21	1+
sec. Buiucani	17	25	28	32	26	28.7	26	29	4+
sec. Centru	19	29	29	30	31	30.0	29	30	1+
sec. Ciocana	13	13	17	15	17	16.3	15	16	3+
sec. Rîșcani	18	22	23	28	27	26.0	23	26	4+
mun. Bălți	16	18	15	11	14	13.3	15	13	5-
Bender	4	5	4	6		5.0	5	5	0
Tiraspol	0	0	0	0	0	0.0	0	0	0
Anenii Noi	6	6	8	9	8	8.3	8	8	2+
Basarabeasca	4	4	3	2	3	2.7	3	3	1-
Briceni	6	6	9	6	5	6.7	6	7	1+
Cahul	9	9	9	10	8	9.0	9	9	0
Cantemir	4	4	3	4	6	4.3	4	4	0
Călărași	6	6	7	7	6	6.7	6	7	1+
Căușeni	7	7	8	8	8	8.0	8	8	1+
Ceadir-Lunga	5	5	4	4	4	4.0	4	4	1-
Cimișlia	3	4	4	5	5	4.7	4	5	1+
Comrat	5	6	6	4	6	5.3	6	5	1-
Criuleni	6	6	6	7	5	6.0	6	6	0
Dondușeni	4	4	3	3	3	3.0	3	3	1-
Drochia	6	6	5	5	7	5.7	6	6	0
Dubăsari	4	4	3	3	2	2.7	3	3	1-
Edineț	6	7	8	6	7	7.0	7	7	0
Fălești	6	6	4	3	5	4.0	5	4	2-
Florești	7	8	4	3	4	3.7	4	4	4-
Glodeni	5	5	4	2	3	3.0	4	3	2-
Grigoriopol	0	0	0	0	0	0.0	0	0	0
Hîncești	7	9	7.25	6	8	7.1	8	7	2-
Ialoveni	6	6	10	14.5	12	12.2	10	12	6+
Leova	4	4	5	6	4	5.0	4	5	1+
Nisporeni	5	5	4	7	3	4.7	5	5	0

District court	Nr. of judges de facto 2012	Nr. of judges de jure 2013	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 nr. of judges per court (average of models 1-3)	Recommendations for transfer per court
Ocnița	5	5	3	3	3	3.0	3	3	2-
Orhei	8	8	11	10	12	11.0	10	11	3+
Rezina	6	6	5	6	4	5.0	6	5	1-
Rîbnița	0	0	0	0	0	0.0	0	0	0
Rîșcani	4	5	5	4	5	4.7	5	5	0
Sîngerei	6	6	5	5	4	4.7	5	5	1-
Slobozia	0	0	0	0	0	0.0	0	0	0
Soroca	9	9	7	5	6	6.0	7	6	3-
Strășeni	8	8	9	9	7	8.3	8	8	0
Șoldănești	4	4	5	8	4	5.7	4	6	2+
Ștefan-Vodă	5	5	6.5	7.25	5	6.3	5	6	1+
Taraclia	5	5	3	4	4	3.7	4	4	1-
Telenești	6	6	5	5	4	4.7	5	5	1-
Ungheni	8	8	10	6	11	9.0	8	9	1+
Vulcănești	3	3	2	2	2	2.0	2	2	1-
Military Court	2	3	0.25	0.25		0.3	0.25	0	3-
Commercial Distr.Ct	10	3	5	3		4.0	3	3	0
Total:	314	343	343	343	332	342.4	331.25	343	66

For each court, the recommended number of judges represents the average of the Models 1-3. Implementation of recommendations regarding allocation of judges in district courts implies transferring 66 judge-positions within the system. For the Military Court we recommend no judge, which means closure of the court, given the very low workload (0.3 the average of Models 1-3 and 0.25 the most conservative estimate). For the Commercial District Court, we recommend 3 judges due to the fact that the Model 1 (average of cases for 2010-2012) includes the workload of 2010-2011, when the ex-Economic District Court had a significantly larger competence. The competence of the Commercial District Court is reduced and the decrease in the number of cases dealt with in 2012, although the changes occurred only in March 2012, is significant. Therefore, we consider that relying on Model 2, meaning the most recent data of 2012, is more sensible in the case of this court. Given the fact that the court has jurisdiction over the entire country, the Model 3 relying on socio-demographic data could not be used. Consequently, due to the fact that the Commercial District Court has a workload only for 3 judges, we recommend closing this court (further details are provided in chapter 4 of the study).

For particular courts, our recommendations imply the following:

- **Adding the following number of judge positions to the following district courts: 1 to Botanica sector, 4 to Buiucani sector, 1 Centru sector, 3 to Ciocana sector,**

4 to Rîșcani sector (all these courts are located in Chișinău municipality); 2 to Anenii Noi, 1 to Briceni, 1 to Călărași, 1 to Căușeni, 1 to Cimișlia, 6 to Ialoveni, 1 to Leova, 3 to Orhei, 2 to Șoldănești, 1 to Ștefan-Vodă, 1 to Ungheni. This means transfer of 33 judge positions;

- Reducing the following number of judge positions from the following district courts: 5 from Bălți, 1 from Basarabasca, 1 from Ceadir-Lunga, 1 from Comrat, 1 from Dondușeni, 1 from Dubăsari, 2 from Fălești, 4 from Florești, 2 from Glodeni, 2 from Hîncești, 2 from Ocnîța, 1 from Rezina, 1 from Sîngerei, 3 from Soroca, 1 from Taraclia, 1 from Telenești, 1 from Vulcănești, 3 from Military Court. This means transfer of 33 judge positions.

3.1.3 Recommendations for allocation of judges in courts of appeal

The following Table 2 illustrates our conclusions regarding the allocation of judges in courts of appeal and presents recommendations for reallocation of judges in order to ensure a more even workload. The table includes the following (columns from left to right):

- Column 1 – The names of the courts of appeal;
- Column 2 – The number of judges de facto at the end of 2012;
- Column 3 – The number of judges per court of appeal as approved in 2013 by the SCM (the final decision of the SCM on reallocation of judges nr. 307/12 of 2 April 2013);
- Column 4 – Model 1 – DEA for average of cases for 2010-2012;
- Column 5 – Model 2 – DEA for cases for 2012;
- Column 6 – Model 3 – DEA for socio-demographic data for 2010-2011;
- Column 7 – Average estimate of Models 1-3;
- Column 8 – Most conservative estimate;
- Column 9 – Authors’ recommended number of judges per court (recommendations are based on average of Models 1-3);
- Column 10 – Authors’ recommendations regarding courts where there is a need for adding or reducing the number of judges (the recommended numbers represent the difference between the recommended number of judges included in column 9 and the approved number of judges for 2013 included in column 3).

Table 2: Results regarding allocation of judges in courts of appeal

Court of Appeal (CA)	Nr. of judges de facto 2012	Nr. of judges de jure 2013	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 nr. of judges per court (average of models 1-3)	Recommendations for transfer per court
CA Bălți	21	24	15	15	25	18.3	24	18	6-
CA Bender	6	10	4	4	9	5.7	9	6	4-

Court of Appeal (CA)	Nr. of judges de facto 2012	Nr. of judges de jure 2013	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 nr. of judges per court (average of models 1-3)	Recommendations for transfer per court
CA Cahul	6	7	6	6	9	7.0	7	7	0
CA Chişinău	45	49	68	69	51	62.7	51	63	14+
CA Comrat	5	7	4	3	3.0	3.3	4	3	4-
Total	83	97	97	97	97	97.0	95	97	28

For particular courts of appeal, our recommendations imply the following:

- Adding 14 judges to the Chişinău Court of Appeal;
- Reducing 6 judges from Bălţi Court of Appeals, 4 judges from Bender Court of Appeal and 4 judges from the Comrat Court of Appeal. This means a transfer of 14 judge-positions;
- Implementation of recommendations regarding allocation of judges per courts of appeal implies transferring altogether 28 judge-positions within the system.

The results presented above clearly indicate that the workload of courts of appeal is unevenly distributed and this situation calls for immediate action. However, a simple distribution of judges among the currently existing 5 courts of appeal does not seem a solution, due to the fact that at least in two of the courts of appeal (Bender and Comrat) the appropriate number of judges is below a reasonably acceptable number of judges per a Court of Appeal, which should be 7. A minimum 7 judges would be necessary per a court of appeals in order to allow for setting up at least 2 panels: civil and criminal, and one more judge that can replace the unavailable panel judge or in case of conflict of interest (recusals). This approach seems to be taken by the SCM that has approved for 2013 the number of judges per courts of appeal, 7 being the minimum number.

In this context, we see two options regarding the reorganization of the courts of appeal to ensure a more even workload and a more efficient use of public funds:

1. Merger of 2 courts of appeal with the other courts of appeal. In this case, Bender Court of Appeal would be merged with Chişinău Court of Appeal and Comrat Court of Appeal would be merged with Cahul Court of Appeal.

This would be the first step. However, it would still not be enough, as we would still have big disparities between a very big court, such as the Chişinău Court of Appeal, which would have after merger 69 judges and the Cahul Court of Appeal, which would have after merger 10 judges, and the Bălţi Court of Appeal with 18 judges. Therefore, we recommend, in parallel with merging the Court of Appeal, to also consider amending the territorial jurisdiction of the courts of appeal, by taking some raions out of the Chişinău Court of Appeal jurisdiction and assigning to other courts of appeal.

Finally, in order to avoid problems related to the names of the courts, the reorganized 3 courts of appeal could be renamed in Northern, Central and Southern Court of Appeal.

2. A second option could be maintaining the current 5 courts of appeal, but changing their territorial jurisdictions to ensure a more even workload. Although this option might seem the easiest, it may still require financial investments if the court buildings are not sufficient for an increased workload. Another problem may appear in respect of the Comrat Court of Appeal, which would not have a sufficient workload if its jurisdiction is maintained only for the TAU Găgăuzia (which has a small territory and the workload does not seem to ever increase to justify maintenance of 7 judges). Hence we would recommend assigning to Comrat Court of Appeal raions beyond the TAU Găgăuzia. Or, given the political context and potential tensions, policy-makers may just decide that it is safer to pay a financial cost of an inefficient court than reorganize in order to avoid increase of tensions.

In conclusion, while for district courts we will provide below more detailed recommendations for reorganization of the judicial map for a more efficient allocation of resources, for the courts of appeal the decision is more of a political nature. Therefore, we can only recommend alternative options, each in need for further consideration and decision by the policy-makers:

1. **Instead of 5 courts of appeal, to reorganize the courts into 3 courts of appeal for North, Center and South, and change their territorial jurisdiction to ensure a more even workload. If this option is considered, further analysis can be done to estimate the most effective distribution of raions corresponding to the 3 courts of appeal;**
2. **Keep the 5 courts of appeal, but change their territorial jurisdiction to relieve the burden on the Chişinău Court of Appeal and increase the burden on Cahul, Bender, Comrat and, to a lesser extent, Bălţi courts of appeal. If this option is considered, further analysis can be done to estimate the most effective change in jurisdiction.**

3.1.4 Recommendations for allocation of investigative judges in district courts

The institution of investigative judges was created in 2003, when the new Criminal Procedure Code was adopted. Investigative judges authorise searches and wiretapping, issue arrest warnings and examine complaints against criminal procedure bodies. Investigative judges were created as a separate category of judges, with specific admission criteria and appointed as „investigative judges”, not as „judges”. It was supposed to have at minimum one investigative judge per court. Until 2012 there was one investigative judge in each district court, except two district courts in Chişinău that had 2 investigative judges (Buiucani and Rîşcani). Although these were judges with a special status, the workload varied from court to court regarding the activity of the investigative judges. As a result, in many courts investigative judges were also examining other cases, usually misdemeanours. The Law nr. 153 changed the institution of investigative judges, by assigning the SCM the competence

to develop rules and procedures for periodic appointment of judges to act as investigative judges per each court. Accordingly, since January 2013 there is no formal separate category of judges, such as investigative judges, from the perspective of status, but only from the perspective of activities they carry out. As explained in the information note to the Law nr. 153, the previous regulations unjustifiably separated investigative judges from the rest of judges and the system did not allow for professional advancement of these judges since they were able to function only in district courts.

Although it was not our primary task, given the recent reform of investigative judges and the new competence of the SCM to appoint investigative judges, we analysed the workload of investigative judges for 2010-2012. Below are presented the results of the investigative judges' workload assessment, as well as recommendations regarding the time needed for investigative judges to carry their work effectively. The data suggest that one may need to be more flexible regarding the assignment of investigative judges, e.g. by assigning half-time positions to examine cases and materials as investigative judges and other cases for the rest of the working time. Only some courts have workload for full-time positions (1 and more) of investigative judges.

The Table 3 below illustrates our conclusions and recommendations:

- Column 1 – The names of the district courts;
- Column 2 – The number of investigative judges for 2011 per each court (these were the last official data we could collect from DJA on the number of investigative judges);
- Column 3 – Model 1 – DEA for average of cases for 2010-2012;
- Column 4 – Model 2 – DEA for cases for 2012;
- Column 5 – Model 3 – DEA for socio-demographic data for 2010-2011;
- Column 6 – Average estimate of Models 1-3;
- Column 7 – Most conservative estimate;
- Column 8 – Authors' recommended number of investigated judges per court/necessary judge time (we have based our recommendations on the average estimate of Models 1-3 and proposed a scheme for calculating the necessary time starting with 0.25 until 7 positions, according to the conclusions of the analysis: for 0-1 we suggest 4 scales, while for 1-7 only full and half-time positions).

Table 3: Results regarding allocation of investigative judges in district courts

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:
sec. Botanica	1	2	4	4	3.33	2	3.5	0.1-0.3 = 0.25
sec. Buiucani	2	4	7	2	4.33	2	4.5	0.4-0.6 = 0.5

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:
sec. Centru	2	9	10	2	7.00	2	7	0.7-0.8 = 0.75
sec. Ciocana	1	1	4	6	3.67	1	3.5	0.9-1.2 = 1
sec. Rîșcani	2	5	5	6	5.33	5	5.5	1.3-1.7 = 1.5
mun. Bălți	1	3	3	4	3.33	3	3.5	1.8-2.2 = 2
Bender	1	0.25	0.25	n/a	0.25	0.25	0.25	2.3-2.7 = 2.5
Tiraspol	0	0	0	0	0.00	0	0	2.8-3.2 = 3
Anenii Noi	1	1.5	1.5	1.5	1.50	1.5	1.5	3.3-3.7 = 3.5
Basarabeasca	1	1.25	1.125	0.25	0.88	1	1	3.8-4.2 = 4
Briceni	1	1.5	0.5	0.5	0.83	1	0.75	4.3-4.7 = 4.5
Cahul	1	0.5	1.5	0.5	0.83	1	0.75	4.8-5.2 = 5
Cantemir	1	0.25	0.25	0.25	0.25	0.25	0.25	5.3-5.7 = 5.5
Călărași	1	1.5	0.25	0.25	0.67	1	0.75	5.8-6.2 = 6
Căușeni	1	0.25	0.25	0.5	0.33	0.5	0.25	6.3-6.7 = 6.5
Ceadir-Lunga	1	1	1	0.5	0.83	1	0.75	6.8-7.2 = 7
Cimișlia	1	0.25	1.125	0.25	0.54	1	0.5	
Comrat	1	1.5	1.5	1.5	1.50	1.5	1.5	
Criuleni	1	0.25	1.25	1.5	1.00	1	1	
Dondușeni	1	1.0625	0.125	1.0625	0.75	1	0.75	
Drochia	1	1.5	1.25	0.5	1.08	1	1	
Dubăsari	1	0.125	1.125	0.125	0.46	1	0.5	
Edineț	1	1.25	0.25	0.5	0.67	1	0.75	
Fălești	1	1.25	0.25	1.25	0.92	1	1	
Florești	1	0.25	1.25	0.25	0.58	1	0.5	
Glodeni	1	1.25	0.25	0.25	0.58	1	0.5	
Grigoriopol	0	0	0	0	0.00	0	0	
Hîncești	1	1.5	1.5	0.5	1.17	1	1	
Ialoveni	1	1	2	2	1.67	1	1.5	
Leova	1	1.5	0.5	0.25	0.75	1	0.75	
Nisporeni	1	0.125	1.125	0.125	0.46	1	0.5	
Ocnîța	1	1.125	1.25	0.125	0.83	1	0.75	
Orhei	1	2	2	1.5	1.83	1.5	2	
Rezina	1	1.5	1.5	1.5	1.50	1.5	1.5	
Rîbnița	0	0	0	0	0.00	0	0	

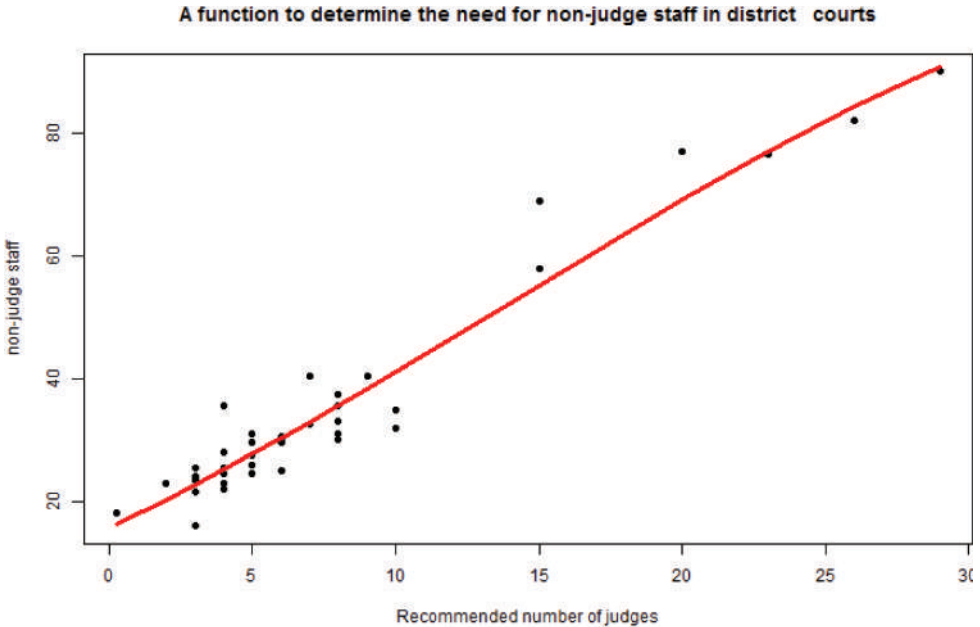
District court	Assigned Investigative Judges per court (2011)	Model 1 - DEA for average of cases for 2010-2012	Model 2 - DEA for cases of 2012	Model 3 - socio-demographic data for 2010-2011	Average estimate of Models 1-3	Most conservative estimate	Recommended judge-time for investigating judges related activities	Recommended - based on average of models 1-3 and the following scheme:
Rișcani	1	1.25	1.25	1.25	1.25	1.25	1.5	
Sîngerei	1	1.125	0.25	1.25	0.88	1	1	
Slobozia	0	0	0	0	0.00	0	0	
Soroca	1	2	1	2	1.67	1	1.5	
Strășeni	1	2	2	1	1.67	1	1.5	
Șoldănești	1	1.125	1.25	0.25	0.88	1	1	
Ștefan-Vodă	1	1.5	1.5	1.5	1.50	1.5	1.5	
Taraclia	1	0.25	1.25	1.25	0.92	1	1	
Telenești	1	1.25	1.25	1.25	1.25	1.25	1.5	
Ungheni	1	1.5	1.5	1.5	1.50	1.5	1.5	
Vulcănești	1	1.25	1	0.125	0.79	1	0.75	
Total	45						62.5	

In conclusion, the time needed for investigative judges activity varies across courts. What seems clear from the results is 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 Chișinău 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, Rișcani, Soroca, Strășeni and Ștefan Vodă), all the rest need 1 or below. We hope that these results will help the SCM in the process of assigning investigative judges in courts. In court with workload of investigative judges below 1, SCM can authorise court presidents to assign investigative judges other types of cases.

3.2 Allocation of non-judge staff

3.2.1 Models used for allocation of non-judge staff

In order to estimate the need for non-judge staff we have applied a technique known as “smoothing” or “curve fitting” using a simple form of polynomial regression. The basic idea is that we want to base our estimate of the need for non-judge staff in each court on our previous estimate on the need for judges (in each court). In order to do so, we look at the relationship between the recommended number of judges and the actual number of non-judge staff as depicted in the graph below. Each black dot in the graph represents a court.



We then try to establish a smooth curve (red in the graph above) reflecting this relationship. The red line represents the “normal” situation: the number of non-judge staff we would expect a court with a given size (recommended number of judges) to have. Courts above the red line appear to have too high a number of non-judge staff compared to this norm. And courts below the red line appear to have too few non-judge staff members. We therefore recommend adjusting the allocation of non-judge staff between courts accordingly.

Hence, the estimates for non-judge staff are based on a ratio-model, not the DEA. However, indirectly, the ratio-model is also based on DEA as firstly DEA was used to calculate the optimal number of judges, given caseload and socio-demographic data, and secondly, the calculated optimal number of judges was used to estimate the need for non-judge staff.

For non-judge court staff we have obtained two alternative estimates. The first estimate (estimate 1) provides recommendations for each court based on the exact number of recommended judges, while the second estimate (estimate 2) provides recommendations in the form of a ratio of non-judge staff per judge, providing estimates for a number of 1 to 30 judges (minimum and maximum number of district court judges as recommended by the study).

Both estimates are based on a model that bases the estimate for non-judge staff on the average estimate for the optimal number of judges. The “optimal number of judges” is the number that we have chosen as the most recommended according to the results on allocation of judges, which is the average of Models 1-3 used for estimating judges’ allocation. One clarification needs to be made here. In order to make the most accurate estimates, the optimal number of judges was used exactly as the results for allocation of judges was obtain, using decimal and not rounded up numbers (for example, the number used for Buiucani district court is 28.7 and not 29). Therefore, when the results from model

1 and model 2 are compared from estimate 1 and estimate 2, there are slight differences between them. However, both estimates are accurate and any of them can be used when assigning the non-judge court staff.

In our study we used the total number of non-judge staff allocated to courts, irrespective of positions (technical or clerical). Hence, if one wants to compare the results with the data provided by CEPEJ, this aspect has to be taken into consideration.

Below the results and recommendations are presented in separate tables for district courts and for courts of appeal.

3.2.2 Recommendations for allocation of non-judge staff in district courts

Based on the recommended number of judges per court and the number of non-judge staff approved for 2013, the following analysis was drawn. Table 4 below illustrates our conclusions and recommendations for district courts, including specialised courts, as follows:

- Column 1 – Indicates the court;
- Column 2 – Optimal number of judges, which is the average of Models 1-3 used for the judges' allocation (see sub-section 3.1.2.). A note here – we have recommended closing the Military Court, as the workload shows that it is not a sustainable court. However, for the sake of providing some recommendations in case this recommendation is not followed, we have included here 1 judge for the Military Court in order to recommend the minimum number of staff;
- Column 3 – Number of non-judge staff as approved for 2013 (these are the number obtained after the amendments related to reallocation of judges after the SCM decision nr. 307/12 of 1 April 2013 (data collected from the SCM);
- Column 4 – Average estimate number for non-judge court staff, based on the exact number of recommended judges;
- Column 5 – Specific recommendations per court where there is a need for adding or reducing the number of non-judge staff (the recommended numbers represent the difference between the recommended number of non-judge staff included in column 4 and the approved number of non-judge staff for 2013 included in column 3).

Table 4: Results regarding allocation of non-judge staff in district courts, including specialised courts, based on exact number of recommended judges

District court	Optimal nr. of judges (average models 1-3)	Nr. of non-judge staff de jure 2013	Average estimate number for non-judge staff	Recommendations for transfer per court
sec. Botanica	21	77	68	9-
sec. Buiucani	29	82	85	3+
sec. Centru	30	90	88	2-
sec. Ciocana	16	58	55	3-
sec. Rîșcani	26	76.5	79	2.5+
mun. Bălți	13	69	48	21-
Bender	5	24.5	28	3.5+
Tiraspol	0	0	0	0

District court	Optimal nr. of judges (average models 1-3)	Nr. of non-judge staff de jure 2013	Average estimate number for non-judge staff	Recommendations for transfer per court
Anenii Noi	8	30	35	5+
Basarabeasca	3	21.5	23	1.5+
Briceni	7	30	32	2+
Cahul	9	40.5	37	3.5+
Cantemir	4	23	26	3+
Călărași	7	30.5	32	1.5+
Căușeni	8	31	35	4+
Ceadir-Lunga	4	25.5	26	0.5+
Cimișlia	5	24.5	27	2.5+
Comrat	5	29.5	29	0.5-
Criuleni	6	30.5	30	0.5-
Dondușeni	3	24	24	0
Drochia	6	30.5	29	1.5-
Dubăsari	3	23.5	23	0.5-
Edineț	7	32.5	32	0.5-
Fălești	4	31	26	5-
Florești	4	35.5	25	10.5-
Glodeni	3	28	24	4-
Grigoriopol	0	0	0	0
Hîncești	7	37.5	33	4.5-
Ialoveni	12	32	45	13+
Leova	5	24.5	28	3.5+
Nisporeni	5	26	27	1+
Ocnîța	3	25.5	24	1.5-
Orhei	11	35	42	7+
Rezina	5	25	28	3+
Rîbința	0	0	0	0
Rîșcani	5	26	27	1+
Sîngerei	5	29.5	27	2.5-
Slobozia	0	0	0	0
Soroca	6	40.5	30	10.5-
Strășeni	8	35.5	35	0.5-
Șoldănești	6	22	29	7+
Ștefan-Vodă	6	24.5	31	6.5+
Târaclia	4	28	25	3-
Telenești	5	27.5	27	0.5-
Ungheni	9	33	37	4+
Vulcănești	2	23	21	2-
Military Court	1	18	18	0
Commercial District Court	3	16	26	10+
Total	344	1527.5	1526	171.5

As it can be seen from the data presented in Table 4, only Donduşeni court seems to have an adequate number of non-judge staff. All the other courts need adjustments to the non-judge staff. The most significant changes, meaning 5 and above, are necessary regarding the following district courts:

- Need additional non-judge staff positions: Anenii Noi (5), Ialoveni (13), Orhei (7), Şoldăneşti (7), Ştefan-Vodă (6.5), Commercial District Court (10);
- Need to have reduced the number of non-judge staff positions: Botanica sector court (9), Bălţi (21), Făleşti (5), Floreşti (10.5), Soroca (10.5).

Implementation of recommendation regarding allocation of non-judge staff based on the exact number of recommended judges implies transfer of 171.5 positions within the system.

An alternative model for calculating the appropriate number of non-judge staff per court is the **ratio model of non-judge staff per judge**. This model clearly illustrates the benefits of bigger courts from the perspective of a more advantageous ratio of judge to non-judge staff (the bigger court, the more efficiently human resources are used and fewer non-judge staff are needed per judge). According to this model, the following results have been calculated, presented in Table 5 below, which can be applied when assigning the non-judge court staff:

Table 5: Ratio of non-judge court staff per judge in district courts (ratio model for assigning non-judge court staff)

Nr. of judges per court	Staff model 1 (average estimate for the nr. of judges)	Nr. of judges per court	Staff model 1 (average estimate for the nr. of judges)
1	19	16	54
2	21	17	57
3	24	18	60
4	26	19	62
5	28	20	65
6	30	21	67
7	32	22	70
8	35	23	72
9	37	24	75
10	39	25	77
11	42	26	79
12	44	27	82
13	47	28	84
14	49	29	86
15	52	30	88

The estimates provided in Tables 5 and 6 are similar, with some exceptions, regarding those courts where the optimal number of judges was a decimal number in the calculations. For example, according to the first estimate, Buiucani sector court from Chişinău should have 85 non-judge staff positions. If we apply the ratio model, this court, with 29 judges, as we recommend, should have 86 non-judge staff positions. Or, Hînceşti court should have 33 non-judge staff positions according to the first estimate or 32 staff non-judge staff positions

if we apply the ratio model (7 judges = 32 staff). However, the difference is not significant between these two models, hence any of the results could be used. The advantage of the ratio model is that it provides an easy to use scale for policy makers. We recommend using the ratio model as it is easier to apply.

If ratio model is applied, the district courts should have the following number of non-judge staff, as shown in Table 6 below:

Table 6: Results regarding allocation of non-judge staff in district courts, including specialised courts, based on ratio model

District court	Optimal nr. of judges (average models 1-3)	Nr. of non-judge staff de jure 2013	Ratio model for allocation non-judge staff	Recommendations for transfer per court
sec. Botanica	21	77	67	10-
sec. Buiucani	29	82	86	4-
sec. Centru	30	90	88	2-
sec. Ciocana	16	58	54	4-
sec. Rîșcani	26	76.5	79	3+
mun. Bălți	13	69	47	22-
Bender	5	24.5	28	4+
Tiraspol	0	0	0	0
Anenii Noi	8	30	35	5+
Basarabeasca	3	21.5	24	3+
Briceni	7	30	32	2+
Cahul	9	40.5	37	4-
Cantemir	4	23	26	3+
Călărași	7	30.5	32	2+
Căușeni	8	31	35	4+
Ceadir-Lunga	4	25.5	26	1+
Cimișlia	5	24.5	28	4+
Comrat	5	29.5	28	2-
Criuleni	6	30.5	30	1-
Dondușeni	3	24	24	0
Drochia	6	30.5	30	1-
Dubăsari	3	23.5	24	1+
Edineț	7	32.5	32	1-
Fălești	4	31	26	5-
Florești	4	35.5	26	10-
Glodeni	3	28	24	4-
Grigoriopol	0	0	0	0
Hîncești	7	37.5	32	6-
Ialoveni	12	32	44	12+
Leova	5	24.5	28	4+
Nisporeni	5	26	28	2+
Ocnîța	3	25.5	24	2-
Orhei	11	35	42	7+
Rezina	5	25	28	3+
Rîbința	0	0	0	0

District court	Optimal nr. of judges (average models 1-3)	Nr. of non-judge staff de jure 2013	Ratio model for allocation non-judge staff	Recommendations for transfer per court
Rișcani	5	26	28	2+
Singerei	5	29.5	28	2-
Slobozia	0	0	0	0
Soroca	6	40.5	30	11-
Strășeni	8	35.5	35	1-
Șoldănești	6	22	30	8+
Ștefan-Vodă	6	24.5	30	6+
Taraclia	4	28	26	2-
Telenești	5	27.5	28	1+
Ungheni	9	33	37	4+
Vulcănești	2	23	21	2-
Military Court	1	18	19	1+
Commercial District Court	3	16	24	8+
Total	344	1527.5	1530	186

As it can be seen from the data presented in Table 6, only Dondușeni court seems to have an adequate number of non-judge staff. All the other courts need adjustments to the non-judge staff. The most significant changes, meaning 5 and above, are necessary regarding the following district courts:

- Need additional non-judge staff positions: Anenii Noi (5), Ialoveni (12), Orhei (7), Șoldănești (8), Ștefan-Vodă (6), Commercial District Court (8);
- Need to have reduced the number of non-judge staff positions: Botanica sector court (10), Bălți (22), Fălești (5), Florești (10), Hâncești (6), Soroca (11).

Implementation of recommendation regarding allocation of non-judge staff based on ratio model implies transfer of 186 positions within the system.

3.2.3 Recommendations for allocation of non-judge staff in courts of appeal

Based on the recommended number of judges per court and the number of non-judge staff approved for 2013, the following analysis was drawn. Table 7 below illustrates our conclusions and recommendations for courts of appeal as follows:

- Column 1 – Indicates the Court of Appeal;
- Column 2 – Optimal number of judges, which is the average of Models 1-3 used for the judges' allocation (see sub-section 3.1.2.);
- Column 3 – Number of non-judge staff as approved for 2013 (data collected from SCM);
- Column 4 – Average estimate number for non-judge court staff, based on the exact number of recommended judges;
- Column 5 – Specific recommendations per court where there is a need for adding or reducing the number of non-judge staff (the recommended numbers represent the difference between the recommended number of non-judge staff included in column 4 and the approved number of non-judge staff for 2013 included in column 3).

Table 7: Results regarding allocation of non-judge staff in courts of appeal, based on exact number of recommended judges

Court of Appeal (CA)	Optimal nr. of judges (average models 1-3)	Nr. of non-judge staff de jure 2013	Average estimate number for non-judge staff	Recommendations for transfer per court
CA Bălți	18	100	97	3-
CA Bender	6	47,5	45	2,5-
CA Cahul	7	38,5	51	12,5+
CA Chișinău	63	168,5	169	0.5+
CA Comrat	3	41	34	7-
Total	97	395,5	396	25,5

As shown from Table 7, the variations in non-judge staff are not significant in three of the courts of appeal, except Cahul Court of Appeal, which needs an increase of 12.5 positions and Comrat Court of Appeal, which needs a decrease of 7 positions. Implementation of recommendations regarding allocation of non-judge staff in courts of appeal based on exact number of recommended judges implies transfer of 25.5 positions within the system.

Similarly with the district courts, we have obtained an estimate for the number of non-judge staff per court through the ratio model of non-judge staff per judge. According to this model, the following results have been calculated, presented in Table 8 below, which can be applied when assigning the non-judge court staff:

Table 8: Ratio of non-judge staff per judge in courts of appeal (ratio model for assigning non-judge court staff)

Nr. of judges	Nr. of staff	Nr. of judges	Nr. of staff	Nr. of judges	Nr. of staff	Nr. of judges	Nr. of staff
1		17	92	33	140	49	167
2		18	96	34	143	50	167
3		19	99	35	145	51	168
4	37	20	103	36	147	52	169
5	42	21	106	37	149	53	169
6	47	22	109	38	151	54	170
7	51	23	112	39	153	55	170
8	56	24	116	40	155	56	170
9	60	25	119	41	157	57	170
10	64	26	122	42	158	58	170
11	68	27	125	43	160	59	170
12	73	28	127	44	161	60	170
13	77	29	130	45	162	61	169
14	81	30	133	46	164	62	169
15	84	31	136	47	165	63	169
16	88	32	138	48			

If ratio model is applied to allocation of non-judge staff per courts of appeal, the following number of staff would be required:

Table 9: Results regarding allocation of non-judge staff in courts of appeal, based on ratio model

Court of Appeal (CA)	Optimal nr. of judges (average models 1-3)	Nr. of non-judge staff de jure 2013	Ratio model for non-judge staff	Recommendations for transfer per court
CA Bălți	18	100	96	4-
CA Bender	6	47.5	47	0.5-
CA Cahul	7	38.5	51	12.5+
CA Chișinău	63	168.5	169	0.5+
CA Comrat	3	41	35	6-
Total	97	395.5	398	23.5

As shown from Table 9, the variations in non-judge staff are not significant in three of the courts of appeal, except Cahul Court of Appeal, which needs an increase of 12.5 positions and Comrat Court of Appeal, which needs a decrease of 6 positions. Implementation of recommendations regarding allocation of non-judge staff in courts of appeal based on ratio model implies transfer of 23.5 positions within the system.

In conclusion, we recommend reviewing the number of non-judge allocation per courts of appeal in parallel with the revision of the number of judges and the map of the appellate courts.

District courts' merger analysis

4.1 Merger analysis overview

Small courts are inefficient, as they are expensive to maintain, and are also not inductive for creating a healthy working environment, thus affecting negatively the quality of delivered justice. The disadvantages of small courts and the benefits of increasing the size of courts have been discussed in Chapter one of the report. The goal of optimizing the judicial map in such a way as to allow for an enhanced quality of justice and a better use of public funds is driving the analysis and recommendations in this chapter.

We have analysed the judicial map of district courts from the perspective of the number of judges in each court. We took as the basis for analysis not the current number of judges in each court, but the number of judges as we recommended after applying the DEA model to the caseload for 2010-2012 and socio-demographic data. We believe that reassignment of judges per courts is crucial for ensuring an even workload. However, if reassignment is done first and then the court merger follows, this might put an unreasonably high burden on the judges and non-judge staff that might need to be moved twice. Therefore we would recommend implementing the reallocation of judges and staff in parallel with the court merger.

While the issue of a minimum number of judges per court is a debatable one and there is no unified European practice in this respect, we think that the recent tendency in several countries regarding the establishment of a minimum number of judges per court is applicable to Moldova too. Given the small size of the country and the lack of previous debates on this matter, we have examined three possible scenarios for court merger, none of them being a radical one.

We have identified in our analysis three scenarios that could be applied for court merger:

- scenario 1 includes merger of courts with less than 5 judges;
- scenario 2 includes merger of courts with less than 7 judges;
- scenario 3 includes merger of courts with less than 9 judges.³⁹

³⁹ Initially we were considering 3 scenarios for court merger, where the first would include less than 5 judges, the second less than 6 and the third less than 7 judges. However, after we have run this analysis we have discovered that the difference between scenario 2 and 3 was only Ștefan-Vodă court, therefore we have decided to apply a new third scenario (which includes courts with less than 9 judges), as the third one might prove more efficient in the long-term.

For all scenarios we have used the data regarding the number of judges as we have recommended in the sub-section 3.1.2., which is the average of Models 1-3. We then calculated the number of non-judge staff in the „new courts” (the courts that were subject to merger) based on the ratio model for allocation of non-judge staff (presented above, Table 5 in sub-section 3.2.2.).

In section 3.1.2., we have recommended closing the commercial district court, since the number of recommended judges is as small as 3. While for other courts, when we did the merger analysis, we identified the courts to be merged, for commercial district court judges a decision would be necessary to be taken where to assign the 3 judges based more on a political choice, rather than a scientific choice. Therefore, only for the sake of analysis, the 3 judges were reallocated to Buiucani, Centru and Rîșcani courts in Chișinău as being the busiest courts. However, this decision is entirely up to policy makers.

In section 3.1.2., we have recommended also to close the military court, given its very low caseload. For that reason no reallocation of judges or staff is done for this court. Therefore, when comparing with the current number of staff to determine the difference / savings, the current number is considered without the current number of military court non-judge staff, meaning 1,509.5 (1,527.5 – 18).

In all scenarios the „current number” means the number of judges or non-judge staff allocated for 2013.

When suggesting the merger of courts in each of the three scenarios we were guided by the following two criteria:

- a) The number of judges, and implicitly non-judge staff, that has to move (prioritizing relocation of the smaller court to the bigger one);
- b) The proximity of courts, in such a way as to affect to the minimum the court users' burden regarding transportation to the court. Proximity was considered from the perspective of neighbouring raions and the direction of main transportation routes in the country. When there were two possible options of merger, we have considered merger with the closest court and considered if the newly created court is not too big compared to the other neighbouring courts, to ensure a more or less similar size of courts. For example, in Scenario 2, Glodeni court could be merged either with Rîșcani or Bălți, we recommend only Rîșcani as Fălești is already a candidate for merger with Bălți and the „new” court would be too big compared with the neighbouring courts.

In addition to these two criteria, we also looked, to a lesser extent, at the following:

- a) Court's infrastructure – we have prioritized relocation of the court with a worst infrastructure to the one with a better one. For court infrastructure, ROLISP assessment of the courts of 2013⁴⁰ was used, which classified all courts in 4 categories: category 1 – Courts which are in urgent need of repair or urgent need of expansion/relocation; category 2 – Courts which are in satisfactory condition

⁴⁰ See for a detailed analysis and recommendations regarding court infrastructure “Courthouses prioritizing report”, United States Agency for International Development (USAID) Rule of Law Institutional Strengthening Program (ROLISP), Chișinău 2013

and are in need of repair and/or reconfiguration within the next 3 years; category 3 - Courts which are in good condition or in which reparation is desirable, but not urgent and category 4 - Courts which are in excellent condition and which do not need any repair or expansion. However, we must note that the data of the ROLISP report are used only for a primary basic analysis. For decision on merger of courts and for planning of required funds, a more in depth analysis of the courts' infrastructure is necessary because ROLISP analysis of 2013 was done based on the current number of judges. The majority of courts that will be merged (both the one that is supposed to relocate and the one to which it is relocated) will perhaps need either a new building or a serious restructuring in order to fit in the new judges and non-judge staff. We are not in a position to assess this, a separate study needs to be commissioned for this analysis;

- b) We have tried to look at the distance between the localities from the raion of the court to be relocated and the court to which it is merged, as well as the available public and private transportation. However, within the timeframe and resources available to us, it was not possible to obtain neither the exact distances, nor the data on public transportation from each village of the merging raion to the proposed court, due to lack of such data. For transportation we tried to collect the routes but we have not received them and the online information on www.autogara.md does not provide this information in detail. Therefore for transportation we only looked at the direction of transportation due to the main roads that lead to Chişinău⁴¹. Regarding the distances, for an indicative purpose only we have used the possibility offered by the website <http://www.della-md.com/distance/>, which only calculates the length of the routes for transportation of goods. If required, a more in depth analysis is necessary for calculating the distances. For some localities the distance was not available on this website. In such cases we have used the information available from the following website: <http://www.distanta.com/>.

Regarding the courts' merger we have to emphasize that we are certain regarding the courts that have to be merged (candidates for merger) from the perspective of the number of judges, as this was our primary task in this study. However, regarding the best options for merger, we only provided a basic set of proposals, without analysing in depth the following main criteria: distance, transportation infrastructure and courts' infrastructure costs. We also have not analysed the impact of available court merger options on the structure and efficiency

⁴¹ During July – September 2013 LRCM has had several attempts to obtain detailed data on transportation routes for completing the merger analysis. The Ministry of Justice has requested the available private and public auto and railway routes for several locations from the Ministry of Roads and Roads' Infrastructure, but the answer was not complete. The LRCM has further submitted similar requests to National Agency for Auto Transportation, the State Roads' Administration and the Ministry of Transportation and Roads' Infrastructure. The advice we have received was to use the information that was available on www.autogara.md, which we have used but that is not complete as it does not provide information on the exact distances and transportation routes between all villages and neighbouring raion centres. Due to scarcity of data regarding transportation we do not provide any analysis on available public transportation.

of other related institutions, in particular prosecution offices, police stations, detention facilities, lawyers' distribution. For these aspects additional studies would be useful, unless policy makers are ready to take the decision on merger based on the current proposals.

4.2 Merger of district courts – three scenarios

Scenario 1 for district court merger:

The Scenario 1 is based on a minimum of 5 judges per court (district courts with 1-4 judges to be merged). Scenario 1 for court merger presents the following results, as demonstrated in Table 10 below:

Table 10: District courts' merger Scenario 1, options 1 and 2

District court	Nr. of judges de jure 2013	Nr. of non-judge staff de jure 2013	Recommended nr. of judges (average models 1-3)	Recommended nr. of non-judge staff (ratio model)	Merger Scenario 1 - courts for merger: <5/1-4 judges	Scenario 1, Merger option 1	Nr. of courts option 1	Nr. of judges option 1	Nr. of non-judge staff option 1	Scenario 1, Merger option 2	Nr. of courts option 2	Nr. of judges option 2	Nr. of non-judge staff option 2
sec. Botanica	20	77,0	21	67			1	21	67		1	21	67
sec. Buiucani	25	82,0	29	86			1	30	88		1	30	88
sec. Centru	29	90,0	30	88			1	31	90		1	31	90
sec. Ciocana	13	58,0	16	54			1	16	54		1	16	54
sec. Rîșcani	22	76,5	26	79			1	27	82		1	27	82
mun. Bălți	18	69,0	13	47			1	13	47	← Făleşti	1	17	57
Bender	5	24,5	5	28			1	5	28		1	5	28
Tiraspol	0	0,0	0	0	0		0	0	0		0	0	0
Anenii Noi	6	30,0	8	35			1	8	35		1	8	35
Basarabeasca	4	21,5	3	24	1	→ Cimișlia	0	0	0	→ Cimișlia	0	0	0
Briceni	6	30,0	7	32			1	7	32		1	7	32
Cahul	9	40,5	9	37		← Vulcănești	1	11	42	← Vulcăn, Taraclia	1	15	52
Cantemir	4	23,0	4	26	1	→ Leova	0	0	0	→ Leova	0	0	0
Calărași	6	30,5	7	32			1	7	32		1	7	32
Căușeni	7	31,0	8	35			1	8	35		1	8	35
Ceadir-Lunga	5	25,5	4	26	1	← Taraclia	1	8	35	→ Comrat	0	0	0
Cimișlia	4	24,5	5	28		← Basarab-ca	1	8	35	← Basarab-ca	1	8	35
Comrat	6	29,5	5	28			1	5	28	← Ceadir-Lunga	1	9	37
Criuleni	6	30,5	6	30		← Dubăsari	1	9	37	← Dubăsari	1	9	37
Donușeni	4	24,0	3	24	1	→ Drochia	0	0	0	→ Drochia	0	0	0
Drochia	6	30,5	6	30		← Donușeni	1	9	37	← Donușeni	1	9	37
Dubăsari	4	23,5	3	24	1	→ Criuleni	0	0	0	→ Criuleni	0	0	0

According to Scenario 1, 13 district courts, including the 2 specialised courts, should be merged with other courts. These courts are: Basarabasca, Cantemir, Ceadr-Lunga, Donduşeni, Dubăsari, Făleşti, Floreşti, Glodeni, Ocniţa, Taraclia, Vulcăneşti, Military Court and Commercial District Court.

This scenario includes 2 options regarding the courts that can be merged. If Scenario 1 proposal is accepted, then the judicial map of district courts of Moldova would include 32 district courts (Option 1) or 31 district courts (Option 2), plus the 4 district courts allocated for Transnistrian Region.

If Scenario 1 proposal is accepted, this will lead to a decrease of at least 183 or 199.5 non-judge staff positions in the court system (183.5 for Option 1 and 199.5 for Option 2) if compared to the current number of non-judge staff or at least 185 positions if compared with the recommended number of non-judge staff (185 positions for Option 1 and 201 positions for Option 2) (see the Above Table 10). The number of judges will remain the same.

Implementation of Scenario 1, option 1 implies transfer of 36 judge positions within the system according to the recommended number of judges per court (Table 1) or 54 positions according to the number of assigned judges for 2013. Implementation of Scenario 1, option 2 implies transfer of 40 judge positions within the system according to the recommended number of judges per court (Table 1) or 59 positions according to the number of assigned judges for 2013.

Regarding the directions of merger, a further more in depth analysis is required in order to look at 3 main considerations that we were unable to look at: distance, transportation and costs required for the infrastructure of the „new courts”. We were able to carry out only a primary basic analysis and came to the following options for merger, but we are not claiming that these are the most appropriate options:

Basarabasca → Cimişlia:

- Number of judges: 3 (Basarabasca) → 5 (Cimişlia). Total “new court” – 8 judges;
- Infrastructure of the court – category of the court: 3 (Basarabasca) → 1 (Cimişlia). Basarabasca has 3 courtrooms and has been recently renovated, while Cimişlia has only 2 courtrooms. However, Basarabasca would not fit 8 judges, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the villages of Basarabasca raion to Cimişlia is 23 km (15 minimum and 48 maximum);
- Transportation – In the morning the road traffic from Basarabasca is directed to Chişinău, through Cimişlia.

Cantemir → Leova:

- Number of judges: 4 (Cantemir) → 5 (Leova). Total “new court” – 9 judges;
- Infrastructure of the court – category of the court: 4 (Cantemir) → 3 (Leova), Cantemir has a better category, both courts have the same number of courtrooms, 4, which means that perhaps a new building will be required;
- Distance: the average distance between the villages of Cantemir raion to Leova is 43 km (14 minimum and 89 maximum);
- Transportation – In the morning the road traffic from Cantemir is directed to Chişinău, through Cimişlia.

Dondușeni → Drochia:

- Number of judges: 3 (Dondușeni) → 6 (Drochia). Total “new court” – 9 judges;
- Infrastructure of the court – category of the court: 3 (Dondușeni) → 2 (Drochia), Dondușeni has a better category, however, it has only 2 courtrooms. Drochia has only 4 courtrooms, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the villages of Dondușeni raion to Drochia is 46 km (20 minimum and 73 maximum);
- Transportation – In the morning the road traffic from Dondușeni is directed to Chișinău through Drochia.

Dubăsari → Criuleni:

- Number of judges: 3 (Dubăsari) → 6 (Criuleni). Total “new court” – 9 judges;
- Infrastructure of the court – category of the court: 2 (Dubăsari) → 1, (Criuleni), Dubăsari has a better category, however, it has only 1 courtroom. Criuleni has only 3 courtrooms and needs repairs, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the villages of Dubăsari raion to Criuleni is 22 km (9 minimum and 36 maximum);
- Transportation – Criuleni city is situated in several km from the actual residence of the Dubăsari court (Ustia).

Fălești → Ungheni:

- Number of judges: 4 (Fălești) → 9 (Ungheni). Total “new court” – 13 judges;
- Infrastructure of the court – category of the court: 2 (Fălești) → 3 (Ungheni), Ungheni has only 3 courtrooms, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the villages of Fălești raion to Ungheni is 57 km (33 minimum and 87 maximum).

Fălești → Bălți:

- Number of judges: 4 (Fălești) → 13 (Bălți). Total “new court” – 17 judges;
- Infrastructure of the court – category of the court: 2 (Fălești) → 2 (Bălți), Bălți has 4 courtrooms, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the villages of Fălești raion to Bălți is 36 km (8 minimum and 57 maximum);
- We recommend as second option the merger of the Fălești court with the Bălți court would lead to a very big court in Bălți. The distance to Bălți is also bigger.

Florești → Soroca:

- Number of judges: 4 (Florești) → 6 (Soroca). Total “new court” – 10 judges;
- Infrastructure of the court – category of the court: 2 (Florești) → 2 (Soroca), Soroca has 7 courtrooms, perhaps capital renovation will be required;

- Distance: the average distance between the villages of Florești raion to Soroca is 45 km (26 minimum and 69 maximum).

Glodeni → Rîșcani:

- Number of judges: 3 (Glodeni) → 5 (Rîșcani). Total “new court” – 8 judges;
- Infrastructure of the court – category of the court: 3 (Glodeni) → 2 (Rîșcani), Glodeni has 5 courtrooms, while Rîșcani has 4 courtrooms, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the villages of Glodeni raion to Rîșcani is 37 km (17 minimum and 53 maximum).

Ocnîța → Edineț:

- Number of judges: 3 (Ocnîța) → 7 (Edineț). Total “new court” – 10 judges;
- Infrastructure of the court – category of the court: 2 (Ocnîța) → 2 (Edineț), while Edineț has 6 courtrooms, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the villages of Ocnîța raion to Edineț is 42 km (19 minimum and 63 maximum);
- Transportation – In the morning the road traffic from Ocnîța is directed to Chișinău, through Edineț.

Taraclia → Ceadâr-Lunga:

- Number of judges: 4 (Taraclia) → 4 (Ceadâr-Lunga). Total “new court” – 8 judges;
- Infrastructure of the court – category of the court: 1 (Taraclia) → 4 (Ceadâr-Lunga), Ceadâr-Lunga court was renovated and the court has 5 courtrooms, while Taraclia needs serious renovation and has only 2 courtrooms;
- Distance: the average distance between the villages of Taraclia raion to Ceadâr-Lunga is 42 km (10 minimum and 63 maximum).

Vulcănești → Cahul:

- Number of judges: 2 (Vulcănești) → 9 (Cahul). Total “new court” – 11 judges;
- Infrastructure of the court – category of the court: 2 (Vulcănești) → 3 (Cahul), Cahul has 5 courtrooms;
- Distance: the average distance between the villages of Vulcănești raion to Cahul is 46 km (26 minimum and 58 maximum);
- Transportation – In the morning the road traffic from Vulcănești is directed to Chișinău, toward Cahul.

For an easier visualisation of proposed directions of merger, Table 11 and 12 include a summary of direction of merger, number of judges per courts affected by the merger, infrastructure of the court to which the other(s) is(are) moved and average, minimum and maximum distances between the localities of the moved court and the “new” court.

Table 11: Scenario 1, option 1 for district courts' merger

Nr.	Court moved/ closed	Court moved to	Court moved to - nr. of recommended judges	Nr. of moved judges (recommended nr.)	Nr. of moved judges (assigned 2013)	Nr. of judges in the new court (recommended)	Court moved to - infrastructure (courtrooms and category according to ROLISP 2013)	Distance to new court of the localities from the jurisdiction of the merged court (km)		
								Average	Min.	Max.
1	Basarabasca	Cimişlia	5	3	4	8	2 courtrooms category of the court: 2	23	15	48
2	Cantemir	Leova	5	4	4	9	4 courtrooms category of the court: 4	43	14	89
3	Donduşeni	Drochia	6	3	4	9	3 courtrooms category of the court: 4	46	20	73
4	Dubăsari	Criuleni	6	3	4	9	3 courtrooms category of the court: 1	22	9	36
5	Făleşti	Ungheni	9	4	6	13	3 courtrooms category of the court: 3	57	33	87
6	Floreşti	Soroca	6	4	8	10	7 courtrooms category of the court: 2	45	26	69
7	Glodeni	Rişcani	5	3	5	8	4 courtrooms category of the court: 2	37	17	53
8	Ocnîţa	Edineţ	7	3	5	10	6 courtrooms category of the court: 2	42	19	63
9	Taraclia	Ceadr-Lunga	4	4	5	8	5 courtrooms category of the court: 4	42	10	63
10	Vulcăneşti	Cahul	9	2	3	11	5 courtrooms category of the court: 3	46	26	58
11	Military Court			0	3					
12	Commercial Dist.Ct			3	3					
Total	12			36	54		Average distance	40,3	18,9	63,9

Table 12: Scenario 1, option 2 for district courts' merger

Nr.	Court moved/ closed	Court moved to	Court moved to - nr. of recommended judges	Nr. of moved judges (recommended nr.)	Nr. of moved judges (assigned 2013)	Nr. of judges in the new court (recommended)	Court moved to - infrastructure (courtrooms and category according to ROLISP 2013)	Distance to new court of the localities from the jurisdiction of the merged court (km)		
								Average	Min.	Max.
1	Făleşti	Bălți	5	4	6	9	4 courtrooms category of the court: 2	36	8	57
2	Basarabasca	Cimișlia	5	3	4	8	3 courtrooms category of the court: 3	23	15	48
3	Vulcănești	Cahul	9	2	3	15	5 courtrooms category of the court: 3	46	26	58
4	Taraclia			4	5			46	22	84
5	Ceadir- Lunga	Comrat	5	4	5	9	4 courtrooms category of the court: 3	38	19	62
6	Dubăsari	Criuleni	6	3	4	9	3 courtrooms category of the court: 1	22	9	36
7	Dondușeni	Drochia	6	3	4	9	4 courtrooms category of the court: 2	46	20	73
8	Ocnita	Edineț	7	3	5	10	6 courtrooms category of the court: 2	42	19	63
9	Cantemir	Leova	5	4	4	9	4 courtrooms category of the court: 3	43	14	89
10	Glodeni	Rișcani	5	3	5	8	4 courtrooms category of the court: 2	37	17	53
11	Florești	Soroca	6	4	8	10	7 courtrooms category of the court: 2	45	26	69
12	Military court			0	3					
13	Commercial Dist.Ct			3	3					
Total	13			40	59		Average distance	38,5	17,7	62,9

According to our proposals in scenario 1, the list of district courts will be the following, presented in Table 13 below.

Table 13: List of district courts according to Scenario 1

Option 1			Option 2		
Nr.	Court	Nr. judges	Nr.	Court	Nr. judges
1	Botanica sector	21	1	Botanica sector	21
2	Buiucani sector	30	2	Buiucani sector	30
3	Centru sector	31	3	Centru sector	31
4	Ciocana sector	16	4	Ciocana sector	16
5	Rișcani sector	27	5	Rișcani sector	27
6	Bălți	13	6	Bălți + Fălești (4)	17
7	Bender	5	7	Bender	5
8	Anenii Noi	8	8	Anenii Noi	8
9	Briceni	7	9	Briceni	7
10	Cahul + Vulcănești (2)	11	10	Cahul + Vulcănești (2) + Taraclia (4)	15
11	Călărași	7	11	Călărași	7
12	Căușeni	8	12	Căușeni	8
13	Ceadir-Lunga + Taraclia (4)	8	13	Cimișlia + Basarabeasca (3)	8
14	Cimișlia + Basarabeasca (3)	8	14	Comrat + Ceadir-Lunga (4)	9
15	Comrat	5	15	Criuleni + Dubăsari (3)	9
16	Criuleni + Dubăsari (3)	9	16	Drochia + Dondușeni (3)	9
17	Drochia + Dondușeni (3)	9	17	Edineț + Ocnîța (3)	10
18	Edineț + Ocnîța (3)	10	18	Hîncești	7
19	Hîncești	7	19	Ialoveni	12
20	Ialoveni	12	20	Leova + Cantemir (4)	9
21	Leova + Cantemir (4)	9	21	Nisporeni	5
22	Nisporeni	5	22	Orhei	11
23	Orhei	11	23	Rezina	5
24	Rezina	5	24	Rișcani + Glodeni (3)	8
25	Rișcani + Glodeni (3)	8	25	Sîngerei	5
26	Sîngerei	5	26	Soroca + Florești (4)	10
27	Soroca + Florești (4)	10	27	Strășeni	8
28	Strășeni	8	28	Șoldănești	6
29	Șoldănești	6	29	Ștefan-Vodă	6
30	Ștefan-Vodă	6	30	Telenești	5
31	Telenești	5	31	Ungheni	9
32	Ungheni + Fălești (4)	13			
Total Option 1	32 courts	343	Total Option 2	31 courts	343
Total in 2013	44 courts (+4 Transnistrian Region)		Total in 2013	44 courts (+4 Transnistrian Region)	
Merged/moved	12 (including Commercial and Military Courts)	36 (54)	Merged/moved	13 (including Commercial and Military courts)	40 (59)

Note: judge-positions to be moved: 1st number is according to recommended number; the number in brackets is based on 2013 allocation

Annex 3 to this study illustrates the judicial map of district courts after merger, according to Scenario 1, Options 1 and 2.

Scenario 2 for district courts' merger:

The Scenario 2 is based on a minimum of 7 judges per court (district courts with 1-6 judges to be merged). Scenario 2 for court merger presents the following results, as demonstrated in Table 14 below:

Table 14: District courts' merger Scenario 2, options 1 and 2

District court	Nr. of judges de jure 2013	Nr. of non-judge staff de jure 2013	Recommended nr. of judges (average models 1-3)	Recommended nr. of non-judge staff (ratio model)	Merger Scenario 2 - courts for merger: <7/1-6 judges	Scenario 2, Merger option 1	Nr. of courts option 1	Nr. of judges option 1	Nr. of non-judge staff option 1	Scenario 2, Merger option 2	Nr. of courts option 2	Nr. of judges option 2	Nr. of non-judge staff option 2
sec. Botanica	20	77,0	21	67			1	21	67		1	21	67
sec. Buiucani	25	82,0	29	86			1	30	88		1	30	88
sec. Centru	29	90,0	30	88			1	31	90		1	31	90
sec. Ciocana	13	58,0	16	54			1	16	54		1	16	54
sec. Rîșcani	22	76,5	26	79			1	27	82		1	27	82
mun. Bălți	18	69,0	13	47			1	13	47		1	17	57
Bender	5	24,5	5	28	1	→ Anenii Noi	0	0	0	→ Anenii Noi	0	0	0
Tiraspol	0	0,0	0	0	0		0	0	0		0	0	0
Anenii Noi	6	30,0	8	35		← Bender	1	13	47	← Bender	1	13	47
Basarabeasca	4	21,5	3	24	1	→ Cîmîșlia	0	0	0	→ Cîmîșlia	0	0	0
Briceni	6	30,0	7	32			1	7	32		1	7	32
Cahul	9	40,5	9	37		← Vulcăn, Tarac	1	15	52	← Vulcănești	1	11	42
Canemir	4	23,0	4	26	1	→ Leova	0	0	0	→ Leova	0	0	0
Călărași	6	30,5	7	32			1	7	32	← Nisporeni	1	12	44
Căușeni	7	31,0	8	35		← Ștefan-Vodă	1	14	49	← Ștefan-Vodă	1	14	49
Ceadr-Lunga	5	25,5	4	26	1	→ Comrat	0	0	0	← Taraclia	1	8	35
Cîmîșlia	4	24,5	5	28	1	← Basarab-ca	1	8	35	← Basarab-ca	1	8	35
Comrat	6	29,5	5	28	1	← Ceadr-Lunga	1	9	37	← Status Quo	1	5	28
Criuleni	6	30,5	6	30	1	← Dubăsari	1	9	37	← Dubăsari	1	9	37
Dondușeni	4	24,0	3	24	1	→ Drochia	0	0	0	→ Drochia	0	0	0
Drochia	6	30,5	6	30	1	← Dondușeni	1	9	37	← Dondușeni	1	9	37
Dubăsari	4	23,5	3	24	1	→ Criuleni	0	0	0	→ Criuleni	0	0	0

Edineț	7	32,5	7	32			← Ocnîța	1	10	39	← Ocnîța	1	10	39
Fălești	6	31,0	4	26	1		→ Ungheni	0	0	0	→ Bălți	0	0	0
Florești	8	35,5	4	26	1		→ Soroca	0	0	0	→ Soroca	0	0	0
Glodeni	5	28,0	3	24	1		→ Rîșcani	0	0	0	→ Rîșcani	0	0	0
Grigoriopol	0	0,0	0	0				0	0	0		0	0	0
Hîncești	9	37,5	7	32				1	7	32		1	7	32
Ialoveni	6	32,0	12	44				1	12	44		1	12	44
Leova	4	24,5	5	28	1		← Cantemir	1	9	37	← Cantemir	1	9	37
Nisporeni	5	26,0	5	28	1		→ Strășeni	0	0	0	→ Călărași	0	0	0
Ocnîța	5	25,5	3	24	1		→ Edineț	0	0	0	→ Edineț	0	0	0
Orhei	8	35,0	11	42				1	11	42		1	11	42
Rezina	6	25,0	5	28	1		← Șoldănești	1	11	42	← Șoldănești	1	11	42
Rîbnîța	0	0,0	0	0				0	0	0		0	0	0
Rîșcani	5	26,0	5	28	1		← Glodeni	1	8	35	← Glodeni	1	8	35
Sîngerei	6	29,5	5	28	1		→ Telenești	0	0	0	← Telenești	1	10	39
Slobozia	0	0,0	0	0				0	0	0		0	0	0
Soroca	9	40,5	6	30	1		← Florești	1	10	39	← Florești	1	10	39
Strășeni	8	35,5	8	35			← Nisporeni	1	13	47		1	8	35
Șoldănești	4	22,0	6	30	1		→ Rezina	0	0	0	→ Rezina	0	0	0
Ștefan-Vodă	5	24,5	6	30	1		→ Căușeni	0	0	0	→ Căușeni	0	0	0
Taraclia	5	28,0	4	26	1		→ Cahul	0	0	0	→ Ceadrî-Lunga	0	0	0
Telenești	6	27,5	5	28	1		← Sîngerei	1	10	39	→ Sîngerei	0	0	0
Ungheni	8	33,0	9	37			← Fălești	1	13	47		1	9	37
Vulcănești	3	23,0	2	21	1		→ Cahul	0	0	0	→ Cahul	0	0	0
Military Court	3	18,0	0	19	1			0	0	0		0	0	0
Commercial Court	3	16,0	3	24	1			0	0	0		0	0	0
Total	343	1.527,5	343	1.530	27			26	343	1.229		27	343	1.245
current number		1.509,5						45	343	1.509,5		45	343	1.509,5
saving current								19	0	280,5		18	0	264,5
proposed number				1.511						1.511				1.511
saving proposed										282				266

According to Scenario 2, 27 district courts, including the 2 specialised courts, should be merged. These courts are: Bender, Basarabeasca, Cantemir, Ceadir-Lunga, Cimişlia, Comrat, Criuleni, Donduşeni, Drochia, Dubăsari, Făleşti, Floreşti, Glodeni, Leova, Nisporeni, Ocniţa, Rezina, Rîşcani, Sîngerei, Soroca, Şoldăneşti, Ştefan-Vodă, Taraclia, Teleneşti, Vulcăneşti, Military Court and Commercial District Court.

This scenario includes 2 options regarding the courts that can be merged. If scenario 2 proposal is accepted, then the judicial map of district courts of Moldova would include 26 district courts (Option 1) or 27 district courts (Option 2), plus the 4 district courts allocated for Transnistrian region.

If this proposal is accepted, this will lead to a decrease of at least 264.5 less non-judge staff positions in the court system (280.5 Option 1 and 264.5 Option 2) compared to the current number of non-judge staff or at least 266 positions compared to the recommended number for non-judge staff (282 positions Option 1 and 266 positions Option 2). The number of judges will remain the same.

Implementation of Scenario 2, option 1 implies transfer of 67 judge positions within the system according to the recommended number of judges per court (Table 1) or 84 positions according to the number of assigned judges for 2013. Implementation of Scenario 2, option 2 implies transfer of 63 judge positions within the system according to the recommended number of judges per court (Table 1) or 79 positions according to the number of assigned judges for 2013.

Regarding the directions of merger, a further more in depth analysis is required. We came to the following options for merger, but we are not claiming that these are the most appropriate options:

Bender → Anenii Noi:

- Number of judges: 5 (Bender) → 8 (Anenii Noi). Total “new court” – 13 judges;
- Infrastructure of the court – category of the court: 2 (Bender) → 2 (Anenii Noi), both courts have only 2 courtrooms, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the 2 localities under the jurisdiction of Bender district court⁴² to Anenii Noi is 27.5 km (24 minimum and 31 maximum) or 46 km (24 minimum and 78 maximum) if 5 localities are considered;⁴³
- Transportation – In the morning the road traffic is directed to Chişinău, toward Anenii Noi.

Basarabeasca → Cimişlia – as explained under Scenario 1.

Cantemir → Leova - as explained under Scenario 1.

Ceadir-Lunga → Comrat:

- Number of judges: 4 (Ceadir-Lunga) → 5 (Comrat). Total “new court” – 9 judges;

⁴² Proteagaloivca and Bender

⁴³ Bender, Proteagailovca, Tiraspol (41 km), Tiraspolul Nou (41 km) and Dnestrovsk (94 km).

- Infrastructure of the court – category of the court: 4 (Ceadîr-Lunga) → 3 (Comrat), Ceadîr-Lunga has 5 courtrooms, while Comrat has only 4, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the villages of Ceadîr-Lunga raion to Comrat is 38 km (19 minimum and 62 maximum);
- Transportation – In the morning the road traffic is directed to Chişinău, toward Comrat. The second option for Ceadîr-Lunga is to be merged with Taraclia, which would mean Taraclia moving to Ceadîr-Lunga, for reasons outlined in Scenario 1 above.

A second option for Comrat court we propose keeping the *status-quo* of the court due to political considerations.

A first option for Taraclia is to be merged with Cahul district court:

- Number of judges: 4 (Taraclia) → 9 (Cahul). Total “new court” – 13 judges;
- Infrastructure of the court – category of the court: 1 (Taraclia) → 3 (Cahul), Cahul has 5 courtrooms, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the villages of Taraclia raion to Cahul is 46 km (22 minimum and 84 maximum).

Donduşeni → Drochia - as explained under Scenario 1.

Dubăsari → Criuleni - as explained under Scenario 1.

Făleşti → Ungheni or → Bălţi - as explained under Scenario 1.

Floreşti → Soroca - as explained under Scenario 1.

Glodeni → Rîşcani - as explained under Scenario 1.

Nisporeni → Străşeni:

- Number of judges: 5 (Nisporeni) → 8 (Străşeni). Total “new court” – 13 judges;
- Infrastructure of the court – category of the court: 3 (Nisporeni) → 3 (Străşeni), although Străşeni has only 3 courtrooms, while Nisporeni has 4, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the villages of Nisporeni raion to Străşeni is 51 km (31 minimum and 70 maximum);
- Transportation – In the morning the road traffic is directed to Chişinău, toward Străşeni.

Nisporeni → Călăraşi:

- Number of judges: 5 (Nisporeni) → 7 (Călăraşi). Total “new court” – 12 judges;
- Infrastructure of the court – category of the court: 3 (Nisporeni) → 3 (Călăraşi), although Călăraşi has 4 courtrooms, perhaps a new building or capital renovation will be required;

- Distance: the average distance between the villages of Nisporeni raion to Călărași is 55 km (34 minimum and 77 maximum).

Ocnîța → Edineț - as explained under Scenario 1.

Sîngerei → Telenești or Telenești → Sîngerei:

- Number of judges: 5 – 5. Total “new court” – 10 judges;
- Infrastructure of the court – category of the court: 2 (Sîngerei) → 3 (Telenești), both have only 2 courtrooms, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the villages of Sîngerei raion to Telenești is 41 km (12 minimum and 64 maximum);
- Transportation – the transport is directed towards Telenești due to Chișinău direction.

Șoldănești → Rezina:

- Number of judges: 6 (Șoldănești) → 5 (Rezina). Total “new court” – 11 judges;
- Infrastructure of the court – category of the court: 2 (Șoldănești) → 3 (Rezina), Rezina has 6 courtrooms, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the villages of Șoldănești raion to Rezina is 34 km (18 minimum and 61 maximum);
- Transportation – the transport flows towards Rezina to Chișinău;

Although the number of judges is higher, in this case we recommend moving the Șoldănești court due to proximity between the two courts.

Ștefan-Vodă → Căușeni:

- Number of judges: 6 (Ștefan-Vodă) → 8 (Căușeni). Total “new court” – 14 judges;
- Infrastructure of the court – category of the court: 2 (Ștefan-Vodă) → 1 (Căușeni), Căușeni has 3 courtrooms, perhaps a new building or capital renovation will be required;
- Distance: the average distance between the villages of Ștefan-Vodă raion to Căușeni is 37 km (13 minimum and 68 maximum);
- Transportation – the transport is directed towards Căușeni due to Chișinău direction.

Vulcănești → Cahul - as explained under Scenario 1.

For an easier visualisation of proposed directions of merger, Table 15 and 16 include a summary of direction of merger, number of judges per courts affected by the merger, infrastructure of the court to which the other(s) is(are) moved and average, minimum and maximum distances between the localities of the moved court and the “new” court.

Table 15: Scenario 2, option 1 for district courts' merger

Nr.	Court moved/ closed	Court moved to	Court moved to - nr. of recommended judges	Nr. of moved judges (recommended nr.)	Nr. of moved judges (assigned 2013)	Nr. of judges in the new court (recommended)	Court moved to - infrastructure (courtrooms and category according to ROLISP 2013)	Distance to new court of the localities from the jurisdiction of the merged court (km)		
								Average	Min.	Max.
1	Bender	Anenii Noi	8	5	5	13	2 courtrooms category of the court: 2	40	24	78
2	Vulcănești	Cahul	9	2	3	15	5 courtrooms category of the court: 3	46	26	58
3	Taraclia			4	5			46	22	84
4	Ștefan-Vodă	Căușeni	8	6	5	14	3 courtrooms category of the court: 1	37	13	68
5	Basarabasca	Cimișlia	5	3	4	8	3 courtrooms category of the court: 3	23	15	48
6	Ceadîr-Lunga	Comrat	5	4	5	9	4 courtrooms category of the court: 3	38	19	62
7	Dubăsari	Criuleni	6	3	4	9	3 courtrooms category of the court: 1	22	9	36
8	Dondușeni	Drochia	6	3	4	9	4 courtrooms category of the court: 2	46	20	73
9	Ocnîța	Edineț	7	3	5	10	6 courtrooms category of the court: 2	42	19	63
10	Cantemir	Leova	5	4	4	9	4 courtrooms category of the court: 3	43	14	89
11	Șoldănești	Rezina	5	6	4	11	6 courtrooms category of the court: 3	34	18	61
12	Glodeni	Rîșcani	5	3	5	8	4 courtrooms category of the court: 2	37	17	51
13	Florești	Soroca	6	4	8	10	7 courtrooms category of the court: 2	45	26	69
14	Nisporeni	Strășeni	8	5	5	13	3 courtrooms category of the court: 3	51	31	70
15	Singerei	Telenești	5	5	6	10	2 courtrooms category of the court: 3	41	12	64
16	Fălești	Ungheni	9	4	6	13	3 courtrooms category of the court: 3	57	33	87
17	Military Court			0	3					
18	Commercial Distr. Ct			3	3					
Total	18			67	84		Average distance	40,5	19,9	66,3

Table 16: Scenario 2, option 2 for district courts' merger

Nr.	Court moved/closed	Court moved to	Court moved to - nr. of recommended judges	Nr. of moved judges (recommended nr.)	Nr. of moved judges (assigned 2013)	Nr. of judges in the new court (recommended)	Court moved to - infrastructure (courtrooms and category according to ROLISP 2013)	Distance to new court of the localities from the jurisdiction of the merged court (km)		
								Average	Min.	Max.
1	Fălești	Bălți	13	4	6	17	4 courtrooms category of the court: 2	36	8	57
2	Bender	Anenii Noi	8	5	5	13	2 courtrooms category of the court: 2	40	24	78
3	Vulcănești	Cahul	9	2	3	11	5 courtrooms category of the court: 3	46	26	58
4	Nisporeni	Călărași	7	5	5	12	4 courtrooms category of the court: 3	55	34	77
5	Ștefan-Vodă	Căușeni	8	6	5	14	3 courtrooms category of the court: 1	37	13	68
6	Basarabesca	Cimișlia	5	3	4	8	3 courtrooms category of the court: 3	23	15	48
7	Taraclia	Ceadir-Lunga	4	4	5	8	5 courtrooms category of the court: 4	42	10	63
8	Dubăsari	Criuleni	6	3	4	9	3 courtrooms category of the court: 1	22	9	36
9	Dondușeni	Drochia	6	3	4	9	4 courtrooms category of the court: 2	46	20	73
10	Ocnita	Edineț	7	3	5	10	6 courtrooms category of the court: 2	42	19	63
11	Cantemir	Leova	5	4	4	9	4 courtrooms category of the court: 3	43	14	89
12	Șoldănești	Rezina	5	6	4	11	6 courtrooms category of the court: 3	34	18	61
13	Glodeni	Rîșcani	5	3	5	8	4 courtrooms category of the court: 2	37	17	53
14	Telenești	Sîngerei	5	5	6	10	2 courtrooms category of the court: 2	41	20	79
15	Florești	Soroca	6	4	8	10	7 courtrooms category of the court: 2	45	26	69
16	Military Court			0	3					
17	Commercial Dist. Ct			3	3					
Total	17			63	79		Average distance	39,3	18,2	64,8

According to our proposals from Scenario 2, the list of district courts will be the following, as presented in Table 17 below.

Table 17: List of district courts according to Scenario 2

Option 1			Option 2		
Nr	Court	Nr judges	Nr	Court	Nr judges
1	Botanica sector	21	1	Botanica sector	21
2	Buiuani sector	30	2	Buiuani sector	30
3	Centru sector	31	3	Centru sector	31
4	Ciocana sector	16	4	Ciocana sector	16
5	Rișcani sector	27	5	Rișcani sector	27
6	Bălți	13	6	Bălți + Fălești(4)	17
7	Anenii Noi + Bender(5)	13	7	Anenii Noi + Bender(5)	13
8	Briceni	7	8	Briceni	7
9	Cahul + Vulcănești(2) + Taraclia(4)	15	9	Cahul + Vulcănești(2)	11
10	Călărași	7	10	Călărași + Nisporeni(5)	12
11	Căușeni + Ștefan-Vodă(6)	14	11	Căușeni + Ștefan-Vodă(6)	14
12	Cimișlia + Basarabesca(3)	8	12	Cimișlia + Basarabesca(3)	8
13	Comrat + Ceadir-Lunga(4)	9	13	Ceadir-Lunga + Taraclia(4)	8
14	Criuleni + Dubăsari(3)	9	14	Comrat	5
15	Drochia + Dondușeni(3)	9	15	Criuleni + Dubăsari(3)	9
16	Edineț + Ocnîța(3)	10	16	Drochia + Dondușeni(3)	9
17	Hîncești	7	17	Edineț + Ocnîța(3)	10
18	Ialoveni	12	18	Hîncești	7
19	Leova + Cantemir(4)	9	19	Ialoveni	12
20	Orhei	11	20	Leova + Cantemir(4)	9
21	Rezina + Șoldănești(6)	11	21	Orhei	11
22	Rișcani + Glodeni(3)	8	22	Rezina + Șoldănești(6)	11
23	Soroca + Florești(4)	10	23	Rișcani + Glodeni(3)	8
24	Strășeni + Nisporeni(5)	13	24	Sîngerei + Telenești(5)	10
25	Telenești + Sîngerei(5)	10	25	Soroca + Florești(4)	10
26	Ungheni + Fălești(4)	13	26	Strășeni	8
			27	Ungheni	9
Total option 1	26 courts	343	Total option 2	27 courts	343
Total in 2013	44 courts (+4 Transnistrian Region)		Total in 2013	44 courts (+4 Transnistrian Region)	
Merged/moved	18 (including Commercial and Military Courts)	67 (84)	Merged/moved	17 (including Commercial and Military courts)	63 (79)

Note: judge-positions to be moved: 1st number is according to recommended number; the number in brackets is based on 2013 allocation

Annex 4 to this study illustrates the judicial map of district courts after merger, according to Scenario 2, Options 1 and 2.

Scenario 3 for district courts' merger:

The Scenario 3 is based on a minimum of 9 judges per court (district courts with 1-8 judges to be merged). Scenario 3 for district courts' merger presents the following results, as demonstrated in Table 18 below.

Table 18: District courts' merger Scenario 3, options 1 and 2

District court	Nr. of judges de jure 2013	Nr of non-judge staff de jure 2013	Recommended nr. of judges (average models 1-3)	Recommended nr. of non-judge staff (ratio model)	Merger Scenario 3 - courts for merger: <9/1-8 judges	Scenario 3, Merger option 1	Nr. of courts option 1	Nr. of judges option 1	Nr. of non-judge staff option 1	Scenario 3, Merger option 2	Nr. of courts option 2	Nr. of judges option 2	Nr. of non-judge staff option 2
sec. Botanica	20	77,0	21	67				1	21		1	21	67
sec. Buiucani	25	82,0	29	86				1	30		1	30	88
sec. Centru	29	90,0	30	88				1	31		1	31	90
sec. Ciocana	13	58,0	16	54		← Criuleni + Dubăsari		1	25		1	16	54
sec. Rîșcani	22	76,5	26	79				1	27		1	27	82
mun. Bălți	18	69,0	13	47		← Rîșcani + Glodeni + Singerei		1	26		1	22	70
Bender	5	24,5	5	28	1	→ Anenii Noi		0	0		0	0	0
Tiraspol	0	0,0	0	0				0	0		0	0	0
Anenii Noi	6	30,0	8	35	1	← Bender		1	13		1	13	47
Basarabasca	4	21,5	3	24	1	→ Cimișlia		0	0		0	0	0
Briceni	6	30,0	7	32	1	→ Edineț		0	0		0	0	0
Cahul	9	40,5	9	37		← Vulcănești + Taraclia + Cantemir		1	19		1	19	62
Cantemir	4	23,0	4	26	1	→ Cahul		0	0		0	0	0
Călărași	6	30,5	7	32	1	→ Strășeni		0	0		0	0	0
Căușeni	7	31,0	8	35	1	← Ștefan-Vodă		1	14		1	14	49
Ceadr-Lunga	5	25,5	4	26	1	→ Comrat		0	0		0	0	0
Cimișlia	4	24,5	5	28	1	← Basarabasca + Leova		1	13		1	13	47
Comrat	6	29,5	5	28	1	← Ceadr-Lunga		1	9		1	9	37
Criuleni	6	30,5	6	30	1	→ Ciocana sector		0	0		0	0	0
Dondușeni	4	24,0	3	24	1	→ Edineț		0	0		0	0	0
Drochia	6	30,5	6	30	1	→ Soroca		0	0		1	14	49
Dubăsari	4	23,5	3	24	1	→ Ciocana sector		0	0		0	0	0

According to scenario 3, 34 district courts, including the 2 specialised courts, will be merged. These courts are: Bender, Anenii Noi, Basarabeasca, Briceni, Cantemir, Călărași, Căușeni, Ceadâr-Lunga, Cimișlia, Comrat, Criuleni, Dondușeni, Drochia, Dubăsari, Edineț, Fălești, Florești, Glodeni, Hîncești, Leova, Nisporeni, Ocnița, Rezina, Rîșcani, Sîngerei, Soroca, Strășeni, Șoldănești, Ștefan-Vodă, Taraclia, Telenești, Vulcănești, Military Court and Commercial District Court.

This scenario includes 2 options regarding the courts that can be merged. If scenario 3 proposal is accepted, the judicial map of district courts of Moldova will include 17 district courts (Option 1) or 19 district courts (Option 2), plus the 4 district courts allocated for Transnistrian region.

If this proposal is accepted, this will also lead to a decrease of at least 381 less non-judge staff positions (408.5 for Option 1 and 381.5 for Option 2) compared to the current number of non-judge staff or at least 383 positions compared to the recommended number of non-judge staff (410 positions for Option 1 and 383 positions for Option 2). The number of judges will remain the same.

Implementation of Scenario 3, option 1 implies transfer of 120 judge positions within the system according to the recommended number of judges per court (Table 1) or 138 positions according to the number of assigned judges for 2013. Implementation of Scenario 3, option 2 implies transfer of 108 judge positions within the system according to the recommended number of judges per court (Table 1) or 126 positions according to the number of assigned judges for 2013.

Regarding the directions of courts' merger, a further more in depth analysis is required in order to choose the best merger options, in particular to analyse with more accuracy the distance, transportation routes and costs required for the infrastructure of the „new courts”. In choosing the merger options, we were primarily guided by geographical situation of the courts. Below we present only a primary basic analysis that includes the number of judges and the approximate distance between the localities of the merged courts. As with the previous 2 scenarios, the options for merger are provided as possible examples:

Criuleni and Dubăsari → Ciocana sector district court:

- Number of judges: 6 (Criuleni), 3 (Dubăsari) → 16 (Ciocana). Total „new court” - 25 judges;
- Infrastructure of the court – category of the court: 1 (Ciocana) ; courtrooms: 2
- Distance: the average distance between the villages of Criuleni raion to Chișinău is 31 km (16 minimum and 53 maximum); the average distance between the localities under the jurisdiction of Dubăsari court to Chișinău is 53 km (26 minimum and 67 maximum).

Rîșcani, Glodeni and Sîngerei → Bălți district court:

- Number of judges: 5 (Rîșcani), 3 (Glodeni), 5 (Sîngerei) → 13 (Bălți). Total „new court” - 26 judges;
- Infrastructure of the court – category of the court: 2 (Bălți) ; courtrooms: 4

- Distance: the average distance between the villages of Rîșcani raion to Bălți is 50 km (12 minimum and 74 maximum); the average distance between the villages of Glodeni raion to Bălți is 45 km (18 minimum and 66 maximum); the average distance between the villages of Sîngerei raion to Bălți is 32 km (11 minimum and 60 maximum).

Bender → Anenii Noi – as explained under Scenario 2.

Vulcănești, Taraclia, Cantemir → Cahul:

- Number of judges: 2 (Vulcănești), 4 (Taraclia), 4 (Cantemir) → 9 (Cahul). Total „new court” – 19 judges;
- Infrastructure of the court – category of the court: 3 (Cahul) ; courtrooms: 5
- Distance: the average distance between the villages of Vulcănești raion to Cahul is 46 km (26 minimum and 58 maximum); the average distance between the villages of Taraclia raion to Cahul is 47 km (22 minimum and 84 maximum); the average distance between the villages of Cantemir raion to Cahul is 51 km (27 minimum and 77 maximum).

Ștefan-Vodă → Căușeni – as explained under Scenario 2.

Bararabeasca and Leova → Cimișlia:

- Number of judges: 3 (Basarabeasca), 5 (Leova) → 5 (Cimișlia). Total „new court” – 13 judges;
- Infrastructure of the court – category of the court: 1 (Cimișlia) ; courtrooms: 2
- Distance: the average distance between the villages of Basarabeasca raion to Cimișlia is 23 km (15 minimum and 48 maximum); the average distance between the villages of Leova raion to Cimișlia is 52 km (23 minimum and 67 maximum).

Ceadîr-Lunga → Comrat – as explained under Scenario 2.

Briceni, Ocnîța and Dondușeni → Edineț:

- Number of judges: 7 (Briceni), 3 (Ocnîța), 3 (Dondușeni) → 7 (Edineț). Total „new court” – 20 judges;
- Infrastructure of the court – category of the court: 2 (Edineț) ; courtrooms: 6
- Distance: the average distance between the villages of Briceni raion to Edineț is 36 km (13 minimum and 64 maximum); the average distance between the villages of Ocnîța raion to Edineț is 42 km (19 minimum and 63 maximum); the average distance between the villages of Dondușeni raion to Edineț is 48 km (23 minimum and 73 maximum).

Hîncești → Ialoveni:

- Number of judges: 7 (Hîncești) → 12 (Ialoveni). Total „new court” - 19 judges;
- Infrastructure of the court – category of the court: 2 (Ialoveni) ; courtrooms: 4

- Distance: the average distance between the villages of Hîncești raion to Ialoveni is 55 km (21 minimum and 85 maximum).

Drochia and Florești → Soroca:

- Number of judges: 6 (Drochia), 4 (Florești) → 6 (Soroca). Total „new court” - 16 judges;
- Infrastructure of the court – category of the court: 2 (Soroca) ; courtrooms: 7
- Distance: the average distance between the villages of Drochia raion to Soroca is 49 km (28 minimum and 72 maximum); the average distance between the villages of Florești raion to Soroca is 45 km (26 minimum and 69 maximum).

Șoldănești and Rezina → Orhei:

- Number of judges: 6 (Șoldănești), 5 (Rezina) → 11 (Orhei). Total „new court” - 22 judges;
- Infrastructure of the court – category of the court: 1 (Orhei) ; courtrooms: 1
- Distance: the average distance between the villages of Șoldănești raion to Orhei is 74 km (46 minimum and 87 maximum); the average distance between the villages of Rezina raion to Orhei is 52 km (30 minimum and 92 maximum).

Călărași and Nisporeni → Strășeni:

- Number of judges: 7 (Călărași), 5 (Nisporeni) → 8 (Strășeni). Total „new court” - 20 judges;
- Infrastructure of the court – category of the court: 3 (Strășeni) ; courtrooms: 3
- Distance: the average distance between the villages of Călărași raion to Strășeni is 41 km (24 minimum and 58 maximum); the average distance between the villages of Nisporeni raion to Strășeni is 51 km (31 minimum and 70 maximum).

Fălești and Telenești → Ungheni:

- Number of judges: 4 (Fălești), 5 (Telenești) → 9 (Ungheni). Total „new court” - 18 judges;
- Infrastructure of the court – category of the court: 3 (Ungheni) ; courtrooms: 3
- Distance: the average distance between the villages of Fălești raion to Ungheni is 57 km (33 minimum and 87 maximum); the average distance between the villages of Telenești raion to Ungheni is 113 km (63 minimum and 145 maximum).

Fălești and Singerei → Bălți:

- Number of judges: 4 (Fălești), 5 (Singerei) → 13 (Bălți). Total „new court” - 22 judges;
- Infrastructure of the court – category of the court: 2 (Bălți) ; courtrooms: 4
- Distance: the average distance between the villages of Fălești raion to Bălți is 36 km (8 minimum and 57 maximum); the average distance between the villages of Singerei raion to Bălți is 32 km (11 minimum and 60 maximum).

Rîșcani and Glodeni → Drochia:

- Number of judges: 5 (Rîșcani), 3 (Glodeni) → 6 (Drochia). Total „new court” - 14 judges;
- Infrastructure of the court – category of the court: 2 (Drochia) ; courtrooms: 3
- Distance: the average distance between the villages of Rîșcani raion to Drochia is 41 km (23 minimum and 63 maximum); the average distance between the villages of Glodeni raion to Drochia is 59 km (40 minimum and 76 maximum).

Dubăsari → Criuleni – as explained under Scenario 1.

Florești → Soroca – as explained under Scenario 1.

Șoldănești, Rezina and Telenești → Orhei:

- Number of judges: 6 (Șoldănești), 5 (Rezina), 5 Telenești → 11 (Orhei). Total „new court” - 27 judges;
- Infrastructure of the court – category of the court: 1 (Orhei) ; courtrooms: 1
- Distance: the average distance between the villages of Șoldănești raion to Orhei is 74 km (46 minimum and 87 maximum); the average distance between the villages of Rezina raion to Orhei is 52 km (30 minimum and 92 maximum); the average distance between the villages of Telenești raion to Orhei is 48 km (27 minimum and 92 maximum).

Nisporeni → Ungheni:

- Number of judges: 5 (Nisporeni) → 9 (Ungheni). Total „new court” - 14 judges;
- Infrastructure of the court – category of the court: 3 (Ungheni) ; courtrooms: 3
- Distance: the average distance between the villages of Nisporeni raion to Ungheni is 47 km (20 minimum and 64 maximum).

For an easier visualisation of proposed directions of merger, Table 19 and 20 include a summary of direction of merger, number of judges per courts affected by the merger, infrastructure of the court to which the other(s) is(are) moved and average, minimum and maximum distances between the localities of the moved court and the “new” court.

Table 19: Scenario 3, option 1 for district courts' merger

Nr.	Court moved/ closed	Court moved to	Court moved to - nr. of recommended judges	Nr. of moved judges (recommended nr.)	Nr. of moved judges (assigned 2013)	Nr. of judges in the new court (recommended)	Court moved to - infrastructure (courtrooms and category according to ROLISP 2013)	Distance to new court of the localities from the jurisdiction of the merged court (km)		
								Average	Min.	Max.
1	Criuleni	Ciocana sector, Chisinau	16	6	6	25	2 courtrooms category of the court: 1	31	16	53
2	Dubăsari			3	4			53	26	67
3	Rișcani	Bălți	13	5	5	26	4 courtrooms category of the court: 2	50	12	74
4	Glodeni			3	5			45	18	66
5	Sîngerei			5	6			32	11	60
6	Bender	Anenii Noi	8	5	5	13	2 courtrooms category of the court: 2	40	24	78
7	Vulcănești	Cahul	9	2	3	19	5 courtrooms category of the court: 3	46	26	58
8	Taraclia			4	5			47	22	84
9	Cantemir			4	4			51	27	77
10	Ștefan-Vodă	Căușeni	8	6	5	14	3 courtrooms category of the court: 1	37	13	68
11	Basarabeasca	Cimișlia	5	3	4	13	2 courtrooms category of the court: 1	23	15	48
12	Leova			5	4			52	23	67
13	Ceadir- Lunga	Comrat	5	4	5	9	4 courtrooms category of the court: 3	38	19	62
14	Briceni	Edineț	7	7	6	20	6 courtrooms category of the court: 2	36	13	64
15	Ocnîța			3	5			42	19	63
16	Dondușeni			3	4			48	23	73
17	Hîncești	Ialoveni	12	7	9	19	4 courtrooms category of the court: 2	55	21	85
18	Drochia	Soroca	6	6	6	16	7 courtrooms category of the court: 2	49	28	72
19	Florești			4	8			45	26	69
20	Șoldănești	Orhei	11	6	4	22	1 courtroom category of the court: 1	74	46	87
21	Rezina			5	6			52	30	92
22	Călărași	Strășeni	8	7	6	20	3 courtrooms category of the court: 3	41	24	58
23	Nisporeni			5	5			51	31	70
24	Fălești	Ungheni	9	4	6	18	3 courtrooms category of the court: 3	57	33	87
25	Telenești			5	6			113	63	143
26	Military court			0	3					
27	Commercial Dist. Ct			3	3					
Total	27			120	138		Average distance	48,3	24,4	73,0

Table 20: Scenario 3, option 2 for district courts' merger

Nr.	Court moved/ closed	Court moved to	Court moved to - nr. of recommended judges	Nr. of moved judges (recommended nr.)	Nr. of moved judges (assigned 2013)	Nr. of judges in the new court (recommended)	Court moved to - infrastructure (courtrooms and category according to ROLISP 2013)	Distance to new court of the localities from the jurisdiction of the merged court (km)		
								Media	Min.	Max.
1	Fălești	Bălți	13	4	6	22	4 courtrooms category of the court: 2	36	8	57
2	Sîngerei			5	6			32	11	60
3	Rișcani	Drochia	6	5	5	14	3 courtrooms category of the court: 2	41	23	63
4	Glodeni			3	5			59	40	76
5	Bender	Anenii Noi	8	5	5	13	2 courtrooms category of the court: 2	40	24	78
6	Vulcănești	Cahul	9	2	3	19	5 courtrooms category of the court: 3	46	26	58
7	Taraclia			4	5			46	22	84
8	Cantemir			4	4			51	27	77
9	Ștefan-Vodă	Căușeni	8	6	5	14	3 courtrooms category of the court: 1	37	13	68
10	Dubăsari	Criuleni	6	3	4	9	3 courtrooms category of the court: 1	22	9	36
11	Basarabasca	Cimișlia	5	3	4	13	2 courtrooms category of the court: 1	23	15	48
12	Leova			5	4			52	23	67
13	Ceadir-Lunga	Comrat	5	4	5	9	4 courtrooms category of the court: 3	38	19	62
14	Briceni	Edineț	7	7	6	20	6 courtrooms category of the court: 2	36	13	64
15	Ocnîța			3	5			42	19	63
16	Dondușeni			3	4			48	23	73
17	Hîncești	Ialoveni	12	7	9	19	4 courtrooms category of the court: 2	55	21	85
18	Florești	Soroca	6	4	8	10	7 courtrooms category of the court: 2	45	26	69
19	Șoldănești	Orhei	11	6	4	27	1 courtroom category of the court: 1	74	46	87
20	Rezina			5	6			52	30	92
21	Telenești			5	6			48	27	92
22	Călărași	Strășeni	8	7	6	15	3 courtrooms category of the court: 3	41	24	58
23	Nisporeni	Ungheni	9	5	5	14	3 courtrooms category of the court: 3	47	20	64
24	Military Court			0	3					
25	Commercial Dist. Ct			3	3					
Total	25			108	126		Average distance	44,0	22,1	68,7

According to our proposals in scenario 3, the list of district courts is the following, as presented in Table 21 below.

Table 21: List of district courts according to Scenario 3

Option 1			Option 2		
Nr	Court	Nr. judges	Nr	Court	Nr. judges
1	Botanica sector	21	1	Botanica sector	21
2	Buiuani sector	30	2	Buiuani sector	30
3	Centru sector	31	3	Centru sector	31
4	Ciocana sector + Criuleni(6) + Dubăsari(3)	25	4	Ciocana sector	16
5	sect. Rîșcani	27	5	Rîșcani sector	27
6	Bălți + Rîșcani(5) + Glodeni(3) + Sîngerei(5)	26	6	Bălți + Fălești(4) + Sîngerei(5)	22
7	Anenii Noi + Bender(5)	13	7	Drochia + Rîșcani(5) + Glodeni(3)	14
8	Cahul + Vulcănești(2) + Taraclia(4) + Cantemir(4)	19	8	Anenii Noi + Bender(5)	13
9	Căușeni + Ștefan-Vodă(6)	14	9	Cahul + Vulcănești(2) + Taraclia(4) + Cantemir(4)	19
10	Cimișlia + Basarabasca(3) + Leova(5)	13	10	Căușeni + Ștefan-Vodă(6)	14
11	Comrat + Ceadîr-Lunga(4)	9	11	Criuleni + Dubăsari(3)	9
12	Edineț + Briceni(7) + Ocnița(3) + Dondușeni(3)	20	12	Cimișlia + Basarabasca(3) + Leova(5)	13
13	Ialoveni + Hîncești(7)	19	13	Comrat + Ceadîr-Lunga(4)	9
14	Soroca + Drochia(6) + Florești(4)	16	14	Edineț + Briceni(7) + Ocnița(3) + Dondușeni(3)	20
15	Orhei + Șoldănești(6) + Rezina(5)	22	15	Ialoveni + Hîncești(7)	19
16	Strășeni + Călărași(7) + Nisporeni(5)	20	16	Soroca + Florești(4)	10
17	Ungheni + Fălești(4) + Telenești(5)	18	17	Orhei + Șoldănești(6) + Rezina(5) + Telenești(5)	27
18			18	Strășeni + Călărași(7)	15
19			19	Ungheni + Nisporeni(5)	14
Total Option 1	17 courts	343	Total Option 2	19 courts	343
Total in 2013	44 courts (+4 Transnistrian Region)		Total in 2013	44 courts (+4 Transnistrian Region)	
Merged/moved	27 (including Commercial and Military Courts)	120 (138)	Merged/moved	25 (including Commercial and Military courts)	108 (126)

Note: judge-positions to be moved: 1st number is according to recommended number; the number in brackets is based on 2013 allocation

Annex 5 to this study illustrates the judicial map after courts' merger according to Scenario 3, Options 1 and 2.

4.3 Opinion on placing several courts in Chişinău in one court house (Palace of Justice)

Assessing the feasibility of placing all courts based in Chişinău in a single court building was not included in our initial task. However, during our work on this study, we were asked to reflect on the proposal for creating one big court building, so-called Palace of Justice. Our methodology does not allow us providing a scientifically based answer to this question. Another method should be used for a feasibility study on this matter. Below we are only providing our opinion on the initiative to create a single district court in Chişinău.

One initial aspect needs to be clarified. We are not sure if the proposal includes only the 5 district and the two specialised courts in Chişinău or all the courts placed in Chişinău (Chişinău Court of Appeals and Supreme Court of Justice). We assume that the proposal only includes the 5 district courts and the specialised courts in Chişinău, which can be managed together given the same level of jurisdiction. Placement of more courts in one building is done in order to ensure economies of scale by hiring common resources. In this case placement of all district courts from Chişinău in one courthouse might be attractive. However, the Court of Appeals and the Supreme Court of Justice will always be managed separately.

Regarding the placement of all district courts in one court building, we see the following advantages and disadvantage. The advantages are the following:

- a) Ensuring economy of scale,
- b) Creating possibilities for more specialization of judges. However, the current size of all district courts in Chişinău is already big enough to allow for specialization of judges;
- c) Facilitation of the activity of lawyers and prosecutors, who will not be required to travel to different directions in order to attend different court hearings held in different courts;
- d) Facilitate access to justice of court users by providing one court rather than having to identify the correct territorial competence among the current 5 district courts.

The disadvantages are the following:

- a) Difficulties in terms of management of the court system due to a big outlier of court, impossible to compare to others. The new district court will be by far the largest in the country, with 135 judges (adding all judges as recommended in the study). It will include 39% of all judges of the district courts. In this case, setting performance indicators and managing the system will be more difficult given the big disparity between courts due to the size;
- b) The higher risk in case of mismanagement. Due to the big proportion of judges and hence caseload per system concentrated in one court, in case of mismanagement at this court the risk for the entire system is similarly higher;
- c) Lack of experience in Moldova form management of courts with more than 60 judges.

In view of the above, we cannot recommend or disapprove creating one district court for Chişinău (setting up the Palace of Justice). However, for a motivated decision on this matter, the policy-makers should commission a tailored feasibility study to be able to take a sufficiently reasoned decision.

Summary of the main conclusions and recommendations

Main arguments for the need for optimization of judicial map in Moldova:

In Moldova, the optimisation of judicial map is provided in the Justice Sector Reform Strategy (JSRS) for 2011-2016, approved by the Moldovan Parliament by the Law nr. 231 of 25 November 2011. Hence, the need for optimization of court system has already been recognized at the policy level and this study is meant as a first step toward implementing it.

Optimization of court system in Moldova is needed not only for the implementation of the JSRS. It is useful for ensuring both quality of justice and efficiency of the system. Optimization of judicial map, including allocation of judge and non-judge positions per court, should lead to a more even workload of judges and for increasing the size of the courts. The present study has established that there are substantial imbalances in the Moldovan court system, and that it is necessary to reallocate positions between courts in order to re-establish workload balance and increase efficiency.

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 specialized courts – military and commercial district courts), 5 courts of appeal in Moldova 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.

If positions within the court system are never reallocated it is likely that the court system will end up with serious imbalances. Such imbalances may lead to various negative consequences, in particular to:

- inequality of justice, because court user receives services of a different quality depending on how much time the judges have in different courts (judges with higher workload are objectively able to allocate less time to the cases they examine);
- unfair distribution of tasks among the courts, with judges that have different workload for the same remuneration;
- inefficient use of public funds, because small courts are disproportionately more costly than the big ones (economy of scale arguments).

Larger courts can create a better working environment by allowing judges to discuss complex legal issues and exchange experiences, which can improve the quality of their decisions. Larger courts allow full implementation of random assignment of cases, which is an important element in building confidence of the court users in impartiality of judicial

system. Larger courts allow for specialization of judges, which allows for more in-depth knowledge in the legal field in questions and, in turn, can improve the quality of the decisions taken by the judge.

The main argument against abolishing the smaller courts is that their proximity to local communities gives citizens convenient access to justice. However, with improved infrastructure and opportunities for transportation, this becomes less of a concern. Moldova is quite a small country and transportation is improving, increase of public investment in national and local roads' infrastructure being one of the priorities of Moldova's development until 2020. Hence in the medium term this should not be a big concern. At the same time, given the changes in the procedures and introduction of new ways of hearing parties at distance, the physical presence of parties in court becomes less important.

Recommendations regarding district courts, including specialised courts:

Table 1 presents our recommendations for allocation of judges per district courts, including specialized courts. For particular courts, our recommendations imply the following:

- **Adding** the following number of judge positions to the following district courts: 1 to Botanica sector, 4 to Buiucani sector, 1 Centru sector, 3 to Ciocana sector, 4 to Rîșcani sector (all these courts are located in Chișinău municipality); 2 to Anenii Noi, 1 to Briceni, 1 to Călărași, 1 to Căușeni, 1 to Cimișlia, 6 to Ialoveni, 1 to Leova, 3 to Orhei, 2 to Șoldănești, 1 to Ștefan-Vodă, 1 to Ungheni. This means moving 33 judge positions;
- **Reducing** the following number of judge positions from the following district courts: 5 from Bălți, 1 from Basarabasca, 1 from Ceadâr-Lunga, 1 from Comrat, 1 from Dondușeni, 1 from Dubăsari, 2 from Fălești, 4 from Florești, 2 from Glodeni, 2 from Hîncești, 2 from Ocnîța, 1 from Rezina, 1 from Sîngerei, 3 from Soroca, 1 from Taraclia, 1 from Telenești, 1 from Vulcănești, 3 from Military Court. This means moving 33 judge positions.

Table 3 presents detailed recommendations per court regarding the necessary time for allocation of investigative judges per district courts. Our analysis shows that the time needed for investigative judges activity varies across courts. What seems clear from the results, the approach to have a standard approach of one investigative judge per court (except 2 courts) does not seem appropriate. All district courts in Chișinău 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, Rîșcani, Soroca, Strășeni and Ștefan Vodă), all the rest need 1 or below. In court with workload of investigative judges below 1, SCM can authorise court presidents to assign investigative judges other types of cases.

Tables 4 and 6 present recommendations for allocation of non-judge staff per court. Our analysis shows that only Dondușeni court seems to have an adequate number of non-judge staff. All the other courts need some adjustments to the non-judge staff. The most significant changes, meaning 5 and above, are necessary regarding the following district courts:

- Need additional non-judge staff positions: Anenii Noi (5), Ialoveni (12), Orhei (7), Șoldănești (8), Ștefan-Vodă (6), Commercial District Court (8);

- Need to have reduced the number of non-judge staff positions: Botanica sector court (10), Bălți (22), Fălești (5), Florești (10), Hâncești (6), Soroca (11).

Merger analysis for district courts:

We have analysed the judicial map of district courts from the perspective of the number of judges in each court. We took as the basis for analysis not the current number of judges in each court, but the number of judges as we recommended after applying the DEA model to the caseload for 2010-2012 and socio-demographic data. We believe that reassignment of judges per courts is crucial for ensuring an even workload. However, if reassignment is done first and then the court merger follows, this might put an unreasonably high burden on the judges and non-judge staff that might need to be moved twice. Therefore we recommend implementing the reallocation of judges and staff in parallel with the court merger.

Regarding the merger of courts we have to emphasize that we are certain regarding the courts that have to be merged (candidates for merger) from the perspective of the number of judges, as this was our primary task in this study. However, regarding the best options for merger, we only provided a basic set of proposals, without analysing in depth the following main criteria: geographic distances, accessibility of public transportation and costs necessary for adjusting courts' infrastructure to the recommended number of judge and non-judge staff. We also have not analysed the impact of available court merger options on the structure and efficiency of other related institutions, in particular prosecution offices, police stations, detention facilities, lawyers' distribution. For these aspects additional studies would be useful, unless policy makers are ready to take the decision on merger based on the proposals provided in this study.

Our analysis for the workload of different courts shows that there is not enough workload even for one full-time judge for military court, therefore we strongly recommend closing this court. In our interviews with judges and other actors in the justice system we found a general agreement on the closure of this court due both to low workload, as well as lack of justification for such a court from the perspective of the procedures used and material law.

Our analysis also shows that there is little workload for the commercial district court too, only for 3 judges. In line with the tendency in Europe to close small courts and our recommendations for merging courts smaller than 5, 7 or 9 judges, this court does also not justify its existence from the efficiency perspective of applied material and procedural law.

We have identified in our analysis three scenarios that could be applied for merger regarding district courts:

- scenario 1 includes merger of courts with less than 5 judges;
- scenario 2 includes merger of courts with less than 7 judges;
- scenario 3 includes merger of courts with less than 9 judges.

Scenario 1 conclusions are presented in Table 10 and 13 in detail. Our summary conclusions are the following:

- 13 district courts, including the 2 specialised courts, are recommended for merger due to the fact that they have less than 5 judges (1-4 judges). These courts are:

Basarabeasca, Cantemir, Ceadăr-Lunga, Donduşeni, Dubăsari, Făleşti, Floreşti, Glodeni, Ocniţa, Taraclia, Vulcăneşti, Military Court and Commercial District Court;

- This scenario includes 2 options regarding which courts to which can be merged. If Scenario 1 proposal is accepted, then the judicial map of district courts of Moldova would include 32 district courts (Option 1) or 31 district courts (Option 2), plus the 4 district courts allocated for Transnistrian Region;
- If this proposal is accepted, then in the long term savings regarding the necessary number of non-judge staff could be obtain, the reorganized system requiring a decrease of at least 183 less non-judge staff positions (183.5 Option 1 and 199.5 Option 2) if compared with the current number of non-judge staff or at least 185 positions if compared with the recommended number of non-judge staff (185 positions Option 1 and 201 positions Option 2);
- The number of judges will remain the same.

Scenario 2 conclusions are presented in Table 14 and 17 in detail. Our summary conclusions are the following:

- 27 district courts, including the 2 specialised courts, are recommended for merger due to the fact that they have less than 7 judges (1-6 judges). These courts are: Bender, Basarabeasca, Cantemir, Ceadăr-Lunga, Cimişlia, Comrat, Criuleni, Donduşeni, Drochia, Dubăsari, Făleşti, Floreşti, Glodeni, Leova, Nisporeni, Ocniţa, Rezina, Rîşcani, Sîngerei, Soroca, Şoldăneşti, Ştefan-Vodă, Taraclia, Teleneşti, Vulcăneşti, Military Court and Commercial District Court;
- This scenario includes 2 options regarding which courts to which can be merged. If scenario 2 proposal is accepted, then the judicial map of district courts of Moldova would include 26 district courts (Option 1) or 27 district courts (Option 2), plus the 4 district courts allocated for Transnistrian Region;
- If this proposal is accepted, then in the long term savings regarding the necessary number of non-judge staff could be obtain, the reorganized system requiring a decrease of at least 264 less non-judge staff positions (280.5 Option 1 and 264.5 Option 2) if compared with the current number of non-judge staff or at least 266 positions if compared with the recommended number for non-judge staff (282 positions Option 1 and 266 positions Option 2);
- The number of judges will remain the same.

Scenario 3 conclusions are presented in Table 18 and 21 in detail. Our summary conclusions are the following:

- 34 district courts, including the 2 specialised courts, are recommended for merger due to the fact that they have less than 9 judges (1-8 judges). These courts are: Bender, Anenii Noi, Basarabeasca, Briceni, Cantemir, Călăraşi, Căuşeni, Ceadăr-Lunga, Cimişlia, Comrat, Criuleni, Donduşeni, Drochia, Dubăsari, Edineţ, Făleşti, Floreşti, Glodeni, Hînceşti, Leova, Nisporeni, Ocniţa, Rezina, Rîşcani, Sîngerei,

- Soroca, Strășeni, Șoldănești, Ștefan-Vodă, Taraclia, Telenești, Vulcănești, Military Court and Commercial District Court;
- This scenario includes 2 options for courts's merger. If scenario 3 proposal is accepted, then the judicial map of district courts of Moldova would include 17 district courts (Option 1) or 19 district courts (Option 2), plus the 4 district courts allocated for for Transnistrian Region;
 - If this proposal is accepted, then in the long term savings regarding the necessary number of non-judge staff could be obtained, the reorganized system requiring a decrease of at least 381 less non-judge staff positions (408.5 Option 1 and 381.5 Option 2) if compared with the current number of non-judge staff or at least 383 positions if compared to the recommended number of non-judge staff (410 positions Option 1 and 383 positions Option 2);
 - The number of judges will remain the same.

Recommendations regarding the courts of appeal:

Table 2 presents the results for allocation of judges per courts of appeal. Based on the results for the allocation of judges, we recommend the following number of judges per court of appeal:

- Bălți Court of Appeal = 18 judges
- Bender Court of Appeal = 6 judges
- Cahul Court of Appeal = 7 judges
- Chișinău Court of Appeal = 63 judges
- Comrat Court of Appeal = 3 judges

Tables 5 and 7 present recommendations for the non-judge staff of the courts of appeal. The variations in non-judge staff are not significant in three of the courts of appeal, except Cahul Court of Appeal, which needs an increase of 12.5 positions and Comrat Court of Appeal, which needs a decrease of 6 positions. In conclusion, we recommend reviewing the number of non-judge allocation per courts of appeal in parallel with the revision of the number of judges and the map of the appellate courts.

While for district courts we provided more detailed recommendations for changing the structure of the judicial map for a more efficient allocation of resources, for the courts of appeal the decision is more political. Therefore, we can only recommend alternative options, each in need for further consideration and decision by the policy-makers:

- Instead of 5 courts of appeal, to reorganize the courts into 3 courts of appeal for North, Center and South, and change the jurisdiction to ensure a more even workload. If this option is considered, further analysis can be done to estimate the most effective distribution of raions for the 3 courts of appeal;
- Keep the 5 courts of appeal, but change their jurisdiction to relieve the burden on the Court of Appeal Chișinău and increase the burden on Cahul, Bender, Comrat and, to a lesser extent, Bălți. If this option is considered, further analysis can be done to estimate the most effective change in jurisdiction.

Annexes

Annex 1: Average workload per judge in district courts and courts of appeal for 2010-2012, not divided by complexity levels

Court	Total cases 2010	Nr. judges 2010	Average cases per judge 2010	Total cases 2011	Nr. judges 2011	Average cases per judge 2011	Total cases 2012	Nr. judges 2012	Average cases per judge 2012
sect. Botanica	14.684	16	917,8	13.433	16	839,6	14.879	17	875,2
sect. Buiucani	17.201	14	1.228,6	17.070	14	1.219,3	19.389	17	1.140,5
sect. Centru	18.475	17	1.086,8	20.642	19	1.086,4	23.155	19	1.218,7
sect. Ciocana	10.810	13	831,5	9.610	13	739,2	9.916	13	762,8
sect. Rîșcani	16.213	19	853,3	14.408	18	800,4	18.427	18	1.023,7
mun. Bălți	9.679	12	806,6	8.393	15	559,5	8.893	16	555,8
Bender	1.592	3	530,7	1.420	5	284,0	1.704	4	426,0
Tiraspol	0	0	0,0	0	0	0,0	0	0	0,0
Anenii Noi	4.840	6	806,7	4.181	6	696,8	4.586	6	764,3
Basarabeasca	1.573	3	524,3	1.581	4	395,3	1.463	4	365,8
Briceni	3.438	6	573,0	6.386	6	1.064,3	3.498	6	583,0
Cahul	3.977	8	497,1	4.307	8	538,4	4.163	9	462,6
Cantemir	1.967	3	655,7	1.758	3	586,0	1.753	4	438,3
Călărași	3.117	5	623,4	3.221	6	536,8	3.371	6	561,8
Căușeni	3.823	5	764,6	2.985	6	497,5	3.261	7	465,9
Ceadir-Lunga	2.379	4	594,8	2.170	4	542,5	2.052	5	410,4
Cimișlia	2.029	4	507,3	1.948	4	487,0	2.162	3	720,7
Comrat	3.601	6	600,2	3.122	6	520,3	2.838	5	567,6
Criuleni	2.089	6	348,2	2.415	6	402,5	2.208	6	368,0
Dondușeni	1.282	5	256,4	1.369	4	342,3	1.596	4	399,0
Drochia	3.093	6	515,5	2.441	6	406,8	2.548	6	424,7
Dubăsari	1.383	3	461,0	1.204	3	401,3	1.093	4	273,3
Edineț	3.426	6	571,0	2.552	6	425,3	2.466	6	411,0

Court	Total cases 2010	Nr. judges 2010	Average cases per judge 2010	Total cases 2011	Nr. judges 2011	Average cases per judge 2011	Total cases 2012	Nr. judges 2012	Average cases per judge 2012
Fălești	2.768	4	692,0	2.246	6	374,3	2.344	6	390,7
Florești	3.015	7	430,7	2.968	6	494,7	2.374	7	339,1
Glodeni	1.732	5	346,4	1.681	5	336,2	1.907	5	381,4
Grigoriopol	0	0	0,0	0	0	0,0	0	0	0,0
Hîncești	3.970	9	441,1	3.246	6	541,0	3.089	7	441,3
Ialoveni	5.241	6	873,5	5.343	6	890,5	5.385	6	897,5
Leova	2.414	4	603,5	2.435	4	608,8	2.239	4	559,8
Nisporeni	1.336	5	267,2	1.900	5	380,0	2.102	5	420,4
Ocnîța	2.220	3	740,0	1.893	5	378,6	1.814	5	362,8
Orhei	5.859	7	837,0	5.693	7	813,3	5.157	8	644,6
Rezina	2.525	6	420,8	2.753	6	458,8	2.651	6	441,8
Rîbnița	0	0	0,0	0	0	0,0	0	0	0,0
Rîșcani	3.481	5	696,2	1.792	5	358,4	1.842	4	460,5
Sîngerei	2.341	4	585,3	2.494	4	623,5	2.248	6	374,7
Slobozia	0	0	0,0	0	0	0,0	0	0	0,0
Soroca	4.817	8	602,1	4.687	8	585,9	4.673	9	519,2
Strășeni	4.904	7	700,6	4.955	8	619,4	4.445	8	555,6
Șoldănești	1.347	4	336,8	1.371	4	342,8	3.637	4	909,3
Ștefan Vodă	3.424	5	684,8	2.618	5	523,6	2.945	5	589,0
Taraclia	1.918	4	479,5	1.516	4	379,0	1.458	5	291,6
Telenești	2.977	6	496,2	2.429	6	404,8	2.875	6	479,2
Ungheni	5.385	7	769,3	4.986	8	623,3	3.914	8	489,3
Vulcănești	1.072	1	1.072,0	1.015	2	507,5	866	3	288,7
Total district courts	193.417	277	698,3	184.637	288	641,1	193.386	302	640,4
Military Court	72	3	24,0	58	2	29,0	82	2	41,0
Econ. Distr. Court	10.173	12	847,8	11.437	12	953,1	1.303	10	130,3
Economic CA	2.463	8	307,9	2.146	8	268,3	0	0	0,0
Total specialized courts	12.708	23	552,5	13.641	22	620,0	1.385	12	115,4
CA Bălți	4.380	19	230,5	4.782	19	251,7	4.916	21	234,1
CA Bender	1.199	7	171,3	1.085	6	180,8	1.310	6	218,3
CA Cahul	954	6	159,0	866	4	216,5	1.015	6	169,2
CA Chișinău	15.782	33	478,2	16.992	33	514,9	21.587	45	479,7
CA Comrat	856	5	171,2	893	6	148,8	859	5	171,8
Total courts of appeal	23.171	70	331,0	24.618	68	362,0	29.687	83	357,7
Total per court system	229.296	370	619,7	222.896	378	589,7	224.458	397	565,4

Annex 2: Average workload per judge in district courts and courts of appeal for 2010-2012, divided by complexity levels

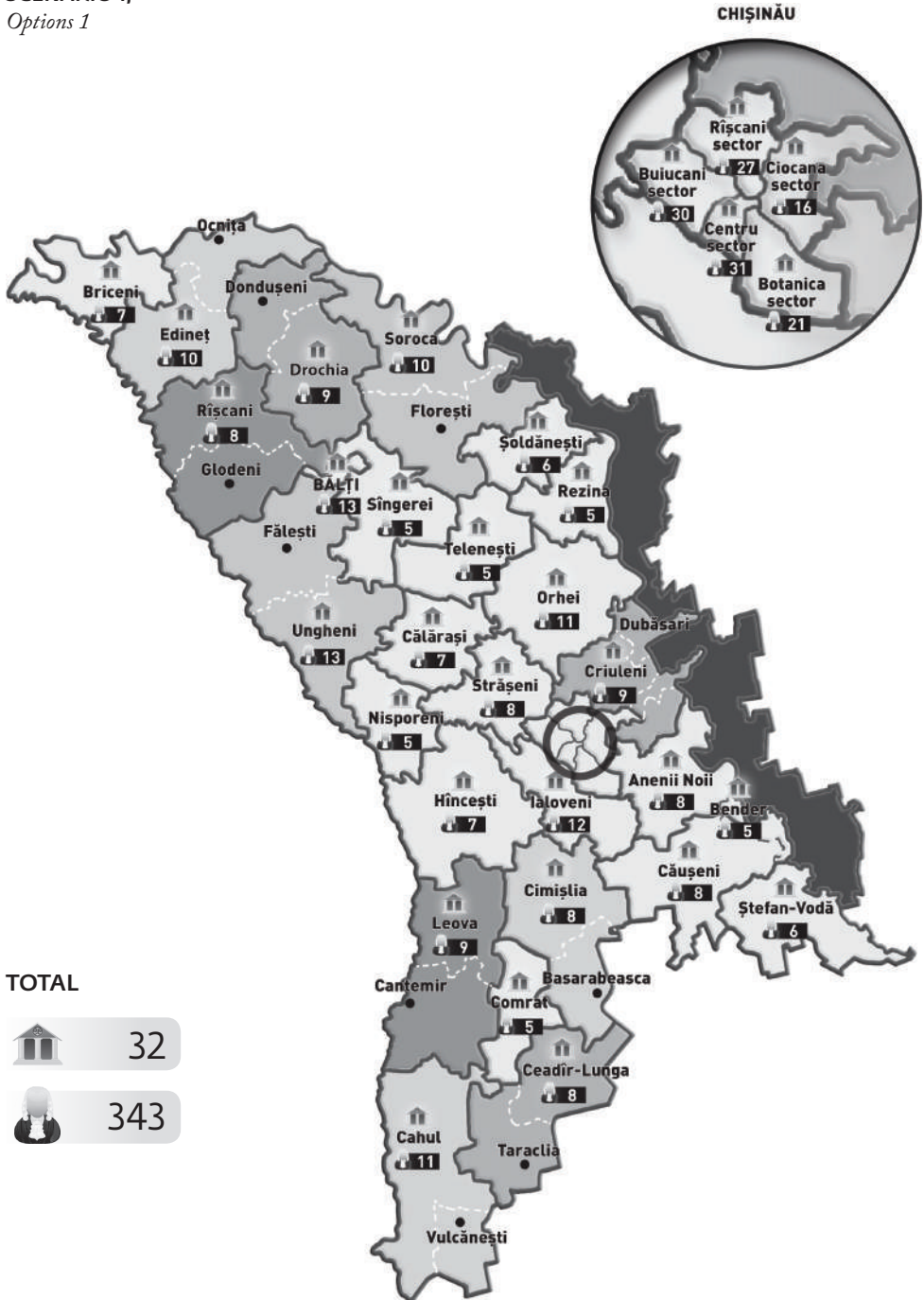
Court	2010						2011						2012					
	Total cases	Nr. judges	Average cases per judge	Complexity 1	Complexity 2	Complexity 3	Total cases	Nr. judges	Average cases per judge	Complexity 1	Complexity 2	Complexity 3	Total cases	Nr. judges	Average cases per judge	Complexity 1	Complexity 2	Complexity 3
sect. Botanica	14684	16	917,8	3286	3468	7930	13433	16	839,6	3509	4479	5445	14879	17	875,2	4928	5752	4199
sect. Buiucani	17201	14	1.228,6	1986	8404	6811	17070	14	1.219,3	2608	9359	5103	19389	17	1.140,5	4823	7951	6615
sect. Centru	18475	17	1.086,8	2337	10959	5179	20642	19	1.086,4	2659	13155	4828	23155	19	1.218,7	4594	13127	5434
sect. Ciocana	10810	13	831,5	1898	3651	5261	9610	13	739,2	2157	3947	3506	9916	13	762,8	3178	3464	3274
sect. Rîșcani	16213	19	853,3	3468	6050	6695	14408	18	800,4	4092	5931	4385	18427	18	1.023,7	6336	6785	5306
mun. Bălți	9679	12	806,6	1897	3117	4665	8393	15	559,5	2163	3355	2875	8893	16	555,8	2336	3702	2855
Bender	1592	3	530,7	171	260	1161	1420	5	284,0	182	479	759	1704	4	426,0	236	575	893
Tiraspol	0	0	0,0				0	0	0,0				0	0	0,0			
Anenii Noi	4840	6	806,7	855	2091	1894	4181	6	696,8	1169	1589	1423	4586	6	764,3	918	2371	1297
Basarabasca	1573	3	524,3	284	839	450	1581	4	395,3	373	787	421	1463	4	365,8	313	815	335
Briceni	3438	6	573,0	655	1455	1328	6386	6	1.064,3	697	1102	4587	3498	6	583,0	796	1657	1045
Cahul	3977	8	497,1	990	1299	1688	4307	8	538,4	866	1502	1939	4163	9	462,6	927	1714	1522
Cantemir	1967	3	655,7	271	601	1095	1758	3	586,0	293	656	809	1753	4	438,3	221	821	711
Călărași	3117	5	623,4	658	1068	1391	3221	6	536,8	719	1133	1369	3371	6	561,8	755	1186	1430
Căușeni	3823	5	764,6	619	1164	2040	2985	6	497,5	586	927	1472	3261	7	465,9	605	1127	1529
Ceadir-Lunga	2379	4	594,8	343	912	1124	2170	4	542,5	353	1016	801	2052	5	410,4	436	1023	593
Cimișlia	2029	4	507,3	613	500	916	1948	4	487,0	551	592	805	2162	3	720,7	471	710	981
Comrat	3601	6	600,2	972	1061	1568	3122	6	520,3	705	1024	1393	2838	5	567,6	711	1040	1087
Criuleni	2089	6	348,2	569	585	935	2415	6	402,5	483	641	1291	2208	6	368,0	509	657	1042

Court	2010							2011							2012										
	Total cases	Nr. judges	Average cases per judge	Complexity 1	Complexity 2	Complexity 3	Total cases	Nr. judges	Average cases per judge	Complexity 1	Complexity 2	Complexity 3	Total cases	Nr. judges	Average cases per judge	Complexity 1	Complexity 2	Complexity 3	Total cases	Nr. judges	Average cases per judge	Complexity 1	Complexity 2	Complexity 3	
Dondușeni	1282	5	256,4	261	438	583	1369	4	342,3	291	599	479	1596	4	399,0	288	869	439	1596	4	399,0	288	869	439	
Drochia	3093	6	515,5	942	897	1254	2441	6	406,8	651	770	1020	2548	6	424,7	532	1166	850	2548	6	424,7	532	1166	850	
Dubăsari	1383	3	461,0	391	359	633	1204	3	401,3	377	295	532	1093	4	273,3	273	314	506	1093	4	273,3	273	314	506	
Edineț	3426	6	571,0	1247	584	1595	2552	6	425,3	825	686	1041	2466	6	411,0	849	618	999	2466	6	411,0	849	618	999	
Fălești	2768	4	692,0	640	1541	587	2246	6	374,3	613	988	645	2344	6	390,7	782	934	628	2344	6	390,7	782	934	628	
Floroști	3015	7	430,7	1141	729	1145	2968	6	494,7	1046	940	982	2374	7	339,1	945	887	542	2374	7	339,1	945	887	542	
Głodeni	1732	5	346,4	330	640	762	1681	5	336,2	279	778	624	1907	5	381,4	335	1026	546	1907	5	381,4	335	1026	546	
Grigoriopol	0	0	0,0				0	0	0,0				0	0	0,0				0	0	0,0				
Hîncești	3970	9	441,1	1247	891	1832	3246	6	541,0	1066	747	1433	3089	7	441,3	807	1105	1177	3089	7	441,3	807	1105	1177	
Ialoveni	5241	6	873,5	1031	1160	3050	5343	6	890,5	1037	1636	2670	5385	6	897,5	878	2249	2258	5385	6	897,5	878	2249	2258	
Leova	2414	4	603,5	538	431	1445	2435	4	608,8	557	571	1307	2239	4	559,8	638	661	940	2239	4	559,8	638	661	940	
Nisporeni	1336	5	267,2	328	462	546	1900	5	380,0	334	495	1071	2102	5	420,4	435	647	1020	2102	5	420,4	435	647	1020	
Ocnîța	2220	3	740,0	500	1030	690	1893	5	378,6	493	866	534	1814	5	362,8	610	776	428	1814	5	362,8	610	776	428	
Orhei	5859	7	837,0	1319	2040	2500	5693	7	813,3	1207	1705	2781	5157	8	644,6	1209	2128	1820	5157	8	644,6	1209	2128	1820	
Rezina	2525	6	420,8	453	843	1229	2753	6	458,8	496	923	1334	2651	6	441,8	590	1002	1059	2651	6	441,8	590	1002	1059	
Rîbnița	0	0	0,0				0	0	0,0				0	0	0,0				0	0	0,0				
Rîșcani	3481	5	696,2	411	1572	1498	1792	5	358,4	327	693	772	1842	4	460,5	416	718	708	1842	4	460,5	416	718	708	
Sîngerei	2341	4	585,3	288	662	1391	2494	4	623,5	430	815	1249	2248	6	374,7	461	956	831	2248	6	374,7	461	956	831	
Slobozia	0	0	0,0				0	0	0,0				0	0	0,0				0	0	0,0				
Soroca	4817	8	602,1	1589	1717	1511	4887	8	585,9	1539	1589	1559	4673	9	519,2	1629	1595	1449	4673	9	519,2	1629	1595	1449	
Strașeni	4904	7	700,6	867	1486	2551	4955	8	619,4	827	1795	2333	4445	8	555,6	870	1847	1728	4445	8	555,6	870	1847	1728	
Șoldănești	1347	4	336,8	240	339	768	1371	4	342,8	305	377	689	3637	4	909,3	1317	584	1736	3637	4	909,3	1317	584	1736	

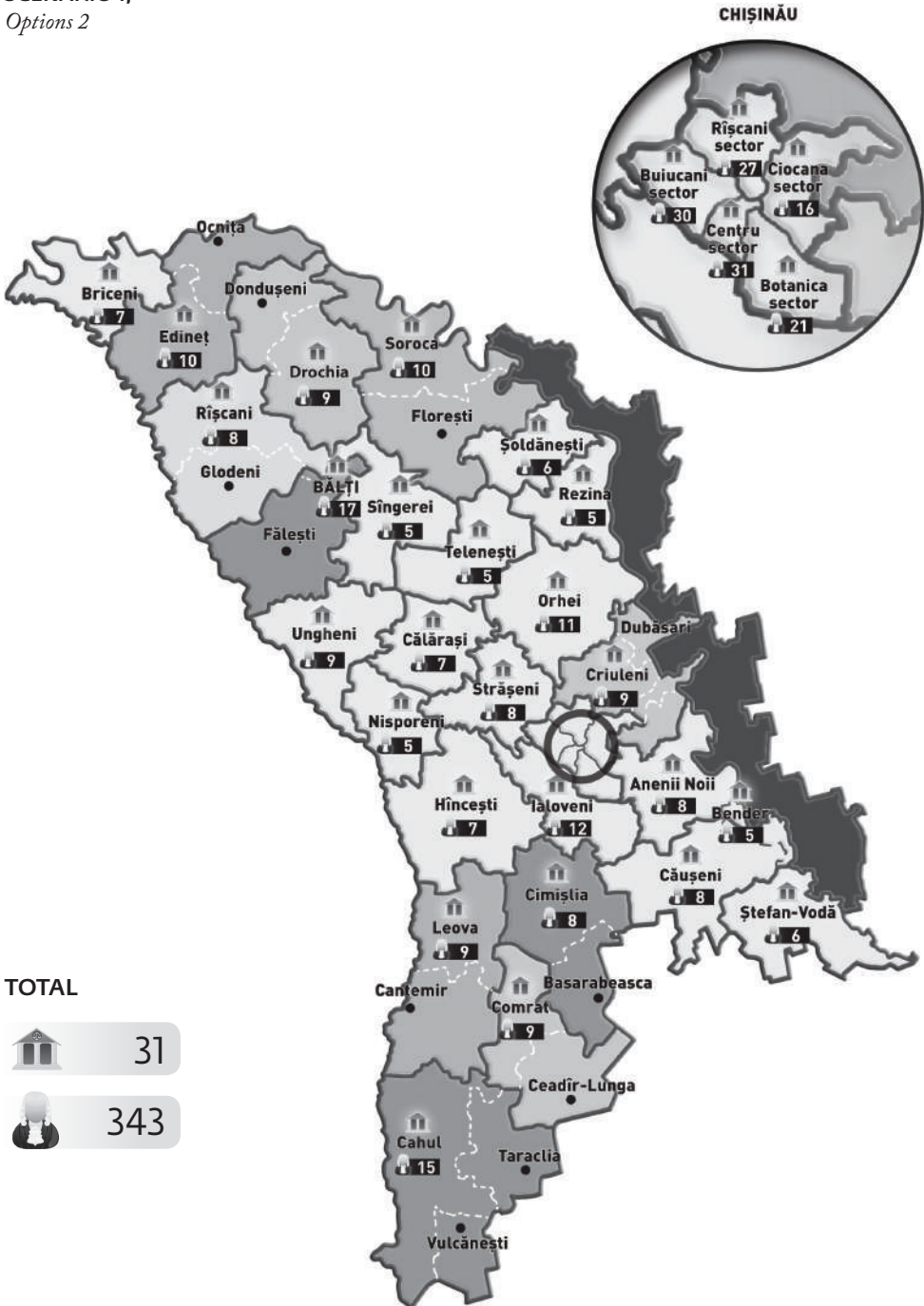
Court	2010										2011										2012				
	Total cases	Nr. Judges	Average cases per Judge	Complexity 1	Complexity 2	Complexity 3	Total cases	Nr. Judges	Average cases per Judge	Complexity 1	Complexity 2	Complexity 3	Total cases	Nr. Judges	Average cases per Judge	Complexity 1	Complexity 2	Complexity 3	Total cases	Nr. Judges	Average cases per Judge	Complexity 1	Complexity 2	Complexity 3	
	Stefan Vodă	3424	5	684,8	425	1226	1773	2618	5	523,6	380	1078	1160	2945	5	589,0	267	1418	1260	2945	5	589,0	267	1418	1260
Taralia	1918	4	479,5	579	440	899	1516	4	379,0	396	434	686	1458	5	291,6	407	470	581	1458	5	291,6	407	470	581	
Telenești	2977	6	496,2	413	904	1660	2429	6	404,8	513	1047	869	2875	6	479,2	372	1568	935	2875	6	479,2	372	1568	935	
Ungheni	5385	7	769,3	1310	1984	2091	4986	8	623,3	1137	1770	2079	3914	8	489,3	1116	1333	1465	3914	8	489,3	1116	1333	1465	
Vulcănești	1072	1	1.072,0	260	419	393	1015	2	507,5	232	349	434	866	3	288,7	133	440	293	866	3	288,7	133	440	293	
Total district courts	193417	277	698,3	38622	70278	84517	184637	288	641,1	39523	73620	71494	193386	302	640,4	49252	79788	64346	193386	302	640,4	49252	79788	64346	
Military Court	72	3	24,0	0	49	23	58	2	29,0	9	39	10	82	2	41,0	2	66	14	82	2	41,0	2	66	14	
Economic Court	10173	12	847,8	3250	51	6872	11437	12	953,1	6567	71	4799	1303	10	130,3	972	33	298	1303	10	130,3	972	33	298	
Total spec. courts	10245	15	683	3250	100	6895	11495	14	821	6576	110	4809	1385	12	115	974	99	312	1385	12	115	974	99	312	
CA Bălți	4380	19	230,5	449	3785	146	4782	19	251,7	529	4074	179	4916	21	234,1	668	4048	200,0	4916	21	234,1	668	4048	200,0	
CA Bender	1199	7	171,3	33	1135	31	1085	6	180,8	36	1005	44	1310	6	218,3	53	1199	58,0	1310	6	218,3	53	1199	58,0	
CA Cahul	954	6	159,0	100	824	30	866	4	216,5	209	582	75	1015	6	169,2	175	735	105,0	1015	6	169,2	175	735	105,0	
CA Chișinău	15782	33	478,2	1394	12022	2366	16992	33	514,9	1630	12696	2666	21587	45	479,7	2811	15379	3.397,0	21587	45	479,7	2811	15379	3.397,0	
CA Comrat	856	5	171,2	183	619	54	893	6	148,8	138	707	48	859	5	171,8	158	636	65,0	859	5	171,8	158	636	65,0	
Economic CA	2463	8	307,9	606	1480	377	2146	8	268,3	602	1210	334	0	0	0,0				0	0	0,0				
Total courts of appeal	25634	78	328,6	2765	19865	3004	26764	76	352	3144	20274	3346	29687	83	358	3865	21997	3825	29687	83	358	3865	21997	3825	
Total per court system	229.296	370	620	44.637	90.243	94.416	222.896	378	590	49.243	94.004	79.649	224.458	397	565	54.091	101.884	68.483	224.458	397	565	54.091	101.884	68.483	

Annex 3: Judicial map after district courts' merger, Scenario 1, Options 1 and 2

SCENARIO 1,
Options 1

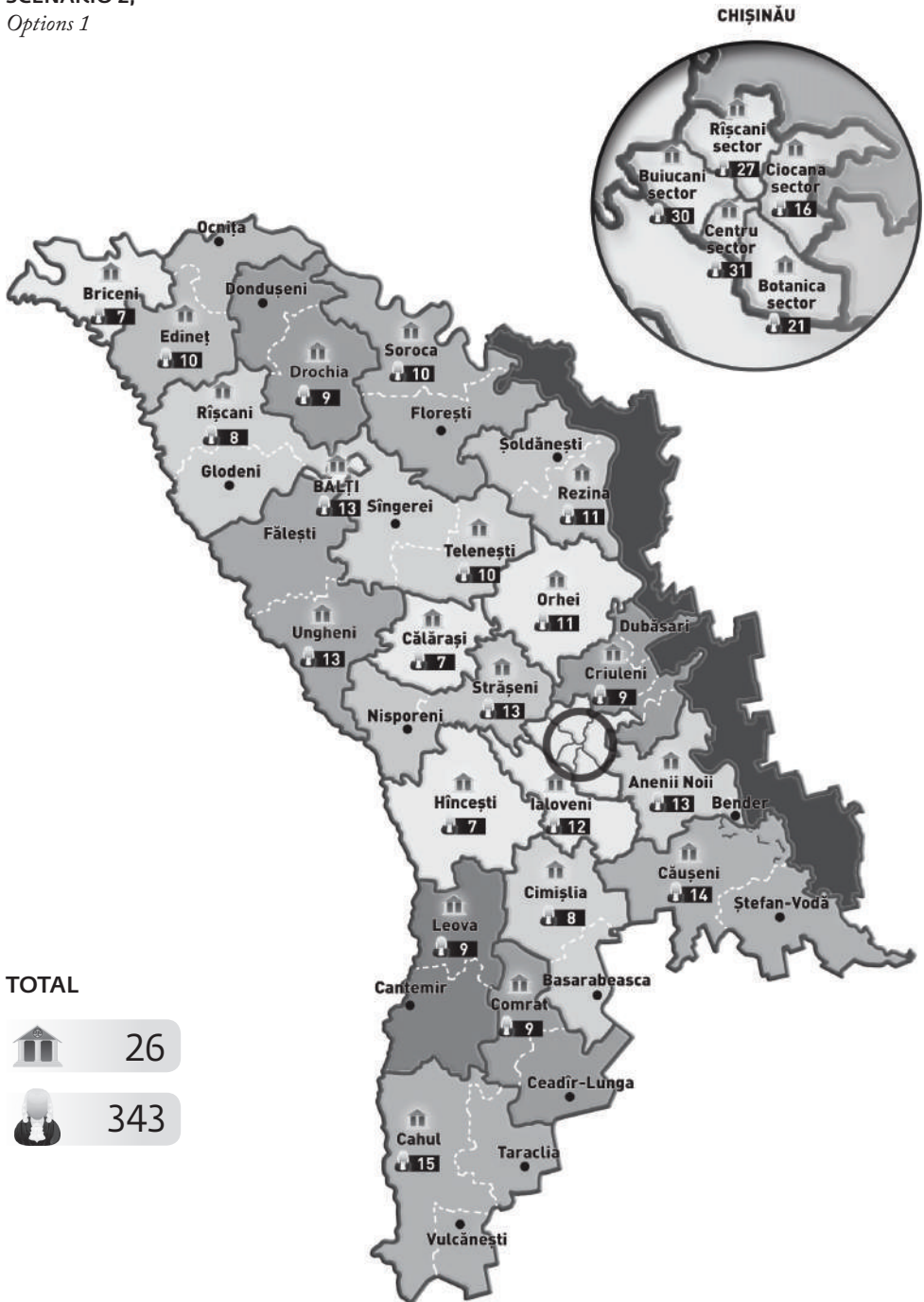


SCENARIO 1,
Options 2

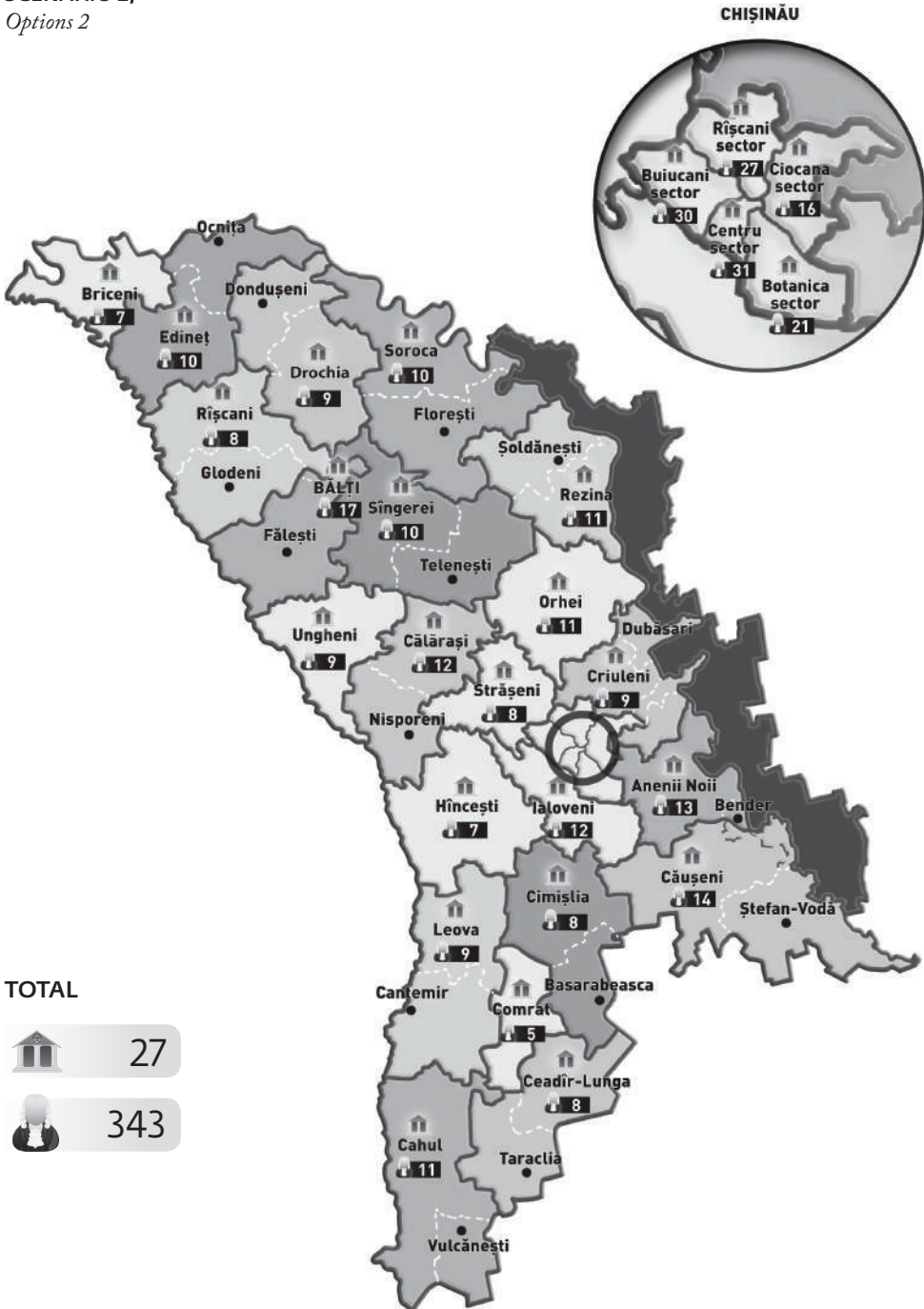


Annex 4: Judicial map after district courts' merger, Scenario 2, Options 1 and 2

SCENARIO 2,
Options 1

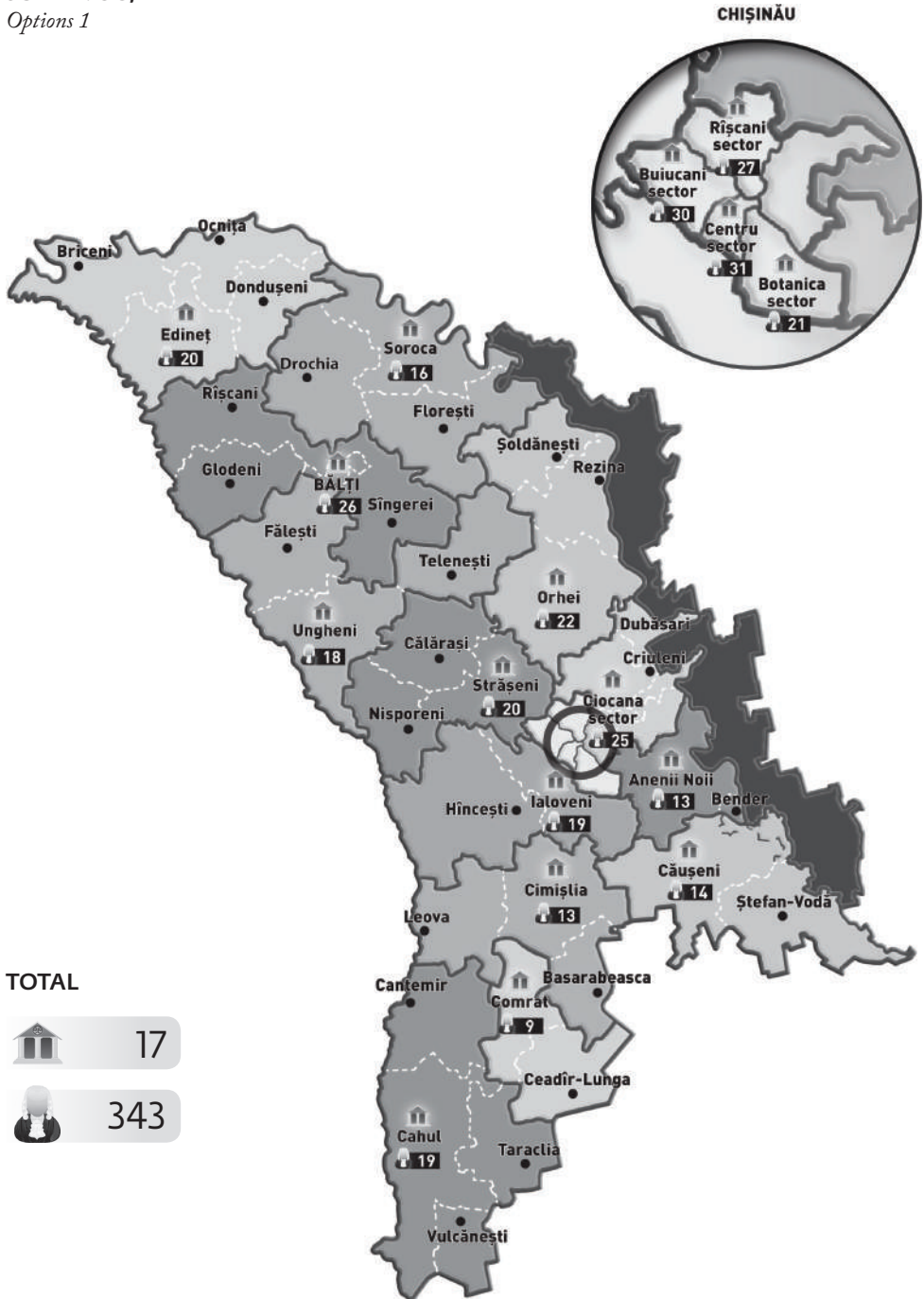


SCENARIO 2,
Options 2

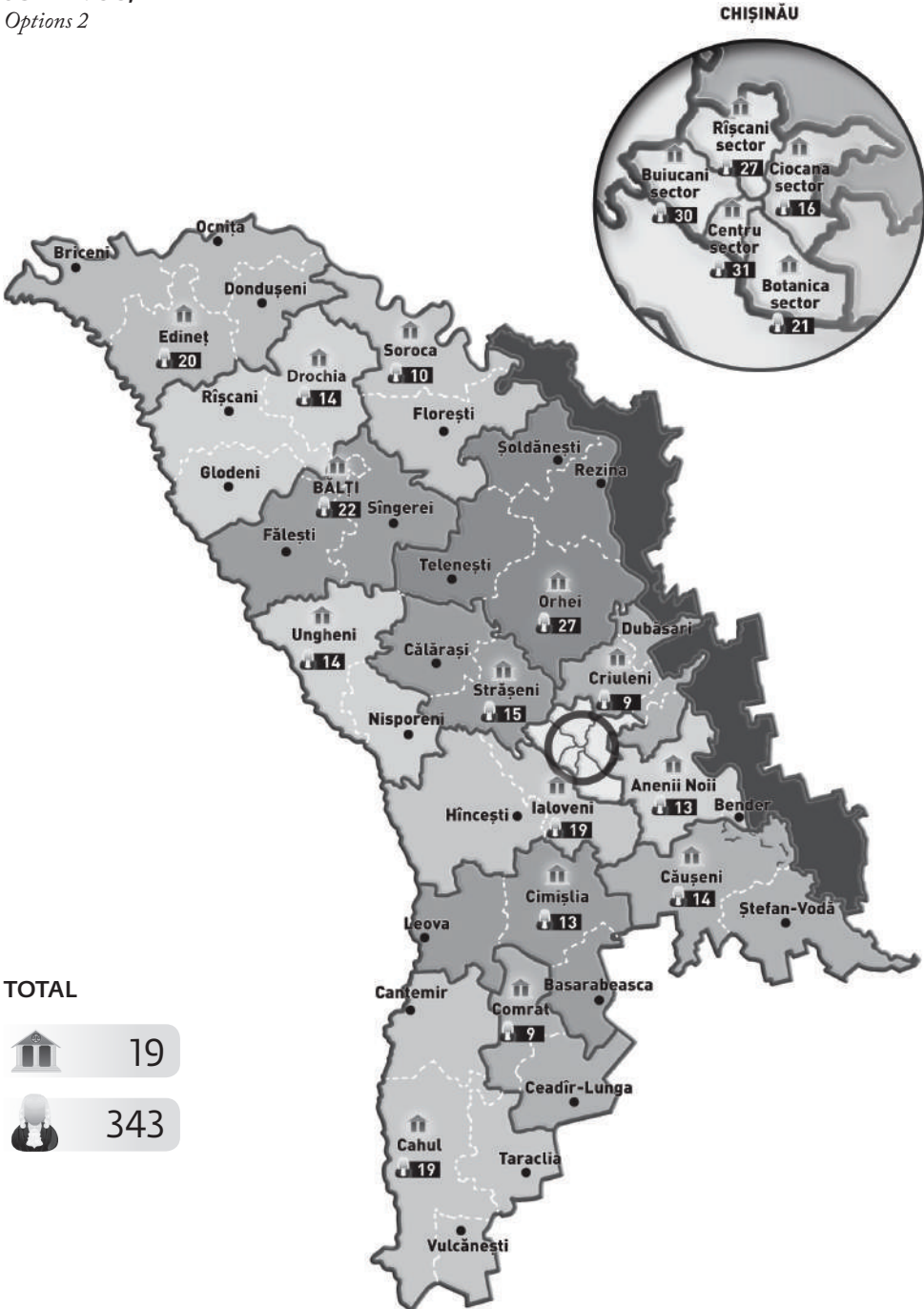


Annex 5: Judicial map after district courts' merger, Scenario 3, Options 1 and 2

SCENARIO 3,
Options 1



SCENARIO 3,
Options 2



Annex 6: International best practices for measurement of court efficiency, allocation of staff, and assessment of court structure

(author Jesper Wittrup)

In most countries the judiciary is under pressure to increase efficiency. Workloads are increasing and available resources are scarce. While the justice sector is in many regards special, it is from a budgetary perspective just one of the many sectors that compete for limited financial resources of the government. The budget needs of the judicial sector must be negotiated annually, often within a highly politicized context in which there are many other worthy and competing demands for public expenditure. If judicial budget demands are not expressed effectively, and if the judiciary does not make an effort to prove it manages its budget and resources well, the sector is unlikely to get the financial recognition it seeks.

Different methods for assessing the efficiency of courts and court systems have been developed. These methods are also essential, if one wants to assess court workload, allocation of staff and the overall court structure.

In the judicial sector one of the most difficult challenges facing managers is ensuring that each level of courts, and each court within that level, has a staff (judges, clerks and other support staff) and budget appropriate to its needs and circumstances. To be able to allocate resources efficiently it is necessary to estimate the level of funding that is actually needed, on average, to investigate, hear or process the different types of cases in a full and fair manner. Based upon such estimates detailed analysis of the outputs of courts and prosecutor's offices should allow for a more fair and efficient allocation of resources.

Obviously, insufficient methods for allocation of resources and an inadequate court structure may have a number of negative consequences, including:

- Overall inefficiency, since resources are not used where they will benefit the most.
- Lower quality (e.g. in the form of case delays) in overburdened courts, and generally variation in quality standards.
- Lack of transparency with regard to criteria for allocating staff.
- Demoralization of staff.
- Courts may be too small (or potentially too large) to be able to function properly.

As mentioned above, many countries have in recent years refined and improved their methods for assessment of court workload and allocation of staff. Increasingly sophisticated techniques for estimating staffing needs have not only made the allocation of staff and resources more accurate and fair, but have strengthened accountability and performance at all levels of courts management.

The need for more sophisticated models for estimating staffing needs is also illustrated by the failure of simpler and traditional approaches. Basing staffing needs on just the overall number of cases filed (without taking into account the types of cases) have proven to be seriously flawed at worst⁴⁴. And certainly the traditional (input-based) model which based staffing and budgets primarily on previous year's allocation should be abandoned. Modern judicial budgeting is based upon detailed assessments of the output and workload of courts. In this way it is possible to

⁴⁴ Gramckow, Heike (2012). "Estimating Staffing Needs in the Justice Sector". World Bank Working Paper.

allocate budgets and auxiliary personnel according to the level of funding and staffing that is actually needed, on average, to hear, process, or investigate the different types of cases.

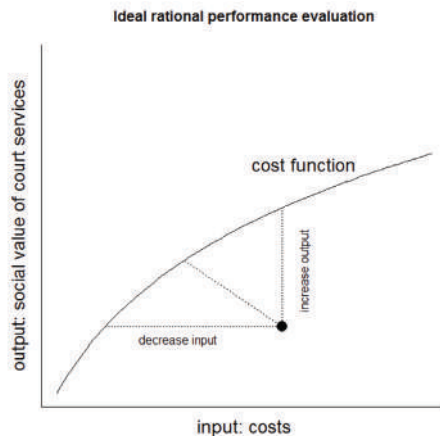
Such a model will not only enable funding to be re-allocated annually, or more often, according to shifts in court demands and case workloads, but it also introduces a culture of flexibility in courts management that may flow into a wide range of managerial and resourcing decisions and judicial performance issues. In other words, it may help to break down cultural or systemic rigidities that are themselves an impediment to the success of various reforms within the judicial sector⁴⁵.

Furthermore, the fundamental importance of judicial independence puts pressure on whoever has the authority to allocate court budgets. Rumours may easily arise that the budget is used to punish or reward the judiciary for its actions. On the other hand, there is also a risk that the budget allocator becomes so afraid of causing such rumours that it refrains from altering the judicial budget at all. This is clearly an inefficient solution since judicial activity is rarely constant. If the judicial budget is going to be used efficiently, it is necessary to regularly adjust budget allocations to ensure that the more busy courts receive more funds, while less busy courts may do with fewer resources. An obvious solution to this dilemma is to base decisions about budgeting and staff allocation upon “objective” indicators for court workload⁴⁶.

There is a wide range of methodologies for determining judicial staffing requirements for a court system to work effectively and efficiently. *Two of the most popular models, the weighted caseload model and the Data Envelopment model, are discussed in further detail below. In addition, two supplementary models, regression modelling and ratio modelling, are briefly described only.*

Estimating court efficiency

A simple illustration of the challenge facing decision-makers is provided in the figure below. On the vertical axis we have the societal “value” of court services. On the horizontal axis we have the costs associated with producing these services.



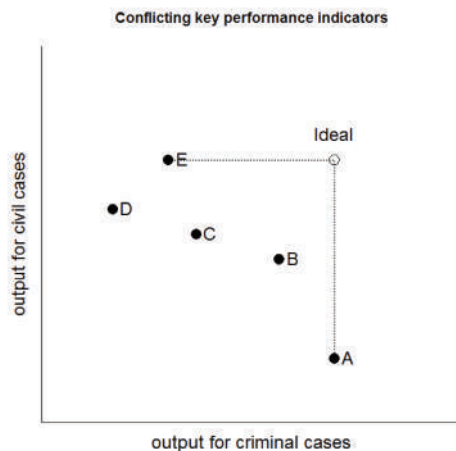
⁴⁵ Webber, David. (2006) Good Budgeting, Better Justice: Modern Budget Practices for the Judicial Sector, Law & Development Working Paper Series, No.3, World Bank, Washington D.C. Available at: www.Worldbank.org/legal.

⁴⁶ Wittrup, Jesper (2010). “Budgeting in the Era of Judicial Independence”, International Journal of Court Administration, 4th issue. Available at www.iaca.ws.

The graph displays the input-output combination for a hypothetical court. We can then evaluate the performance of this court (and other courts) by use of a cost function. By definition, the cost function shows the smallest possible costs of providing different output levels. The managerial task is obviously (as illustrated with the dotted lines) to move the court from where it is towards or onto the curve of the cost function. This can be achieved by either reducing the costs to the least possible (given the output), or to increasing the output to the most possible (given the costs), or a combination of these two strategies.

The two major problems with such an ideal rational evaluation are: 1) It is difficult – even with high quality data - to estimate the value of court output; and 2) even if we could measure output we do not know the cost function.

With regard to the first problem this is clearly related to the attempt to aggregate multiple outputs. What is the “value” of a trivial civil routine case relative to a very complex civil case? What is the value of a criminal case relative to a civil case? One form of traditional benchmarking relies alternatively upon several key performance indicators, thus recognizing that courts have multiple outputs, and that it is difficult to aggregate these multiple outputs. In this way, courts can be benchmarked separately on their performance on each major type of output.



Key performance indicators are important, but partial KPI's suffer from some serious limitations. One of them is illustrated in the figure above. Here we evaluate the performance of 5 courts (A to E) based upon two different outputs. For simplicity, we assume that the courts all have the same input (same number of judges and clerks).

The problem now is that the two KPI's do not identify the same most productive court. In the figure above court E has a high output for civil cases, but low output for criminal cases, and court A has a high output for criminal cases, but low civil case output. Of course, we might claim that court C and B should strive to have the civil case output of court E and the criminal court output of court A. This ideal may not be feasible, however, because there will be a substitution effect between criminal and civil case output. More civil case output will make it difficult to also have a higher criminal case output, and vice versa. We see

therefore that partial benchmarks may create misleading comparisons and infeasible targets. Of course, this problem is aggravated when you do not just consider 2 separate outputs, as in the simple example above, but maybe 10 or 20 separate outputs.

A more subtle limitation of simple partial indicator approaches is known as the Fox's paradox. It shows that even if one court (e.g. Court A in the table below) displays higher values for all of its partial productivity measures, it may have a lower total productivity than another court (B). The reason for this is that for a court to perform well in total, it must not only perform the different sub-processes well but also make use of the sub-processes that have relative higher productivity.

Fox's paradox: Inconsistency between partial and total productivity measures

Court	Productivity for civil cases	Productivity for criminal cases	Total productivity
A	$\frac{200 \text{ cases}}{10 \text{ judges}} = 20$	$\frac{400 \text{ cases}}{10 \text{ judges}} = 40$	$\frac{200+400 \text{ cases}}{10+10 \text{ judges}} = 30$
B	$\frac{30 \text{ cases}}{2 \text{ judges}} = 15$	$\frac{800 \text{ cases}}{21 \text{ judges}} = 38$	$\frac{30+800 \text{ cases}}{2+21 \text{ judges}} = 36$

For these reasons we can argue that simple partial benchmarks are not sufficient to make appropriate benchmarks. We need to be able to aggregate partial measures. Unfortunately it is not straightforward to combine all the multiple outputs into one meaningful output.

In the following we will discuss two different approaches or options. One approach is to use traditional benchmarking based upon case-weighting. Another option is to use more advanced and modern benchmarking techniques, allowing for weight flexibility.

The second major benchmarking challenge, the unknown cost function, also has two fundamentally different solutions. With a weighted caseload model the optimal relationship between input and output will be estimated by experts mostly based upon their subjective experience and possibly time studies. With Data Envelopment Analysis, the cost function or efficiency frontier is estimated entirely from data analysis of the complex relationships between the multiple inputs and outputs.

1. Weighted Caseload Model (and Delphi technique)

In the preceding section it was mentioned that court output should ideally be measured as the value to society generated by court services. In practice we cannot measure this value. As an approximation we may instead try to identify "reasonable" costs of providing different types of services. The court has to handle all the cases it receives, but as a rule we expect the court to spend more time and resources on a complex murder case or a high-stakes commercial litigation case than on a trivial traffic offense or a simple case of petty theft.

A weighted caseload study is one way to assess the costs associated with handling different types of cases. Weighted case load analyses have been carried out in a number of

US States, including Minnesota, Wisconsin, Washington, Colorado, California, Missouri, Nebraska, and New Mexico. Many European countries are also applying variants of a weighted caseload model for estimating court workload. This includes Germany, the Netherlands, Denmark, Sweden, Switzerland, Serbia and Kosovo.

A weighted caseload study analyses, in the aggregate, the time required (for judges as well as auxiliary court staff) to process a court's caseload from filing to case closure. It requires judges and clerks to measure the actual time spent on each case event and activity.

Conducting a full weighted caseload study based upon actual time studies can be very burdensome for all involved. A preferred alternative, known as the Delphi technique, is to have judges (and clerks) estimate the amount of time various cases take, without directly measuring time spent on each case event. The Delphi Technique can be done in one of two ways:

- *Case Type Approach* - Using expert judicial opinion, estimates of the time necessary to process each case from filing to disposition are gathered from the participating judges. The results are aggregated and averages and ranges are calculated. Frequently, the data is then returned to each participant with a request to adjust their original estimates in light of the information provided by their colleagues. If the estimates are widely disparate, the process is repeated through several rounds until consensus is achieved.

Once agreement has been reached as to the length of time required for specific cases, it is a relatively simple matter to calculate how many judge days are required to process the caseload. These figures coupled with projected caseload and the number of days or hours each judge has available per year allows for an estimate of judicial need.

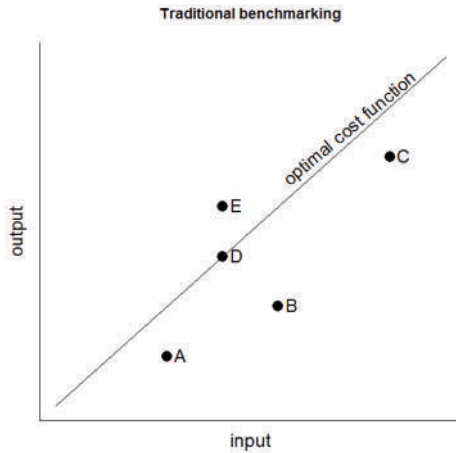
- *Case Event Approach* - A more rigorous approach to developing case weights using the Delphi technique is to ask judges to estimate the time necessary to process specific case events within each case type. The event time data is then matched with frequency of event information to calculate task weights. These task weights are then assembled to build the complete case weight. The number of events used can determine the feasibility of choosing this method. For example events could be collapsed into three categories of events (pre-trial, trial, post-trial) or may specify 10 or more individual events (initial appearance, preliminary hearing, scheduling/pre-trial conferences, Motions, Plea acceptance, trial, verdict hearing, sentencing, bench warrants, appeals/reviews, etc).

Usually weights derived by the Delphi Technique are validated. A quick and cost-effective validation method is to apply the case weights to a previous year's filing data to determine whether or not the number of judges could have processed the cases they did. The Delphi calculated weights are validated to the extent that the estimated workload approximates the actual number of cases disposed. It is important that the weights be periodically adjusted and updated to ensure that they continue to accurately represent the workload, which shifts over time due to changes in efficiency, statutory changes, or case management initiatives.

Overall, it is less costly to have estimates of case weights determined directly by judges (the Delphi Technique) rather than measure the time it takes to process each case activity. Moreover, having judges and auxiliary personnel participate in the creation of case weights

gives the weights more credibility, because judges and court auxiliary personnel know how they were derived.

There are several different ways to apply case weights for benchmarking, but the basic idea is to multiply weights and case types, and then add the products of the multiplications⁴⁷.



The calculated value of the output may then be compared to actual input. Actual input may be measured as total salary costs or as weighted (by staff category) number of full-time equivalent staff. The graph above illustrates the principle of comparing calculated court output with input. The diagonal line represents the “optimal” relationship between input and output, as defined by the weights. Courts A, B and C have higher input than they should have according to their calculated output, so they are inefficient. Court D is exactly efficient, while the output of court E is actually “too high” (or input too low). This type of benchmarking is obviously useful to establish productivity targets and resource allocation.

While this form of traditional benchmarking based upon fixed weights is quite common in court systems, and also prevalent in other sectors (e.g. health care), it has some noteworthy limitations⁴⁸:

- It is often very difficult to reach consensus on relative weights. Experience shows that it is especially difficult to compare:
 - Cases from different sections, e.g. civil cases with criminal cases. It is usually very challenging for a civil judge and a criminal judge to try to reach agreement on reasonable relative weights for civil and criminal cases.

⁴⁷ Technically, when the weights (w_1, w_2, \dots, w_n) for n different types of cases have been established, the total “value” of the court output for a given period of time is calculated as:

$$\text{Total court output} = \sum_{i=1}^n w_i x_i$$

where x_1, x_2, \dots, x_n represent the number of cases within each case type.

⁴⁸ For further discussion of weighted caseload models see. e.g. Gramckow op.cit and Lienhard, A. & Kettiger D. (2011). “Research on the caseload management of courts: methodological questions”, Utrecht Law Review, Vol. I.

- Very trivial routine cases with more complex case types. It may be difficult to ascertain whether a complex case type requires on average e.g. 50 times or 100 times more work than a trivial case type. The decision to set the weight at a multiple of 50 or 100 may however have a substantial impact on the calculated total output.
- When assessing weights, court staff need to have a lot of experience with handling the cases. It will be very difficult for them to assign proper weights to the cases established according to new codes.
- Fixed weights do not take into account potential economics of scale. If a court annually has 500 cases of a certain type it should be able to benefit from specialization and the establishment of procedures and routines in a way that cannot be imitated by a court with only 10 cases of this type. Weighted caseload averages can, therefore, be unfair to small courts.
- Fixed weights tend to be based upon current practices and may inadvertently serve to sustain these practices even when they are not efficient. For example, it is possible that it would be efficient to shift work from judges to clerks when handling certain types of cases. If weights are based primarily on a currently inefficient allocation of work between staff groups, they may provide us with an inaccurate cost function.
- Nowadays we tend to expect constant innovation and productivity improvements, and this is in contrast to the idea of fixed weights. If it is “reasonable” for a judge to spend 50 minutes working on a certain type of case one year, it may be that it is “reasonable” for her to spend only 45 minutes the following year.
- Legislative changes – or other changes – may impact substantially the complexity of different case types. This makes it difficult to keep weights current.

A weighted caseload model is an option worth considering. It is currently the most commonly used method for efficiency evaluation in court systems. But it is also relevant to take into account the deficiencies of traditional benchmarking mentioned above.

2. Data Envelopment analysis (DEA)

In recent years important advances have been made in efficiency evaluation. New and more advanced techniques address some of the most serious flaws with traditional benchmarking as described above. The state-of-the-art methods of modern benchmarking are Data Envelopment Analysis (DEA) and Stochastic Frontier Analysis (SFA). The DEA approach has its methodological roots in mathematical programming, while the SFA approach is much more directly linked to econometric theory. For practical purposes DEA appears to have somewhat more to offer managers than SFA. It is often wise, however, to use SFA as a supplementary tool to check the robustness of results achieved by the DEA approach. The major advantages of the DEA and SFA models compared to earlier and less advanced benchmarking methods is that both methods require no or very little preference, price/weight or priority information and can be used to cope effectively with multiple inputs and outputs.

DEA estimates a best practice technology from the actual observations of the inputs used and outputs produced in a group of courts using a minimal extrapolation principle. It finds the smallest set of input-output combinations that 1) contains the actual observations, and 2) satisfies some general properties related to production. The base model, often referred to as the VRS (variable returns to scale) assumes free disposability of inputs and outputs and convexity of the set of feasible input-output combinations⁴⁹.

It should be stressed that while state-of-the-art benchmarking literature is indeed rather technical, the conceptual ideas behind modern benchmarking can be understood intuitively and from simple illustrations. The complicated calculations are taken care of by relevant computer software.

While a weighted caseload model relies upon fixed weights for multiple outputs estimated by experts, modern benchmarking uses flexible weights and the estimate for the cost function (efficiency frontier) is based entirely upon objective data. To simplify things a bit, one may say that the DEA approach attempts to put every court in the best possible light relative to other courts. The basic idea is to find case or performance weights such that the evaluated court looks as good as possible. When a court, even given the most positive evaluation possible, still appears to be overstaffed or inefficient, we can thus be pretty certain action is required. This conservative bias is especially relevant when it comes to resource allocation because it is very important to ensure that each court is given a fair assessment of its workload. A decision about reallocating staff is a serious one, and it is crucial to make certain that such reallocations only take place when there is a sound basis for knowing that they will in fact contribute to increasing the overall efficiency of the court system.

⁴⁹ Technically, the estimation is done using mathematical programming. If we consider an analysis of n courts transforming M inputs, $\mathbf{x} = (x_1, \dots, x_M)$, into S outputs, $\mathbf{y} = (y_1, \dots, y_S)$, then according to the VRS model the input-based Farrell efficiency, E_i , for court i can be calculated as a solution to the following linear programming problem:

$$\min_{E_i, \lambda_1, \dots, \lambda_n} E_i$$

Subject to:

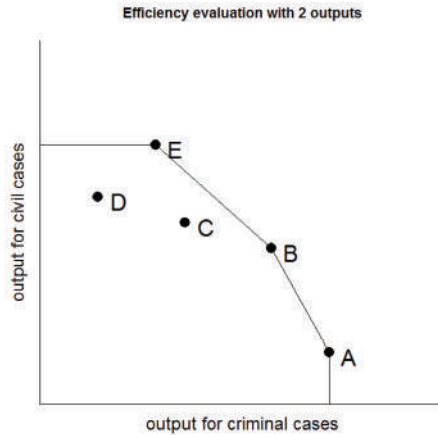
$$\sum_{j=1}^n \lambda_j y_{sj} \geq y_{si} \quad s = 1, \dots, S$$

$$\sum_{j=1}^n \lambda_j x_{mj} \leq E_i x_{mi} \quad m = 1, \dots, M$$

$$\sum_{j=1}^n \lambda_j = 1$$

$$\lambda_j \geq 0 \quad j = 1, \dots, n$$

It calculates the largest contraction of all inputs such that we can still find a convex combination of courts that produce at least the same outputs with the most contracted inputs. In an output oriented model, we remove E and instead multiply F on the output vector y_i and maximize this. The interpretation of F is then as the largest proportional increase in all outputs that is feasible with at the most the given inputs.

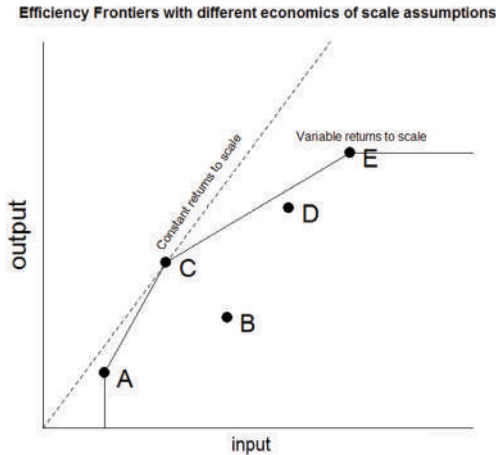


For example, in the figure above we evaluate 5 courts based upon 2 outputs (criminal and civil). For simplicity we assume that all these courts have the same amount of input (same number of judges and clerks). Courts A, B and E are assessed to be efficient because there is some combination of weights that allow the total output of these courts to exceed the total output of the other courts. For instance, if we had decided that civil cases should have double the weight of criminal cases, court A would not be efficient. But since we allow for the possibility that the actual weight of criminal cases may be higher, court A is not assessed to be inefficient.

For courts C and D the situation is different. No matter how we combine the weights, they will not appear efficient relative to all the other courts. We therefore have a very strong reason for claiming that these courts should be able to increase outputs (or reduce input).

It should be mentioned that DEA allows for weight restrictions. If we happen to be very sure that a certain type of case is trivial and another type very complex, it is possible to restrict weight flexibility when applying the algorithm.

The fact that the DEA approach allows for uncertainty (case weight flexibility) when assessing total output and court productivity, is a major advantage. Assessing case weights is usually one of the most difficult and time-consuming tasks associated with establishing resource allocation mechanisms. The advantage to not establishing exact weights when comparing different types of cases (but rely on weight ratio intervals or relative weights instead) substantially simplifies this task. It also makes the system much less vulnerable to allegations that relative case weights have been assigned in an unfair way. Finally, relying on flexible weights makes it much easier to switch from one way of categorizing cases to another (like when a new legal code is introduced, or when circumstances change in others ways). It is extremely important to ensure that the basic model for assessing workload and allocating resources is able to adapt to such (unforeseen as well as foreseen) changes and is viable also for the long term.



Advanced benchmarking models also recognize that there may be economics of scale related to production of court services. In the figure above, the efficiency frontier is based upon an assumption of variable returns to scale, since it appears from the given data that both small courts (A) and large courts (D and E) are operating at a disadvantage.

Furthermore, DEA may be used for establishing realistic and achievable performance targets. We are able to go beyond general or “one size fits all” targets because courts are in principle benchmarked against courts with rather similar case-mix and size. This implies that for a given “inefficient” court relevant “peers” can be identified that are in many ways very similar, but just perform better. These peer, or “best practice” courts may serve as inspiration for others.

In addition, modern benchmarking techniques are also ideal for analysing potential causes for inefficiency related to such factors as scale and allocation. These techniques will enable analysts to provide answers to whether a given court has the optimal scale and whether it has the right mix of judges and clerks.

One major disadvantage with DEA in relation to allocation of staff is that it in its basic forms tells us how by how many judges (and clerks) certain courts could reduce staff in order to become as efficient as the most efficient other courts. In general, however, the aim with allocation of staff between courts is not to reduce the overall number of staff, but rather to ensure a more balanced allocation of staff reflecting actual court workload. In order to serve the latter objective it is necessary to consider some specifically modified versions of the DEA-model⁵⁰.

There are many examples of efficiency analyses of courts based upon such advanced benchmarking techniques, cf. the table below.

While advanced benchmarking was until a few years ago beyond reach of most organizations due to the complexity of the computations involved, improvements in computer power and software has made the tools broadly available to decision-makers.

⁵⁰ See e.g. Asmild, Mette et. al (2011). DEA based models for reallocations of police personnel OR Spectrum.

Examples of studies applying advanced benchmarking techniques (DEA) to the courts

Country	Study
Belgium	Tulkens, Henry (1993). "On FDH Efficiency Analysis: Some Methodological Issues and Applications to Retail Banking, Courts, and Urban Transit", <i>The Journal of Productivity Analysis</i> , Vol. 4, pp. 183-210.
Brazil	Yeung, Luciana L. & Paula F. Azvedo (2011). Measuring efficiency of Brazilian courts with data envelopment analysis (DEA)", <i>IMA Journal of Management Mathematics</i> , vol. 22, pp. 343-56.
Denmark	Wittrup, Jesper (2008). <u>Economic Approaches to Judicial Administration: The Case of Judicial Administration</u> . Aarhus: Politica.
Europe	Deyneli, Faith (2012). "Analysis of relationship between efficiency of justice services and salaries of judges with two-stage DEA-method", <u>European Journal of Law and Economics</u> .
Germany	Schneider, Martin R. (2005). "Judicial Career Incentives and Court Performance: An Empirical Study of the German Labour Courts of Appeal", <u>European Journal of law and Economics</u> , Vol. 20, pp. 127-44.
Norway	Kittelsen, Sverre A. C. & Finn R. Førstund (1992). "Efficiency analysis of Norwegian district courts", <u>Journal of Productivity Analysis</u> , Vol. 3, pp. 277-306.
Spain	Pedraja-Chaparro, Francisco & Javier Salinas-Jimenez (1996). "An assessment of the efficiency of Spanish Courts using DEA", <u>Applied Economics</u> , Vol. 28, pp. 1391-1403.
Sweden	Hagstedt, K. & J. Proos (2008). "Has the recent restructuring of the Swedish district courts improved efficiency? A DEA analysis", Uppsala University. Department of Economics.

Supplementary models

While the weighted caseload model and Data Envelopment Analysis are the two most important models to consider when describing Best Practice for estimating court efficiency and allocating resources, two additional models deserve mentioning: Regression models and ratio models.

The *regression model* is often used as a way to verify results from other techniques. Regression model analysis is a statistical technique that estimates the need for judges or court auxiliary personnel based on system wide variations in many caseload variables. The basic steps to regression modelling are outlined below:

- Identify the data available to help assess the need for judges and auxiliary personnel, and assess the quality of those data.
- Select possible indicators from among the data available.
- Develop and test the statistical model.
- Focus on the courts that appear to be under (or over) resourced.
- Add a qualitative assessment.

Most often demographic and socio-economic data will be used to estimate court workload. The regression model is especially important when there is a concern about the quality of case statistics. In that case the regression model can be used to provide an

alternative estimate for the number of cases (and potentially also types of cases) a given court is expected to receive.

A ratio model assumes that the need for auxiliary personnel can be determined as a fixed ratio of auxiliary personnel to trial court judges, caseloads, or population. The ratio model is attractive because it is simple and easy to understand, easy to maintain and update with new caseload information, and inexpensive.

However, simple judge to staff ratios are often not very accurate and therefore limited in their usefulness. Ratio models that do not control for differences in case mix may not adequately account for regional differences in the types of cases handled, or for differences in judicial workload between urban and rural settings. For example, a highly automated court may have fewer staff to handle larger caseloads, but cost per staff member may be higher because of the technical training required.

Structural analysis

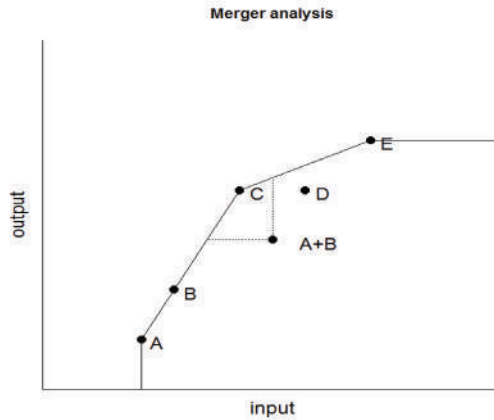
It has been a common trend among European countries lately to reduce the number of courts and jurisdictions in order to create larger court units. This is due to both efficiency and quality concerns. Large courts are seen as better suited to provide more efficient and quality professional management; they can better respond to the opportunities for economies of scale (duplication of functions can be avoided); they are less vulnerable to vacancies or sudden changes in the amount of litigation; they allow better for specialization and use of the principle of collegiality (more than one presiding judge) and finally large courts are often better able to create a healthy professional environment where judges may discuss and share knowledge about legal issues.

The main argument against abolishing the smaller courts is that their proximity to local communities gives citizens convenient access to justice. However, with improved infrastructure and opportunities for transportation this will become less of a concern. Furthermore, most citizens only need to attend court a few times in their life, if ever. Finally, large courts may be able to retain some of the advantages of proximity if they are allowed to operate branches or courtrooms in different cities. The smaller community may thus be visited from time to time by a judge, or a team of judges, who can then handle cases that cannot be conveniently heard in the city where the main court is located.

It is not possible to give an entirely scientific and conclusive answer to how small a court can be in order for it to function efficiently. A study conducted in Denmark reached the conclusion that a single court should have no fewer than 6-8 full judges (and in addition a number of deputy judges). In Romania, there is no formal SCM decision on this issue, but the general opinion is that at least 5 judges are needed per court. In Poland it was decided that a court should have minimum 10 judges and in Sweden – minimum 10 employees and 2 judges. The Austrian authorities are considering a decision with 4 minimum judges per court.

The techniques and models described above for estimating court efficiency and staffing needs (weighted caseload and DEA) can also be applied to structural analysis. The weighted caseload model will allow for a comparison of the efficiency of small and large courts. In

addition advanced benchmarking techniques, like DEA, provide excellent opportunities for analysing a court structure, including the efficiency of potential mergers⁵¹.



For example, in the above figure, both court A and court B are on the estimated efficiency frontier, so the assessment is that they individually will not be able to improve upon their performance. The combined input and output of A and B (A+B) is within the efficiency frontier. The interpretation is that the merged court has an improvement potential which the individual courts have not, and therefore it will be efficient to merge court A and B.

⁵¹ See e.g. Bogetoft and Wang (2005) "Estimating the Potential Gains from Mergers", *Journal of productivity Analysis*, vol. 23.

The study on optimization of the judicial map 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 was funded by the US Embassy in Moldova within the program to assist in the implementation of the Justice Sector Reform Strategy (JSRS) for 2011–2016, approved by the Parliament on 25 November 2011, and its action plan.

The objective of the study is to help the decision-makers in Moldova decide on amending the judicial map in Moldova in order to create conditions for enhancing quality of the justice and a better use of public funds in the judicial field. The study focuses on how best to assign judges and non-judge staff per district and appellate courts in order to ensure an even workload among courts and makes recommendations in this respect. The study includes three scenarios for potential merger of courts, based on the minimum number of judges per court.

The Legal Resources Centre from Moldova is a not-for profit non-governmental organization based in Chişinău, Republic of Moldova. LRCM 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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