Building Interoperability for European Civil Proceedings Online

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COVL
Central Department for Enforcement on the basis of Authentic Documents

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Building Interoperability in European Civil Procedures Online

Case study - Slovenia

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**Glossary / Acronyms:**

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<tr>
<th>Acronym</th>
<th>Description</th>
<th>Translation</th>
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<tbody>
<tr>
<td>CIF</td>
<td>Center za informatiko pri Vrhovnem sodišču RS</td>
<td>Center for Informatics at the Supreme Court</td>
</tr>
<tr>
<td>CMS</td>
<td>Elektronski vpisnik</td>
<td>Case management system</td>
</tr>
<tr>
<td>COVL</td>
<td>Centralni oddelek za izvršbo na podlagi verodostojne listine pri Okrajnem sodišču v Ljubljani</td>
<td>Central Department for Enforcement on the Basis of Authentic Documents at the Local Court of Ljubljana</td>
</tr>
<tr>
<td>CSCC</td>
<td>Kliniško depotna družba</td>
<td>Central Securities Clearing Corporation</td>
</tr>
<tr>
<td>IS</td>
<td>Informacijski sistem</td>
<td>Information System</td>
</tr>
<tr>
<td>ICT</td>
<td>Informacijska in komunikacijska tehnologija</td>
<td>Information and Communication Technology</td>
</tr>
<tr>
<td>KZ</td>
<td>Kazenski zakonik</td>
<td>Penal Code</td>
</tr>
<tr>
<td>MF</td>
<td>Ministrstvo za finance</td>
<td>Ministry of Finance</td>
</tr>
<tr>
<td>MJU</td>
<td>Ministrstvo za javno upravo</td>
<td>Ministry of Public Administration</td>
</tr>
<tr>
<td>MOJ</td>
<td>Ministrstvo za pravosodje</td>
<td>Ministry of Justice</td>
</tr>
<tr>
<td>OJLJ</td>
<td>Okrajno sodišče v Ljubljani</td>
<td>Local Court of Ljubljana</td>
</tr>
<tr>
<td>RDSC</td>
<td>Evidenčni oddelek Vrhovnega sodišča</td>
<td>Registry Department of the Supreme Court</td>
</tr>
<tr>
<td>SC</td>
<td>Vrhovno sodišče Republike Slovenije</td>
<td>Supreme Court of the Republic of Slovenia</td>
</tr>
<tr>
<td>SR</td>
<td>Sodni red</td>
<td>Court Rules</td>
</tr>
<tr>
<td>ZEPEP</td>
<td>Zakon o elektronskem poslovanju in elektronskem podpisu</td>
<td>Law on Electronic Commerce and Electronic Signature</td>
</tr>
<tr>
<td>ZIZ</td>
<td>Zakon o izvršbi in zavarovanju</td>
<td>Enforcement and Securing of Claims Law</td>
</tr>
<tr>
<td>ZOT</td>
<td>Zakon o odvetniški tarifi</td>
<td>Lawyer's Fees Law</td>
</tr>
<tr>
<td>ZPP</td>
<td>Zakon o pravdnem postopku</td>
<td>Civil Procedure Law</td>
</tr>
<tr>
<td>ZS</td>
<td>Zakon o sodiščih</td>
<td>Courts' Law</td>
</tr>
<tr>
<td>ZST</td>
<td>Zakon o sodnih taksah</td>
<td>Court Fees Law</td>
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Executive summary

Court backlogs, especially those related to the enforcement of monetary claims, were one of the acute problems of the Slovenian legal system up until 2008. Prior to that, 44 different local courts were responsible for enforcement on the basis of their territorial jurisdiction, and work involved approximately 350 employees. The procedure was paper based and computer systems were used only for basic case management but did not allow any connectivity. Average times to issue a decision on the requested enforcement often lasted more than 6 months, and practices among different courts varied greatly. Long procedures, inefficiency and unpredictability in this field caused a significant burden for the economy and contributed to low confidence in the judiciary.

COVL, an acronym for Central Department for Enforcement on the Basis of Authentic Documents, began its operations on January 1, 2008 as part of the Local Court in Ljubljana. It was developed on the basis of a project led by the Registry Department of the Supreme Court of Slovenia that lasted from 2004 to 2008. The strategic goal of the project was to reduce judicial backlogs and improve the efficiency of courts in enforcement procedures. Authentic documents (a generic term for a number of classes of monetary claims which includes invoices, bills of exchange, cheques, etc.) were chosen. They represented three quarters of all enforcement-related backlog, and the procedure had significant automation potential because legislation clearly enumerated and defined the types and structure of the recognized authentic documents, as well as the elements of such a document.

Project development was divided into concurrent legislative, organizational, technological and public relations components.

Legislative changes have, inter alia, allowed e-filing and e-file management in civil procedures, abolished the need to submit documentation or sign electronic claims, and permitted automatization of the procedure up to the phase of serving the decision which allows enforcement. Parallel organizational and information solutions have also enabled e-filing by lay users, simplified payment and control of court fees, and automated the processing of claims.

Organizational solutions were additionally aimed at reducing human factor at routine tasks. COVL was given exclusive jurisdiction over such cases, thus involving only one eighth of the previous personnel, and reducing the number of judges dealing with these cases from more than 50 to only 4. A number of tasks, such as printing and scanning was outsourced to contractors, and the procedure up to the point of sending out the decision on the enforcement claim was made practically paperless.

Technological solutions were developed by the Center for Informatics at the Supreme Court, and were based on its strategic technological guidelines, such as uniform architecture, modularity, reusability, interoperability, vendor neutrality and independence, and most importantly – use of open standards.

The newly established department quickly surpassed all expectations. Already in the first year of operations (2008) COVL received 130,771 new claims. Caseload increased significantly in the second year of operations, when 208,302 claims were received. This was followed by 213,765 in 2010 and 218,715 in 2011. Despite such increases COVL maintained its productivity and efficiency. Two thirds of all decisions are issued within 2 days after the receipt of the claim in the information system, and only a small portion of claims are still submitted in paper form. In 2011, the percentage was 65.04%, and 84.26% were issued within 5 days. In 2008, 73% of claims were submitted electronically, but the level of paper based claims fell each year. Only 2.6% claims were submitted on paper in 2011, whereas 97.4% were submitted in electronic form.

Judicial fees amounted to approx. 11 million EUR in 2011, the system costs around 6 million EUR annually, and the cumulative amount of enforced claims per year exceeds 1.2 billion EUR.
Section 1: Institutional background

**Institutional setting and governance of the judiciary**

Slovenian judiciary consists of 44 local and 11 district courts as first level trial courts. All local courts are organizational units of district courts, with the notable exception of the largest local court in Ljubljana, which is an independent organization. There are also 4 first level labour and social courts. There are 4 appellate or higher courts of general jurisdiction, 1 appellate labour and social court, and 1 administrative court, which has the position of a higher court. Supreme Court of the Republic of Slovenia (SC) is the highest court of general jurisdiction. All together there are 66 different organizational units with approx. 4,800 employees, which includes approx. 1,000 judges.

SC has a number of roles in management and administration of other courts. Court administration in Slovenia includes decision-making, knowledge management, planning, organizing, human-resources planning, communication, effects monitoring, reporting, budget management, and other tasks which are required to ensure conditions for regular exercise of judicial power, regular procedural events, and regular creation of judicial decisions (60 ZS), as well as monitoring and analysis of judicial efficiency in individual courts (60a ZS).

In addition to this SC prepares a common human resources plan for all courts and specifies the quantity and type of work positions for each court. It is responsible for financial planning, preparation and negotiations regarding the general judicial budget (75 ZS), and can allocate additional funding to individual courts in order to increase their productivity, if so required.

President of the SC is responsible for general supervision of court administration (67 ZS), but a number of these tasks have been delegated to specialized organizational units of the SC.

**Institutional setting and governance of the ICT and the Judicial Sector**

Information and communication technology (ICT) in the Slovenian judiciary has been traditionally in the domain of the Registry Department of the Supreme Court (RDSC). RDSC is a judicial department of the SC responsible for uniform judicial practice at the SC as well as the entire judiciary, and has been led by SC Judge Mrs. Alenka Jelenc Puklavec since 1984.

The beginnings of ICT in the judiciary can be traced to 1986, when RDSC began digitization of its case law collection and formation of the first data bases. At the time, majority of the ICT infrastructure was in the domain of the executive branch, primarily of the Ministry of internal affairs. This had continued well after the change of the political system from socialism to democracy in 1990, and also after declaration of Slovenia's independence from Yugoslavia in 1991.

The incentive to apply modern technology to judicial procedures was on the side of the judiciary, especially individual judges who were gathered around RDSC, and a number of projects were started early on. One of these was also the support to enforcement procedures, where the first electronic case management system (CMS) was developed and applied already in 1990.

Such development was, however, mainly reliant on the outsourced technological work and it was understood that such approach does not fulfil all of the requirements of an independent branch of power.

Due to increasing demands for stable and consistent ICT support to various judicial procedures, judiciary began searching for long-term solutions specific to the requirements of the judicial branch. In absence of relevant support from the executive branch or the Ministry of Justice (e.g., Judicial Council, which was first formed in 1994, has primarily a role in appointment, evaluation and promotion of judges, appointment of presidents of courts, adoption of criteria on work quotas and
quality of work for judges, etc.), the most important organizational development occurred in 1996, when Center for Informatics (CIF) was established by Courts' Law as a special organizational unit of the SC which operates under the RDSC and is in charge of uniform technological support of courts' functioning.

Since its inception CIF has been in charge of computerization and informatization of the national judicial system, providing all 66 courts with technological, pedagogical and procurement support, as well as application development and optimization of procedures. Network systems remain under the central management of the executive branch, namely of the Ministry of Public Administration (MJU) which is in charge of the HKOM communications grid (for national institutions). Local computer networks are, however, managed by CIF.

Courts' Law defines its role as providing uniform technological support to court management and legal information system of courts (70 ZS). It is led by a judge, who is in charge of the internal organization unit for registry of judicial practice (i.e., Mrs. Alenka Jelenc Puklavec, Head of the RDSC), and managed by a professional Director (Mr. Bojan Muršec, previously Mr. Rado Brezovar). District and Appellate Courts have their own Informatics Departments. District Court Informatics Departments are usually in charge of the Local Courts as well.

Strategy of computer support development in court management is adopted by the Council of Users for computer-aided informatization of courts on the basis of preliminary opinions by MJU and the director of CIF. All projects related to informatization are consequently also subject to oversight and strategic guidelines defined by the Council of Users. Council of Users consists of representatives of all courts (mostly presidents of the courts) and meets at least once per year, confirms the results of the projects, and votes on the proposed program of work set out for the next period.

Table 1: CIF organizational units and their responsibilities

<table>
<thead>
<tr>
<th>CIF – ORGANIZATION / DEPARTMENTS and TASKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRODUCTION AND MAINTENANCE</td>
</tr>
<tr>
<td>central production environment</td>
</tr>
</tbody>
</table>
| infrastructure, including local computer failure to provide comprehensive technical support to various court management needs. They are responsible for ensuring the proper functioning of court offices and legal proceedings. This requires a high level of coordination and collaboration with other stakeholders, including the Ministry of Justice and the local communities.

RDSC and CIF currently manage over 20 different ICT projects, either in phases of development or production.

Table 2: RDSC / CIF projects

<table>
<thead>
<tr>
<th>RDSC / CIF PROJECTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAJOR PROJECTS</td>
</tr>
<tr>
<td>OTHER PROJECTS / INDEPENDENT MODULES</td>
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</tbody>
</table>
Approximately 95% of all cases submitted to the courts are currently managed by informatized systems.

CIF has developed strategic guidelines both for providing information support to courts' management, as well as for the development of IT solutions.

Table 3: CIF strategic guidelines for providing information support to management of courts

<table>
<thead>
<tr>
<th>STRATEGIC GUIDELINES FOLLOWED BY RDSC/CIF FOR PROVIDING INFORMATION SUPPORT TO COURT MANAGEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uniform information solutions</td>
</tr>
<tr>
<td>Professionalism, quality, on-time</td>
</tr>
<tr>
<td>Use of open standards</td>
</tr>
<tr>
<td>Security</td>
</tr>
</tbody>
</table>
Reliability

Priority for reliable functioning of the information system is given to:

- central production environment, central application and network connecting the courts (HKOM)
- local production environment of a particular court (local networks, servers)
- user environment (workstations, workstation applications)

Traceability

All IS must provide tracking of access to and change of data in transactions in a way that allows tracking of data by time of change up to inception

Economy

Planning of information solutions from the perspective of costs and benefits, investment protection and cost management; choice of those with the most suitable relation. Synergies between adopted solutions are also considered.

Expandability (scalability)

Consideration of adaptiveness of a particular solution due to quantitative increase

Language support

All used solutions must provide support for Slovenian language and languages of the national minorities.

Ergonomics

Considerations apply mostly to choice of hardware (screen, keyboard, compact size, noise levels)

Ecology

Considerations apply mostly to choice of hardware (use of electricity, heat emissions, noise, recyclability, composition)

Compatibility

IT support must allow cooperation between many users from different environments. CIF is advocating standardization of connectivity and data exchange formats between users, systems and applications from different environments. Priority is given to solutions which are based on open standards and which increase interoperability in the widest circle of users.

Table 4: CIF strategic technological guidelines for development of IT solution

<table>
<thead>
<tr>
<th>STRATEGIC TECHNOLOGICAL GUIDELINES FOLLOWED BY RDSC/CIF IN DEVELOPMENT OF IT SOLUTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Uniform architecture of information systems' development</strong></td>
</tr>
<tr>
<td>CIF develops exclusively centralized information systems, intended for simultaneous use at all courts</td>
</tr>
<tr>
<td>Three-tier architecture:</td>
</tr>
<tr>
<td>- user interface level: front applications, in charge of communication between the user and the system</td>
</tr>
<tr>
<td>- application level: where all business logic for a specific solution is found in form of a service, usually reusable in other information systems</td>
</tr>
<tr>
<td>- database level: tool or permanent storage and access of data in the informatization system</td>
</tr>
<tr>
<td><strong>Modular basis of information solutions</strong></td>
</tr>
<tr>
<td>CIF is consistently joining all functionalities and services, which can be used by more information systems, into service modules, which shortens development and simplifies maintenance</td>
</tr>
<tr>
<td><strong>Reusability</strong></td>
</tr>
<tr>
<td>Three-tier architecture and modularity are closely related to reusability of developed information solutions for new tasks and procedures.</td>
</tr>
</tbody>
</table>
### Interoperability
Special attention is given to interoperability of the planned systems with other systems, especially regarding data formats (must allow interoperability with as many systems) and suitable conception of services (must allow simple access). CIF usually uses XML based service calls (SOAP, web services) to connect information systems in service oriented architecture.

<table>
<thead>
<tr>
<th>Standard formats for data exchange</th>
<th>XML</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard formats for creation and saving of documents</td>
<td>Open Document Format (ISO/IEC 26300) PDF/A (ISO 19005-1)</td>
</tr>
<tr>
<td>Ownership of the code</td>
<td>Constant verification and ownership of the code written by external contractors, including copyrights for unlimited use of code for own information systems. Regular (weekly) transfers of code to the repository. Build of solutions is always at CIF.</td>
</tr>
<tr>
<td>Coding languages and coding environment</td>
<td>Java Java Enterprise Edition (JEE)</td>
</tr>
<tr>
<td>Vendor neutrality and independence</td>
<td>In order to prevent vendor lock-in each solution must consider the possibility of potential replacement of the chosen contractor, and the effects of such a change (incl. economic effects) on the information system. This principle is closely connected to the principle of using open standards.</td>
</tr>
</tbody>
</table>

Project management at CIF typically consists of two main levels, a Working Group and a Project Group, but can be expanded by Control Points and supportive units such as Project Office or Project Coordinator.

Working group adopts strategic decisions, suggests solutions on project level, and balances relations between all project components and stakeholders. It usually consists of representatives of all stakeholders in a particular project (e.g. Council of users, Ministry of Justice, Ministry of Public Administration, director of CIF, Head of RDSC) and meets regularly every month. Working group has the role of supervision and guidance for all ongoing projects.

When a more intensive coordination is required for a particular project, a Control Point may be added by the working group. Control Points usually meet on a weekly basis and consist of working group representatives and project group representatives down to the level of individual parts of the project. Control Points are usually added in the period directly prior to finalization of development of a certain project. They are often used for operational decisions linked to the implementation of a new information system into its target environments.

Project groups are usually divided into two subgroups:

- **technological**: deals with technological issues, prescribes standards and solutions, verifies quality of software, communicates with contractors
- **substantive**: deals with functional specifications, user requirements, sets of business processes, organizational and legal frameworks

Each subgroup has a leader, who is responsible for the work of her subgroup. One of them is usually also the general project group leader, and reports to the working group on behalf of the
entire project group. Project leader may appoint a project coordinator (usually an external contractor), who is in charge of controlling the flow of the project in line with the project methodology chosen for each specific project, and also for the creation and collection of project documentation.

Tasks such as coding of individual modules are usually performed by private companies contracted on the basis of public tenders. Their work is done under substantive and technological supervision of CIF and project group's leader.

*Chart 1: RDSC CIF Typical project organization*

**Governance of the project**

COVL project was consequently drafted, designed and developed primarily under the management of the RDSC and its Enforcement Working Group, similarly to other ICT projects in the judiciary. Decision to engage in an extensive reform of enforcement procedures was partially motivated by their positive experiences gained from the projects implemented from 1996 to 2003, most notably the reforms of Land Registry and Company Registry CMSs, which created a solid project management environment.

While organizational and technological solutions to improve the functioning of enforcement were
continuously developed, it was also understood that broader conditions of monetary claims and enforcement procedures need to be significantly addressed in order for other solutions to be effective.

Informatization projects in the judiciary typically started as a result of legislative changes promulgated by the other two branches, but this project actively sought and proposed some relevant systemic changes in the legislation which would allow for its optimal and effective implementation.

Its main differential characteristic from many other projects was that its development phase was managed as part of the EU Twinning project (SI2004/IB/JH-06 “Reduction of Judicial Backlog”), which involved in-depth cooperation with mainly German experts from German Foundation for International Legal Co-operation. The project also required a more involved cooperation by the Ministry of Justice, which partially provided additional financing of the development phase and material resources for its implementation, and was responsible for the adoption of new regulation and/or changes to the existing regulation, as well as for the promotion of the changes. Consequently, structure and terminology of project management units slightly differed from the usual methodology.

The first steps in the project were done by the RDSC, which developed the initial project proposal in 2004. This case study will, however, primarily limit itself to the development during the phase of the Twinning project (2006 – 2007), when the basic structure of COVL was also designed.

Project was divided into four components (project groups): legislative, organizational, technological (IT), and promotion component. IT component was further divided into 3 separate subgroups, each delegated with a specific task: adaptation of case management software, digitization of paper documents, and electronic filing.

Each group, as well as subgroup, had a leader. Leaders were part of the COVL Working Group, which reported both to the general Enforcement Working Group and to the Steering Committee.

Enforcement working group was operational since 1990 when the original CMS for enforcement cases was developed, and was consequently responsible for the classical concept of enforcement. In October 2007, when Twinning project was finalized, it took over the competences of COVL working group.

Members of Enforcement Special Programs working group, which was responsible for increasing the organizational efficiency of enforcement departments (e.g., work organization, work quota specification, human resources issues at and between courts, contracts for additional work, transfer of work from judges to clerks, premises and material conditions, etc.), were also cooperating on the project.

The Steering Committee was the main controlling unit of the Twinning project. It consisted of representatives of the beneficiary (i.e., Slovenian institutions) and from the partnering member state (Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit E.V. / German Foundation for International Legal Co-operation). Partner member state was represented by Mr. Claus Vreden (as the German Project Leader) and Mr. Hans Ulrich Borchert (as Resident Twinning Advisor). It was lead by the Head of the Project, Mrs. Alenka Jelenc Puklavec.

Member state partner to provided short term experts for the first three components of the project. As Mrs. Jelenc Puklavec pointed out during the interview, this was an extremely positive cooperation, the first after many which were previously done with other foreign partners or donors, in which an equal partnership and sincere commitment to the project work could be felt.
Chart 2: COVL Twinning organization

- President of the Supreme Court: Franc Testen
- Steering Committee: President: Alenka Jelenc Puklavec (Head of Registry Dept.)
- Working Group: Leader: Rado Brezovar (SC Center for informatics)
- Enforcement Working Group: President: Alenka Jelenc Puklavec (Head of Registry Dept.)
- Enforcement Spec. Programs Working Group: President: Alenka Jelenc Puklavec (Head of Registry Dept.)

- C1 subgroup for LEGISLATION: Leader: Jana Savkovič (Ministry of Justice)
- C2 subgroup for ORGANIZATION: Leader: Rado Brezovar (SC Center for informatics)
- C3 subgroup for IT: Leader: Pavel Reberc (SC Center for informatics)
- C4 subgroup for PROMOTION: Leader: Evelin Pristavec (Ministry of Justice)

- Subgroup for COVL e-filing: Leader: mag. Andrej Gogala
- Subgroup for COVL scanning: Leader: Rado Brezovar
- Subgroup for COVL CMS: Leader: Pavel Reberc
Section 2: Project background and the installed base

General

Court backlogs were one of the acute problems of the Slovene legal system. As noted in the “Second monitoring mission (Peer review) after closure of accession negotiations under chapter 24 in the fields of Justice & Home Affairs in Slovenia” (18. 9. 2003), backlog problem in courts was the EU mission's main point of interest concerning the judiciary. The mission suggested a number of measures to resolve the backlog problem, and emphasized that the measures to speed up the decision making processes in the courts should be accompanied by measures ensuring speedy enforcement of judgements as well.

As noted in the “Analysis of situation in the field of judicial enforcement in the Republic of Slovenia” (January 2004), the total number of unresolved judicial cases (569.871) consisted of 239,265 unresolved enforcement-related cases at the end of the first half of 2003 (approx. 42% of all backlogs).

The judicial system has faced a substantial backlog in the field of enforcement for quite a long period. Due to the substantial backlog in this field, it was also not possible to assure the upkeep of a basic human right of a trial in reasonable time, as stated in the Article 23 of the Constitution of the Republic of Slovenia and Article 6 of the European Convention of Human Rights, as well as required by the European Union through the Rule of Law principle or Article 10 of the Treaty of Rome or the Basic Freedoms of the Treaty.

The majority of reforms was made through normative (legislative) processes, but it has been noted that steps which would lead to major improvements were yet to be implemented. The general observation of all reports was, that despite reformed legislation in 1998 and 2002, courts remained overburdened with workload. Initially, main obstacles were considered to be limited personnel, lack of office space and of modern technical equipment.

More specific and systemic reasons for backlogs (legal, organizational and technological) were identified during the course of the project.

Legal background

The Law on Enforcement and Securing of Claims (ZIZ) allowed for a large number of different legal instruments in different phases of the enforcement procedure, and at the same time obliged the court to perform a number of activities which are in comparative systems left to the creditors (e.g., acquisition of data from external registries). Claims were filed in traditional, paper form, and e-filing was not a possibility. Case parties had to submit attached documents, submissions were not uniform, and consequently many were incomplete or difficult to interpret.

While legislation on electronic signatures existed, its implementation into judicial procedures was inefficient. Civil Procedure Law (ZPP), which is used subsidiary to ZIZ, had a number of mandatory requirements which limited its introduction, even though it had nominally allowed for submission of claims by means of information technology (105 ZPP), if they are in conformity with conditions set by the Law on E-Commerce and E-signature (ZEPEP). Analysis showed that such change alone did not in fact offer real possibilities for e-filing, as other articles relevant for filing of claims in civil procedures remained unchanged. An example of this was a rule that multiple copies of documents had to be submitted by the case parties, otherwise the submission was to be declared incomplete and consequently dismissed, or a requirement for an inclusion of a personal signature on submissions.
Courts also had problems regarding acquisition of data from external registries, as Personal Data Protection Law required a specific legal ground for access to data from various registries. Many judicial procedures which were written prior to data protection legislation did not, however, include explicit formulations, including both civil procedure and enforcement legislations.

**Organizational background**

Organizationally, enforcement was greatly fragmented. Claims for enforcement were filed by creditors (i.e., citizens and companies) at 44 local courts throughout the country based on the residence of the debtor, which was based on the general rule of geographic jurisdiction. Information on debtor's debtors (e.g., banks, employers, etc.) and from external base registries (e.g., bank accounts, real estate, stocks, etc.) was collected individually and mostly by paper claims or inquiries to managing institutions. Identification of debtors alone was done in a similar manner, which often caused mistakes, necessitated corrections, delayed the processing time by months, and consequently also resulted in relatively high levels of objections and appeals, thus additionally increasing the workload at appellate levels.

While most courts did not even have specialized enforcement departments, a disproportionally high number of court employees were responsible for the procedure. The whole system was operated by 350 court employees, and while the average time to get a decision on the claim was 6 months, the procedure could take years to complete. A lengthy procedure of enforcement of such documents represented a significant inhibitor for the economic environment and investments.

The practice of mid-sized and smaller courts was that judges, and consequently other employees (e.g., judicial assistants, typists, ledger managers) covered different material areas. Many courts also did not employ clerks to handle enforcement cases, so these remained a responsibility of the judges themselves. These often did not mind doing such work, as it contributed to their nominally prescribed work quota of cases. At smaller courts, only one judge was usually responsible for all enforcement cases, which not only caused disproportionate workloads, but also created significant differences in the application of law where legislation was ambiguous. Similar discrepancies and unharmonious case law were observed at appellate courts, and this further exacerbated timely judicial resolution of claims and was often exploited by larger or more frequent debtors to prolong the proceedings.

It was considered that such practice was inexcusable and contrary to modern organizational principles according to which easier decision making should be left to lower tiers (and whose effectiveness was confirmed in the land registry procedures' reform).

The management practice of enforcement departments at local courts was neither unified nor transparent. Slovenia's courts did not gather statistical data on individual events and procedural steps regarding the enforcement of authentic documents, although these are crucial for setting up of an efficient organizational scheme. For example, no reliable statistics regarding the numbers of objections nor of decisions regarding these were available. It was therefore necessary to rely on relatively subjective analyses and assessments by individual clerks or typists who were doing the work at the time.

Consequently, inefficient activities of some enforcement officers were also a big problem, as there was no clear overview of cases that were concluded by the court and submitted to the enforcement officers for physical finalization. These tended to work on the cases according to their own priority lists, often leaving many cases, which were formally final, indefinitely open without the courts being aware of that.
**Technological background**

A decentralized information system, written in Clipper in the 1990s, was used as a basic case management tool. Although it was updated a number of times, it did not allow network connectivity, and consequently no interoperability. Hardware was also outdated, as it did not support work with the newer technological solutions.

All printing was done by individual clerks on department level, and printers were mostly matrix based. Appearance of printouts differed greatly.

Enforcement procedures use a number of external information sources, and many of these were available, but could not be accessed easily by judicial information systems, although this was mainly due to legislation which consequently inhibited technological development of interoperability in this field.

Electronic payment mechanisms in judiciary were limited to access to Land Registry, but allowed only for small payments by mobile phones at the time. Module for e-payments with credit cards was already developed by MJU, and it was planned that existing solutions should be used and incorporated whenever possible.

It was well understood that any major process optimization reform required the use of a modernized IT infrastructure, otherwise it would not be economic nor rational. But at the same time, technological renewal would most likely be insufficient, as enforcement faced wider legislative and organizational issues.

**The problem to be faced, the rationale and the goals of the project**

A decision was made at the RDSC to solve the problem of judicial backlog and efficiency of enforcement procedures by initiating a project of reforming the system through a combined implementation of custom made information technology solutions, business process modifications, and changes of legislation.

The project draft initially focused broadly on a goal of creating a necessary technological tool and an efficient environment, which were required as a precondition for subsequent reduction of the backlog, but could not in itself directly solve the backlog itself. Due to a high percentage of enforcement related backlogs it was crucial that these be successfully tackled with before the process of informatization of other judicial procedures, which were still waiting in line, could accelerate.

The strategic goal of the project was to provide the users (in courts, creditors, others) with a user-friendly information and organization environment which would enable efficient management of the judicial procedure without unnecessary delays.

Through this, it was believed, the project would increase transparency and efficiency of the courts, make their resources available for other activities and types of procedures, and consequently improve the payment discipline in the economy.
Section 3: Development strategy and history of the project

General

In April 2004 the SC was approached by the Ministry of Justice (MOJ) to help prepare a project fiche related to modernization of judicial procedures, which Slovenia needed to submit to the EU in order to be eligible for transition facility funds in other areas. MOJ did not have a suitable proposal, and time was running out. Twinning project proposal was written in a relatively short period of three weeks in April/May 2004, after MOJ agreed that they would co-finance and support the proposed solution. Its concept was based on the previous analyses of the state of enforcement procedures, and ideas that were discussed at the RDSC over what could and should be done in addition to the planned renewal of the enforcement CMS.

Project proposal prepared by the RDSC was confirmed by the EU in September 2004, and search for twinning partners began in late 2004. It was initially unsuccessful due to a lack of applications by appropriate partners, and the procedures had to be repeated. Eventually, a German Foundation was selected in 2005.

The main development phase of the project started with the arrival of Mr. Hans Ulrich Borchert, the Resident Twinning Advisor (RTA) on 25. 1. 2006. The inception phase which included several meetings between RTA, Slovene project leader and heads of components, ended with a kick-off-meeting on 10. 3. 2006 when a project covenant, project manual, time frame and special tasks were confirmed. The Twinning project was initially scheduled to last 12 months, but eventually ended after two prolongations on 3. 10. 2007 (i.e., 20 months).

According to the covenant, concrete project purposes were:

- Preparation and development of a modern and technologically suitable IT solution to support new services with the purpose of improvement of performance, an increase in enforcement procedures, effectiveness and reduction of judicial backlog.
- Preparation of a suitable environment for legislative and organizational reform with a purpose of successful execution of backlog reduction programs in the field of enforcement of judgements.

The Twinning project was divided into four components (in order to cover these focal points, which reflect the guaranteed results of the project):

1. Preparation for a legislative reform in the field of enforcement
2. Preparation of a suitable environment for a successful reduction of backlog in the field of enforcement
3. IT support of the new functionalities in information system of enforcement procedure
4. Promotion of the new services/functionalities

Mandatory results were set for each component, and included benchmarks, expected sources of information and assumptions external to the project.

By side letters and addenda some additional activities to the ones originally foreseen in the components were committed during project.

Most notably, focus was soon given to enforcement of authentic documents (e.g., invoices, bills of exchange, cheques, etc.). Claims for enforcement of authentic documents represented three quarters of all enforcement-related backlog in 2004, and were increasing, as were the average times for their resolution. The procedure also had significant automation potential because legislation clearly
enumerated and defined the types and structure of recognized authentic documents, as well as the elements of such a document.

In connection with this, a decision was made at a later stage of the project to optimize the organizational aspect by creating a single judicial department at one local court (i.e., Local Court in Ljubljana), which would have national jurisdiction over all enforcement cases related to authentic documents. It was to be named Central Department for Enforcement of Authentic Documents (Centralni oddelek za izvršbo na podlagi vero dostojne listine), which resulted in the acronym COVL.

**Legal development**

*Table 5: Activities planned for preparation of legislative reform in the field of enforcement*

<table>
<thead>
<tr>
<th></th>
<th>ACTIVITY</th>
<th>BENCHMARK</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Research and analysis of existing legal solutions, experiences and know-how, including the field of authentic documents procedures, in other jurisdictions (EU).</td>
<td>The results are in conformity with the relevant EU and national legislation and have taken relevant experiences of other EU nations into consideration.</td>
</tr>
<tr>
<td>1.2</td>
<td>Analysis of constructional faults in national current legislation and legal order.</td>
<td>Acknowledgment of the relevant faults in national current legislation and organization by SC and MOJ and identification of bottlenecks for the backlogs in current legislation and legal order.</td>
</tr>
<tr>
<td>1.3</td>
<td>Preparation of priority list of functionalities through time/cost/benefit analysis.</td>
<td>Recommendations.</td>
</tr>
<tr>
<td>1.4</td>
<td>Workshop with experts including political decision makers to discuss and verify founded results concerning activity 1.1, 1.2, 1.3.</td>
<td>Final experts' version of proposals and recommendations.</td>
</tr>
<tr>
<td>1.5</td>
<td>Preparation and development of draft provisions for legislative amendment of necessary legislative rules change proposals to support new models, structures and additional functionalities.</td>
<td>Official approval by SC and MOJ.</td>
</tr>
</tbody>
</table>

Assumptions for a successful execution of Component 1 were effective cooperation and commitment of all participants in the project, appropriate expertise from the twinning partner (RTA, short term experts), and a strong commitment, involvement and support of the MOJ and the Government.

In addition to the work by regular project group members it was assumed that MOJ would also have to allocate two workers for 1-2 days/week (d/w) for the task of legislation preparation.

### Table 5a: Actual activities for preparation for legislative reform

<table>
<thead>
<tr>
<th></th>
<th>ACTIVITY</th>
<th>TIME-FRAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Research and analysis of existing legal solutions, experiences and know-how, including the field of authentic documents procedures in other jurisdictions (EU)</td>
<td>20.3.-24.3.2006</td>
</tr>
<tr>
<td>2</td>
<td>Analysis of constructional faults in national current legislation and legal order</td>
<td>20.3.-24.3.2006</td>
</tr>
<tr>
<td>3</td>
<td>Preparation of priority list of functionalities through time/cost/benefit analysis</td>
<td>9.5.-10.5.2006</td>
</tr>
<tr>
<td>4</td>
<td>Workshop with experts including political decision makers to discuss and verify founded results</td>
<td>9.5.-10.5.2006</td>
</tr>
<tr>
<td>5</td>
<td>Preparation and development of draft provisions for legislative amendment of necessary legislative rules change proposals to support new models, structures and additional functionalities</td>
<td>5.6.-6.6.2006</td>
</tr>
<tr>
<td>6</td>
<td>Proposals for elementary reform of enforcement law</td>
<td>16.10.-17.10.2006</td>
</tr>
<tr>
<td>7</td>
<td>Analysis of current working process in the field of enforcement concerning real estate</td>
<td>22.1.-26.1.2007</td>
</tr>
<tr>
<td>8</td>
<td>Reform of enforcement law concerning real estate</td>
<td>5.3.-6.3.2007</td>
</tr>
<tr>
<td>9</td>
<td>Workshop with representatives of MOJ to give advisory service in amendment of court tax law and lawyer’s fee law</td>
<td>29.3.-30.3.2007</td>
</tr>
<tr>
<td>10</td>
<td>Conference with experts to discuss final draft for elementary reform of enforcement law</td>
<td>26.4.2007</td>
</tr>
<tr>
<td>11</td>
<td>Second workshop with representatives of MOJ to give final advisory service in amendment of court tax law</td>
<td>24.5.-25.5.2007</td>
</tr>
<tr>
<td>12</td>
<td>Third workshop with representatives of MOJ to discuss and give final advisory service in amendment of lawyer’s fee law</td>
<td>18.9.-19.9.2007</td>
</tr>
</tbody>
</table>

Changes and amendments to primary legislation, and a number of by-laws, were prepared in cooperation with the MOJ (including Civil Procedure Law, Enforcement and Securing Civil Claims Law, Courts' Law, Court Fee Law, Lawyers' Fee Law, Court Rules, etc.), as well as milestones for elementary reform of Slovenian enforcement law.

It is worth noting the expansion of planned activities regarding relevant legislative reforms in light of the decision to form a centralized department as part of the organizational component.

In addition to general changes of civil procedure and enforcement legislation, this required more in-depth preparation of other suitable legal grounds for functioning of COVL.

Final report noted the general operational readiness from partners in component 1 (legislation).
Teamwork was good and effective as well as most of the outcome. It was also noted, however, that on the decision level in the MOJ, sometimes things could have been managed in a more efficient and structured way. A number of proposals and recommendations that were not implemented, depended on the decisions by the MOJ, Government and Parliament. Some of them were additional changes to the new enforcement law which were perceived as indispensable in order to effectively strengthen the enforcement procedure (e.g., a centralized list of debtors and a centralized list of assets). During the project Ministry did not provide a final decision on these suggestions, and they were not part of legislative changes, which compelled the RTA to state in the Final Report: “Stronger decisions about the committed milestones of the reform and more bravery on the way to simplify over-bureaucratic procedures in the law would have been better for the progress and the results of the project. For the purpose of an efficient judiciary with the overall objective to reduce judicial backlogs and to avoid more cases against the Republic of Slovenia in Strasbourg because of violation of human rights, a good communication between Ministry of Justice and Supreme Court is a precondition. The reform of judiciary is a recurring topic which could be done only with persistence and sustainability. It should be also remarked that all reforms have to consider the independence of judiciary.”

**Organizational development**

_Table 6: Activities planned for the preparation of a suitable environment for successful reduction of backlog in the field of enforcement_

<table>
<thead>
<tr>
<th>ORGANIZATIONAL DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2. ACTIVITY</strong></td>
</tr>
<tr>
<td>2.1 Study and benchmark research into different European models dealing with organization of business process in member states (best practices).</td>
</tr>
<tr>
<td>2.2 Analysis of current working process from the beginning to the end of the case within valid legislation with the emphasis on authentic documents procedure in four different courts on the territory of each court of appeal.</td>
</tr>
<tr>
<td>2.3 Workshop with experts to verify founded results concerning activity 2.1 and 2.2 in preparation of activity 2.4.</td>
</tr>
<tr>
<td>2.4 Proposals for organizational reform within new legislative changes with the purpose of increasing effectiveness in enforcement procedure to provide better environment for judicial staff and third parties.</td>
</tr>
</tbody>
</table>

Assumptions for a successful execution of Component 2 were good information and strong involvement of the MOJ and other judiciary (Presidents of courts and Head of enforcement...
departments), and formation and functioning of a work group for the preparation of potential legislative and organizational changes (SC, MOJ).

According to the Final Report, the preparation of a suitable organizational environment for a successful reduction of backlog in the field of enforcement lasted from 13. 3. 2006 till 25. 10. 2006.

Table 6a: Actual activities for preparation of a suitable organizational environment

<table>
<thead>
<tr>
<th>ORGANIZATIONAL DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ACTIVITY</strong></td>
</tr>
<tr>
<td>1 Study and benchmark research into different European models dealing with organization of business process in member states (best practices)</td>
</tr>
<tr>
<td>2 Analysis of current working process from the beginning to the end of the case within valid legislation with the emphasis on authentic documents procedure in four different courts in the territory of each court of appeal</td>
</tr>
<tr>
<td>3 Workshop with experts to verify founded results concerning activity 2.1 and 2.2</td>
</tr>
<tr>
<td>4 Workshop with representatives of Chamber of Commerce to discuss measures in connection with the enforcement procedure</td>
</tr>
<tr>
<td>5 Proposals for organizational reform within new legislative changes with the purpose of increasing effectiveness in enforcement procedures to provide better environment for judicial staff and third parties</td>
</tr>
<tr>
<td>6 Preparation of an organizational manual for a centralized court department for enforcement</td>
</tr>
<tr>
<td>7 Workshop with representatives of MoJ and CIF and visitation of building for new centralized court department to prepare a concept for offices and staff</td>
</tr>
<tr>
<td>8 Workshop to prepare organization of the new special centralized court department for enforcement cases</td>
</tr>
<tr>
<td>9 Training course in organization and functioning of a centralized court by study visit of 2 working days to Germany (Local Court in Mayen)</td>
</tr>
<tr>
<td>10 Workshop with the head of the centralized court department and the head of referents to prepare organization of central office in new department</td>
</tr>
<tr>
<td>11 Training course in court management for the presidents of local courts and/or heads of enforcement departments</td>
</tr>
</tbody>
</table>

The main result of the organizational component was the construction of a countrywide central department at the Local Court of Ljubljana (OJLJ), which became responsible for enforcement of cases based on authentic documents (COVL). A new specialized court department replaced the prior 44 local courts and was given exclusive jurisdiction over decisions on claims for judicial enforcement of an authentic document. COVL was believed to be one of the most important and
positive results of the project and a precondition to reduce and - in the future - avoid backlogs.

The idea for a centralized department was partially based on the German experience with the Order for payment procedure (Mahnverfahren), which is organized as an automated and simplified procedure for enforcement of unnegated claims. Project group conducted a study visit to a Local Court in Mayen, which has competence for all districts of federal states of Rheinland-Pfalz and Saarland. The system was (at that time) based on paper submissions (35%) and e-mail or disk submissions (65%), not on a web application. It also included some of the automated technological solutions, which were deemed as crucial for streamlined functioning of COVL (e.g., scanning, centralized data capture, no merit control by the court, delegation of work from judges to clerks, automated preparation of decisions, automated postal dispatch). Some additional ideas on the organization of the business process came from the other two study visits (explained in more details in Technological development segment of this section), and contributed to a new solution which incorporated the practices that were deemed as best or most suitable by the project group.

The goal of the organizational component refocused on providing material support (mainly suitable premises), organizational and human resources conditions (e.g., work processes, employment and training of selected employees) which would allow COVL to start its operations and function effectively.

Some of these included adaptation of business premises at Zaloška 59 in Ljubljana, which was available and assessed as suitable for the organization of the business process at COVL, analysis and specification of required work processes at COVL (e.g., specification of a method for archiving of paper documents), and employment and training of the new personnel.

The Final Report noted that “things became in general better and more structured, and (...) work in component 2 (organization) developed in a good way after Slovene project leader (ed.: Mr. Rado Brezovar) overtook a leading role in the component additional to his several others.” Denomination of the head of the new centralized court department for the enforcement based on authentic documents (Mrs. Nataša Kosec, Judge at the Local Court of Ljubljana, current Head of COVL) was considered a great step forward due to her input in the project. Mrs. Jelenc Puklavec noted it was the insistence of Mrs. Kosec which eventually convinced the project management to expand the project by including an electronic postal dispatch system, otherwise, as she claimed, her staff would not be able to produce the results due to overload of work with post.

On the other hand, experts believed that there were a lot of other recommendations on the table which could improve court organization and court management in general, but were not accepted or feasible at the time, e.g.: simplification of all rules of procedure, implementation of judicial officers, implementation of a regular audit of courts, implementation of a kind of “court manager”, implementation of a more simple statistical system. Some of these were, however, systematically implemented in the subsequent years, independently from COVL and on a more general level (e.g., court audits, statistics, court directors).

Experts have also expressed disappointment with the participation by the Chamber of Commerce in attempts to involve them actively in developing methods and systems for avoiding debtors in advance. Reading the reports between the lines allows for an insight into various problems and dynamics which were encountered during the development project: “Twinning means to work together and to reach common results and this means also to read documents, to develop own proposals, own ideas, own documents for a fruitful discussion. This was sometimes a problem throughout all components.”

In addition to the work of the project group members, OJLJ had to commit one worker for 2-3 d/w for the duration of employment procedures, and three workers for 5 days for the specification of the work processes, organization and training. MOJ had to commit two workers for 1-2 d/w for
acquisition of work premises for COVL.

**Technological development**

Table 7: Activities planned for IT support of the new functionalities in the enforcement procedure information system

<table>
<thead>
<tr>
<th>TECHNOLOGICAL DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. ACTIVITY</td>
</tr>
<tr>
<td>3.1 Analysis and benchmark research of current IT solutions in relevant EU countries, research into EU IT instruments and structures concerning electronic case file, electronic submission, electronic signatures, e-delivery, centralized printing and distribution, remote access to the case file.</td>
</tr>
<tr>
<td>3.2 According to priority list of functionalities preparation of concept of solution to implement additional services/functionalities based on existing infrastructure, application and open standards.</td>
</tr>
<tr>
<td>3.3 Preparation of technological specifications for tendering procedures for implementation of some of new services.</td>
</tr>
<tr>
<td>3.4 Assistance in tender/procurement procedure, especially in evaluation of proposals.</td>
</tr>
</tbody>
</table>

Assumptions for a successful execution of component 3 were implementation of the required judicial reform, primarily the adoption of changes to the existing procedural legislation by the Parliament, a national budget for financing of the technical equipment (hardware, software), finished procurement procedures for the software development, and a successfully finished software development activities by the contractor.

According to the Final Report preparation of IT support of new functionalities in information system of enforcement procedure lasted from 29. 3. 2006 till 12. 1. 2007.

Table 7a: Actual activities for preparation of a suitable organizational environment

<table>
<thead>
<tr>
<th>TECHNOLOGICAL DEVELOPMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. ACTIVITY</td>
</tr>
<tr>
<td>1 Workshop to prepare the benchmarking</td>
</tr>
<tr>
<td>2 Study visit to UK and Finland</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>3 Workshop with representatives of Ministry of Public Administration about e-services</td>
</tr>
<tr>
<td>4 Preparation of concept solution to implement additional</td>
</tr>
</tbody>
</table>
services/functionalities based on existing infrastructure, application and open standards, according to the priority list of functionalities

The final, fourth step, was considered the main result of the technological component, as it enabled the development of the required code.

The general enforcement CMS system, which was highly outdated before the start of the project, most importantly by not allowing connectivity, was renewed in line with CIF development standards and strategic guidelines in 2007 as part of the basic Enforcement Working Group which operated parallel to the Twinning project. iCMS (iVpisnik case management system; “i” stands for Izvršba/Enforcement) was written in Java, was centralized and allowed for an unlimited expansion of modules and interoperability. This new development was taken into consideration by the COVL project, and the technological component for COVL was thus initially limited to three main goals:

- **Digitization** of all paper documents filed with the court, their recognition, control, and verification for the purposes of data transfer into the case-management system and latter creation of the decision
- **Electronic filing**, whose main goal was a creation of an information system which would allow electronic filing of enforcement proposal through a special intelligent web form, e-filing for big creditors for mass proposals, monitoring of individual phases of the procedure by the creditors, and content control of data inputs through other external registries
- **Adaptation of the case management application** iCMS to provide support to COVL operations

Partial modification of the existing system was required to suit the requirements of the automated procedure for processing enforcement claims of authentic documents, which substantially meant creation of an IT system for COVL department. Some of the additional functionalities in software support for COVL operations, in addition to adaptation of the existing central CMS for execution of a complete procedure based on authentic documents (verodostojna listina; VL), included:

- e-filing in VL cases, individual and mass (packet),
- digitization of all paper documents through scanning and OCR already in the phase of receipt of post in central office,
- archiving of paper documents,
- electronic collection of all data relevant for decision making process,
- automated control and acquisition of data from external base registries,
- automated control of court fee payments via Ministry of Finance,
- automated creation of decisions ordering correction of incomplete claims,
- automated creation of decisions for allowing claims in cases where material and formal conditions are met,
- a uniform identifier
- creation of an efficient monitoring and notification system for case parties regarding the phases of the proceedings

Some changes or new functionalities were also added due to the changes required by the organizational component, most notably the introduction of the electronic postal dispatch system in order to optimize and expedite printing and mailing, and which required development of a specific standardized envelope.

As the department was developed anew, construction of the complete ICT infrastructure was
Connections to a number of external base registries, databases and other information system had to be established (e.g., for identification and verification of case parties, for retrieving data on transaction accounts, real-estate, securities, etc.), and protocols for interoperability had to be standardized with each of their owners/operators. This included not only the technological aspects, but also establishment of proper contractual obligations to meet the requirements of personal data and other legislation.

CIF and the RDSC had to allocate one worker for 4 d/w throughout the project for project management, and one worker for 2 d/w for the duration of the project for project office management. Two workers were required for 3-4 d/w for a period of 3 weeks for preparation of technological specifications of e-filing process and case management application adaptation. One worker was required for 6-8 days for preparation of the tender procedures, two workers were required for 2 d/w during a period of 3 months for monitoring and control of IS coding by the contractors, two workers for 1-2 d/w during a period of 3 weeks for information infrastructure construction (e.g., local networks, workstations, printers, scanners,...), and one worker was required for 2-3 d/w during a period of 1 month to establish connections with external registries.

Work in component 3 (technological) was, according to the experts' reports, most demanding. Because CIF's Department for development was highly engaged on other duties parallel to this project, among these also development of enforcement case management software, necessary input on the specific requirements of the technological component couldn’t be given for a very long time. Due to these reasons it was not possible to organize work on Slovene side in a way that both parties could work together in an efficient manner. Interestingly, the final report also mentioned, that “also Austrian key experts didn’t fulfil expectations, because they had no real idea of the working procedure in a court, so that they didn’t get the point.” All experts were selected by the German partner, and the Head of the project noted that their understanding of inappropriate work by some experts and immediate reaction, which resulted in their replacement, created good will and confidence among team members.

Even after the change of key IT experts, cooperation was not as it was expected, because almost all of the time was spent to finalize the implementation of a new national IT-application in enforcement courts. Because the deadline for its implementation in 2006 was missed, some time was lost for the development of necessary IT modules for COVL work flow. After taking some serious measures within the project management things became better, so that some concrete results based on the results of the workshops could have been reached. A scanning pilot was finished, e-filing software and the majority of modules within national application were developed. At the time when Final Report was written, it was expected that the finalization of development of all three modules will be finished and final integration achieved on time.

On the other hand, as was specifically pointed out by the then-CIF Director and Project Leader Mr. Rado Brezovar during the interview, study visits to Germany, UK and Finland proved very helpful. Project group found the UK system interesting (Money Claims Online; Northampton Bulk Center) primarily for its web interface, which allowed authentication simply on the basis of an e-mail address due to a pragmatic position: if the user is prepared to pay the court fee and carry the legal consequences, than this is his choice. It also gave an insight into their mass filing system. At the same time they noticed that the system was developed as a proprietary solution, which caused problems to the users when additional requirements emerged, although simultaneously such pragmatic project management approach did provide long term stability and usage of the systems.

The Finnish system of process management turned out to be organized in a similar manner to the methodology that was adopted by Slovenia, and this realization strengthened project management's
confidence regarding the correctness of their strategic directions and decisions, said Mr. Brezovar. What was most important in terms of the project at hand were the data connections of the judiciary to various external registries and a pragmatic approach regarding e-filing procedure. Such approach was, for example, not possible in Germany due to stronger data protection legislation, but provided a faster and simpler processing of claims.

Such study visits helped clarify the dilemmas, and enabled it to combine best practices and solutions of all three systems into a new working solution.

**Promotion of new services / functionalities**

Table 8: Activities planned for the promotion of new services/functionalities:

<table>
<thead>
<tr>
<th>PROMOTION OF NEW SERVICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. ACTIVITY</td>
</tr>
<tr>
<td>4.1 Awareness campaign.</td>
</tr>
<tr>
<td>4.2 Elaboration of a practical guide for users.</td>
</tr>
<tr>
<td>4.3 Presentation of the outcome of the project on a conference with external users and clients.</td>
</tr>
</tbody>
</table>

Assumption for a successful execution of component 4 was a finished component 3.

Internal (courts) awareness campaign was done by the SC itself (see Semantic components segment in section Configuration) and the external campaign was the responsibility of the MOJ.

External promotion was limited to the planned activities.

**After the project**

Organizational and technological component of COVL were incorporated in the Enforcement Working Group after Twinning project was formally finished in October 2007. One of its major tasks was monitoring of COVL performance in its initial phase and offering guidance and support.

Some issues emerged in later stages due to a disproportionate increase of new cases in the second year of COVL's operations. While its organizational structure was originally designed for a yearly expected quota of approx. 130.000 cases, it received over 200.000 cases a year since 2009 onwards. While COVL still managed to process all of the claims, issues regarding work premises emerged, as these have turned out to be inadequate for such numbers. Problems emerged when COVL started running out of storage capacities for archival of paper documents. These had to be stored at two additional locations, but even at the main location office space had to be sacrificed for archives. The MOJ, which is responsible for premises, has been trying to find a more suitable location for the past two years, but currently COVL is still at the initial location. With time, lack of suitable resolution may even affect the moral of the employees, which is not a negligible factor.¹

An increase of new cases also caused an absolute increase of objections (although their relative percentage remained the same), which required OJLJ to allocate two additional judges to COVL, in

¹ NOTE: COVL moved to a new, more suitable location on February 29, 2012.
addition to the previous four. It has also contributed to MOJ accepting a previous suggestion to give exclusive jurisdiction over appeals to only one appellate court.

Returns of service were initially scanned in the central office of COVL, but workload was creating bottlenecks. In 2011, scanning was outsourced to a contractor.
Section 4: Configuration of the system

The main objective of the project was to systematically reorganize the management of the enforcement procedure up to the phase of finality of the decision on enforcement claim, in a one stop manner and with the assistance of effective information support. Case parties, primarily creditors, should get a decision on their claim in as short time as possible, and should have a possibility to track the procedure by direct web access to information from CMS of the court.

Regulative components

In order to implement business process changes, a number of normative basis had to be modified. Changes were implemented with the objective of allowing organizational and technological reforms, but at the same time they created a basis for further adaptations and development of other legal procedures.

Changes to the Civil Procedure Law (ZPP) aimed to fully enable informatization of civil procedures (and the proposal sent to the Parliament by the Government specifically pointed out the needs in enforcement procedures) by introduction of e-business, e-filing, e-decision, and e-inspection. E-filing changed the rules related to identification of case parties, and introduced a qualified certificate as a basic identifier, but also allowed the minister to prescribe other, less secure means for specific procedures. This has allowed also submission of claims only on the basis of a valid e-mail address in connection with the paid court fee. It has allowed all e-filing through information systems designed by SC, and on e-forms confirmed by the SC. This has, in a way, solidified the norm that all changes to legislation which relate to e-justice become fully operational only after SC validates the technological conditions. Courts can now issue and sign decisions in e-form (which means that judges do not have to physically sign decisions when they are generated automatically), and e-serving is equivalent to paper-based serving. Other changes stipulated that courts can work on and exchange electronic case files, and that no paper receipt needs to be submitted as proof of fee payment if the fee was paid by electronic means. Also, the general requirement that submissions need to be made in as many copies as there are case parties plus the court was relativized, and allowed for a more specific definition of necessary form by description (in a by-law).

A by-law to ZPP (Rules about the envelope for mail serving in civil procedure) specified the format and quality of the envelope required for automated postal dispatch system.

Courts’ Law (ZS) gave exclusive competence over cases related to enforcement of authentic documents, and over objections regarding these, to the Local Court in Ljubljana, which enabled formation of COVL (99a ZS). Even more importantly, it created an obligation for operators of collections of personal and other protected data to provide these to the courts free of charge and as quickly as possible, if they are required for determination or evaluation of fact related to judicial procedures. It also stated that information system of the courts can establish connections with official registries and public ledgers, which posses data which is required by the court for its procedures (13 ZS). This gave the project a legal ground to start working on technological interoperability with other data registries.

Some of these changes, especially related to e-serving, were not used directly in the COVL project, but for other projects that were developed simultaneously or subsequently (e.g., Insolvency CMS, Land Registry upgrade, etc.).

Enforcement and Securing Civil Claims Law (ZIZ) described the exclusive competence in more details, and defined that COVL is also responsible for the identification of means of enforcement from electronic registries for the purpose of serving the decision (40c ZIZ). It prescribed a mandatory filing on a standardized form (41 ZIZ). It changed the rule which requested submission
of related documents (e.g., copies of the claimed authentic document), and required only their specification and date of maturity (41 ZIZ). It specified conditions for e-filing in enforcement procedure, defined that e-claims are filed when the information system confirms its receipt, and allowed for automated processing of claims and preparation of decisions (29 ZIZ). It also introduced a unique identifier as a basis for payment of court fees in e-filing, and made an exception from the rule that a claim is made when the fee is paid, stating that in e-filing these can be paid in 8 days after the claim was submitted to the information system (29b ZIZ).

A by-law to ZIZ (Rules about forms, types of enforcement and practice of the automated enforcement procedure) specified the standardized structure of forms and the allowed methods for filing of claims.

Courts' Fee Law allowed for differentiation of fees filed in e-form, and specified fees for various stages of COVL procedure.

Because of a relative ease of access to the court proceedings the Penal Code (KZ) was also more clearly formulated, specifically defining abuse of enforcement procedures as a crime, sanctioned by monetary punishment or prison up to two years (216 KZ).

Organizational components

From a statistical perspective, COVL became a new, 45th local court, and took over the competence of all other 44 local courts in the field of enforcement of authentic documents. However, ZIZ does not specifically mention COVL, as it is formally a special organizational unit of the Local Court of Ljubljana.

The role of judges at COVL is mainly limited to decisions on received objections, verification of formal conditions for the appeals, and appeals over decisions rejecting requests for fee exemption.

Judicial clerks manage the majority of cases and issue decisions allowing the claims for enforcement of authentic documents according to the change of Courts' Law (53a ZS). ZIZ allows judges to delegate them the decision-making regarding objections as well (6 ZIZ).

Typists and administrators are a very important segment of the business process at COVL, especially in the phase of scanning control, data verification, verification of conditions for fee exemption, etc.

Other local courts' enforcement departments gain competence over COVL's cases only after the finality of the decision, and the COVL project did not deal with their reorganization (this was, however, the role of the Enforcement Special Programs Working Group).

If a decision is objected to by the debtor, and the objection is sustained, the case file is sent to the competent local or district court's (depending on the claim value) litigation department.

Appeals are sent to the appellate or higher court, which decides in a senate of three judges (6 ZIZ). According to recent changes of legislation (6a ZIZ), which came into force on 1. 1. 2011, appeals' procedures for COVL have been concentrated at only one appeals' court (as opposed to previous four), thus contributing to a more harmonized case law in legal questions based on similar factual settings. This was suggested by the SC already in the development phase, but the proposal was not accepted by the MOJ.

After finality of the decision, COVL sends it to the debtor's creditor, enforcement officer, land registry, company registry or CSCC, depending on the selected means of enforcement. By this COVL participates in the enforcement of the decision itself, as it is important that a decision is realized immediately.

Only COVL, however, uses all technological components of the project. A part of them is also used
by the enforcement departments of local courts (e.g., CMS, automated postal dispatch), but the others (including appellate courts) use a separate litigation CMS, into which the content of the electronic case file is transferred.

Chart 3: A simplified presentation of the COVL business process (source: mag. Pavel Reberc, CIF, Legal Enforcement Procedure for Money Claims as E-Service presentation, 2. 6. 2008; translated and adapted by Gregor Strojin)

Technological components

The technological component was based on automation of the procedures by introduction of a number of new centralized information modules, which replaced the old CMS. The new CMS, which is written in Java (as opposed to previous Clipper), incorporated the new organizational methods and decision making process, which were significantly modified and automated with the intention to bridge bottlenecks in the process of determining the validity of the claim and issuing the decision.

CIF’s strategic guidelines and principles were applied on all levels of the project, most importantly in the three-tier architecture (lower tier – storage level, middle tier – services/business logic, upper tier – interfaces and front applications), and by the use of open standards (e.g., servers operate on LAMP, system is written in Java, Open Office is incorporated for preparation of documents, PDF-A used for document exchange, XML used for communication, etc.).

The only exception to the open standards was used for the development of the scanning and OCR module, where a proprietary platform (KOFAX) was adapted to the requirements of the process.
While this still gives room for the use of alternative technological standards, it more importantly allows the system to quickly adapt to new or changed requirements.

An example of this is the automated postal dispatch system which was (as planned) outsourced to a contractor who possesses required industrial scale hardware. The contractor accepts documents from the court in e-form (.pdf), prints, collects and folds them, prints data on envelopes, mechanically envelopes documents in the matching envelopes (using bar code for pairing), controls the quality of outgoing mail, creates a post ledger for all mail that is submitted to the Post Office, and delivers the post to the Post Office. Such approach consequently makes COVL an almost paperless environment, save for the small amount of the paper-based claims received directly at COVL.

The envelope, which is crucial to the effective functioning of such system, was initially developed by CIF in connection with the first contractor. Mr. Muršec noted that it is significant that although the contractor was changed in 2010, the process did not experience any setbacks due to the change which shows the correctness of the open standard approach.

Another part of the system, which is outsourced to private contractors, is the scanning of return of service slips. Both modules have since become part of a wider information infrastructure of the judiciary, as they also serve some other information systems (e.g., insolvency, land registry, etc.).

Servers are physically located at COVL (scanning and OCR), MJU (CMS) and a third location is used for security copies.

A module for payment of court fees E-Payments, which is used by the Public Payments Administration at the Ministry of Finance, was developed by MJU and their contractor – Banka Koper d.d. (Bank of Koper). It allows payment by credit cards, and suits the requirements of the procedure. CIF established interoperability with their system. Judicial information system EOBVEZ (E-Obligations) is dedicated to control of payments, and regularly controls the status of payments with the court ID numbers at E-Payments server, pairing the results of E-Payment data with data received from the COVL system. As the payment is done directly to the MF, not to the courts themselves, this process could take quite some time in the past.

Connections are also established with a number of external and internal base registries, both for identification of case parties, as well as their means and assets. Some of these include:

- Tax Registry at Tax Authority (DURS)
- Public Payments Administration (UJP)
- Central Registry of Citizens at Ministry of Internal Affairs (CRP)
- Registry of Bank Accounts at Bank of Slovenia (BS/RTRR)
- Central Securities Clearing Corporation Registry (CSCC/KDD)
- Employment Office (ZZZS)
- Land Registry at courts (EZK)
- Registry of Land Units at Surveying Authority (RPE)
- Company Registry at courts and at AJPES (PRS)

Data exchange protocols, which are based on XML structured requests and use web service calls and replies between servers over a minimum 128-bit encryption, are established with each operator individually by contract, and adapted to specific technological requirements. All connections also include a request log, which allows control of all requests and their pairing with actual cases, thus satisfying the requirements of the Data Protection legislation.
Chart 4: Connections with external information systems

Semantic components

COVL internal users (i.e., employees) received training for the use of the system prior to the start of operations. All employees from the courts’ enforcement department, including COVL, are invited to annual dedicated seminars (which take place over 2-3 days and are usually organized for 2 separate groups of approx. 150 attendees per group in order to allow for normal functioning of the system, and also more feasible execution of the seminars) in which the system is presented to them in details, possible changes to CMS are explained, possible explanations over different legal interpretations are given to the clerks by judges, and best practices in case management are pointed out.

Internal system users also maintain a user forum on the judicial intranet.

User guidelines for submission of claim, either in paper or electronic form, as well as explanation of court fee structure, are published online in separate pdf documents which can be found in the menu of the web portal which is used for filing claims. FAQ are regularly updated and the help desk is available via e-mail covl@sodisce.si.

Smart web form guides the users during the process of claim preparation, and also notifies the user where errors or omissions occur in the input data.

An important segment was also related to specialized and general media. During the course of the project, its members wrote several articles for the national legal magazines, which were aimed at informing the professional public over the coming changes.

No special promotion activities were, however, implemented to attract the users. As the use of the form and of the procedure was mandatory, more focus was given to clarification of potential misunderstandings at a later stage. This was done mostly by regular communication with the media when they published or planned to publish stories regarding COVL or enforcement. After four years
of operations, this seems to have been a correct approach, as the users discovered the system's practicality over the course of the first year by themselves.

**Section 5: Functioning of the system**

**Getting ready to file a case**

*Identification and access (Web portal and the form)*

Claims for enforcement can be submitted only via a smart electronic form, or on the strictly defined paper forms, which are available at the local courts.

A web portal ([https://covl.sodisce.si](https://covl.sodisce.si)) was developed for registration of individual users, filing of claims and status tracking.²

Individual users (mostly creditors or their attorneys) can register online to receive a password to their e-mail account. No additional authentication is required, but a name and a valid e-mail address.

A B2G interface was also developed for bulk filing of claims by large creditors, and the description of the XML scheme was published on-line which allowed them to implement it into their proprietary systems (e.g., accounting software) or buy it from other developers.

Bulk (also referred to as mass or package filing) is suitable for creditors who require filing of many simultaneous claims. Users must first receive a qualified digital certificate (available from private and public providers) and a permission by the MOJ. CIF then provides them with a test digital confirmation, which allows them to test file a package of claims and verify XML compatibility of their system. Accuracy of the testing results is confirmed by CIF. After this, creditor sends a request for inclusion in the production environment, in which they state their username, number and issuer of the digital certificate. There are currently approx. 25 users of the bulk filing system.

Registration and submission of claims is also open to non-national users from other countries, and claims can also be submitted against debtors from other countries, on the condition that the means of enforcement are located in Slovenia. Existence of such means is verified by COVL immediately after the receipt of a claim during the first data control, as COVL would otherwise have no jurisdiction over the subject matter, and represents an exception to the general rule where this is checked only after the finality of the decision.

All forms have data fields which are connected to the XML scheme. Each form has a unique identifying number (paper forms use a preprinted ID, e-form IDs are generated), which enables the users to pay the required court fees by using the ID as a reference number.

Only claims for enforcements can be submitted in electronic form. All other submissions (e.g., withdrawals, requests for court fee refund, objections, complaints, etc.) must be sent in paper form.

Claims can be submitted online only during the working days (MON-FRI) from 8.00 to 20.00.

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² On March 1, 2012, web portal for enforcement was added to a wider platform, which also allows e-filing in land registry and insolvency cases: [https://evlozisce.sodisce.si/esodstvo/index.html](https://evlozisce.sodisce.si/esodstvo/index.html)
**Preparation of the claim (Filling out the claim form)**

Paper form (COVL-1) allows input of data for only one creditor, one debtor, or one authentic document, but these can all be expanded by annexes. If a claim is filed by many creditors, appropriate field must be ticked on COVL-1, and as many forms COVL-2 filled out and annexed to the claim as necessary. The same can be done when there are many debtors (COVL-3). If there are multiple authentic documents, each separate annex form (COVL-4) allows adding data for up to five additional authentic documents maximum.

Web form allows additional expansion of fields regarding multiple creditor, debtors or authentic
documents by a simple click (“Add additional ...”).

The user can claim enforcement for an unlimited number of claimed documents related to a specific debtor, and must specify the claimed amount (base claim, interests, etc.).

No documents need to be submitted together with the claim. The submitter is responsible for the veracity of the claims relating to the existence of an authentic document. In practice, control of this is also done by the debtor, who can object to the decision and claim that no such document exists, or that it had already been paid, etc.

Creditor must only identify the type of the authentic document (on the basis of a catalogue), and its reference which would allow its recognition to the debtor. Dates of issuance and maturity must be stated, as well as the amount and currency (on the basis of a catalogue of abbreviations used by the Bank of Slovenia).

Statutory default interests can be calculated by the user by using an application developed by RDSC (http://izo.sodisce.si). For filing the claim they only need to state the interest rate, the calculation period for contractual interests and their initial date, and do not need to state the claimed amount of interests, as it is calculated by the court. Creditors can also claim their expenses related to the specific enforcement, including postage, court fee, and other expenses, such as attorney's fee according to Court Fees Law (ZST) rate.

Creditor has an option to specify the means for enforcement, or to leave the identification of available means to the court. At least one of the means must be specified, but claimants often chose two or more, depending on their assessment of the debtor's assets.

Table 9: Means of enforcement for authentic documents 2011 by usage

<table>
<thead>
<tr>
<th>RANK</th>
<th>MEANS (ATTACHMENT, GARNISHMENT, ETC.)</th>
<th>NO. OF CASES</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Monetary means at an organization for payment transactions</td>
<td>247795</td>
<td>47.990</td>
</tr>
<tr>
<td>2</td>
<td>Salary and other regular monetary income</td>
<td>140581</td>
<td>27.226</td>
</tr>
<tr>
<td>3</td>
<td>Movable assets</td>
<td>97303</td>
<td>18.844</td>
</tr>
<tr>
<td>4</td>
<td>Securities (registered with Central Securities Clearing Corporation Ljubljana (CSCC))</td>
<td>19080</td>
<td>3.695</td>
</tr>
<tr>
<td>5</td>
<td>Real-estate which is registered with Land Registry</td>
<td>8617</td>
<td>1.669</td>
</tr>
<tr>
<td>6</td>
<td>Other property or material rights</td>
<td>921</td>
<td>0.178</td>
</tr>
<tr>
<td>7</td>
<td>Company share</td>
<td>731</td>
<td>0.142</td>
</tr>
<tr>
<td>8</td>
<td>Other monetary claims</td>
<td>722</td>
<td>0.140</td>
</tr>
<tr>
<td>9</td>
<td>Real-estate which is not registered with Land Registry</td>
<td>576</td>
<td>0.112</td>
</tr>
<tr>
<td>10</td>
<td>Building right</td>
<td>15</td>
<td>0.003</td>
</tr>
<tr>
<td>11</td>
<td>Other</td>
<td>8</td>
<td>0.002</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>516349</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
Types of information that need to be submitted regarding each specific means of enforcement are defined by ZIZ and its by-law.

If the creditor chooses movable assets, real-estate which is not registered with Land Registry, other property or material rights, or securities which are not traded at the Stock Exchange, they must also name a selected enforcement officer.

Creditor must submit his personal information (an individual must submit his name, surname, address and country of residence, and one of the following options: either tax number, personal ID number, or date of birth), information on his legal representative or agent, and information about the account where enforced means are to be transferred.

Creditor must submit debtor's basic identification data: name, surname, address and country of residence, and either date of birth, tax number or any other suitable identifier; or company name and address, registry or tax number.

Claim forms must be completed fully, and a smart web form prevents incomplete claims from being filed. It also automatically verifies most of the data fields, including the accuracy of data inputs regarding most important identifiers. Mandatory fields must be completed. Automatic control is performed by requests to external connections (see chart 4):

- accuracy of numerical data (e.g., citizen's ID number (CRP), bank account number (BS), reference (MJU))
- existence of street and house number in the registry of real estate units (EZK, PRE)
- existence of name and surname (CRP)
- existence of currency and country (BS)
- existence of company name and registry number (PRS)
- existence of a registered security (CSCC)
- existence of a date

If the system detects an error in the claim form data, it informs the user via a two-colour warning scheme. Absolutely erroneous fields have a red text with the description of the error, and potentially erroneous have a yellow text (e.g., names are verified in the citizens' or companies' register, but there can be exceptions or variations in spelling). If the users believe that yellow warnings are immaterial to their claim, they can also submit the form by clicking on “Submit form despite warnings” (“Oddaj obrazec kljub opozorilom”).
**Submitting the claim and paying the fee**

Although forms can be pre-filled and printed out from the web portal, and then mailed to the court by post, their multiplication is not allowed, as it would create duplicity of the claim IDs. Users are cautioned to make sure that printed forms are equivalent in appearance to the outlook of the web form (e.g., field borders must be visible), otherwise COVL will consider such a claim as submitted on an improper form and call upon the creditor to correct it by sending a prescribed form. Printed forms are also available free of charge at all local courts.

*Chart 6: Filing of the claim – simplified presentation of the process (source: COVL filing; in Specifications of additional functionalities of VL ledger, p. 16, version 2.1, authors: CIF, Rado Brezovar et al., 17. 5. 2007; translated and adapted by Gregor Strojin)*

No signature is required on electronic forms, but they are required on paper forms.

After a claim is submitted online, users receive a reference number and the amount required for the payment of the court fee (they can also view the ID numbers of their claims by following the link “My Claims” (“Moji predlogi”)).

Users can choose to pay the court fee either through their own (or their bank’s) payment system, or
by continuing to the link “Payment” (“Plačilo”), which allows payment by credit cards directly to
the Ministry of Finance. Fee must be paid within 8 days after claim had been submitted, otherwise it
is deemed that the claim had been withdrawn.

Users can also request exemption from court fee payment, which needs to be submitted in paper.
Creditors who are exempted from court fee payment by law can register with COVL by sending a
paper claim with their company register number. Afterwards the system automatically recognizes
their exemption when a claim with their identification is submitted.

If a court fee is not paid, or if an insufficient amount was paid, the system notifies the user by email
(if the user chose so in their settings), and the users can also track the status of their claim through
My Claims. If the system does not detect payment (or detects insufficient payment) within 10 days
of the claim submittal, claim is returned.

Court fees are approx. 20% lower for the users of the electronic form, and depend on the number of
specified means of enforcement.

Fees for claims specifying only one means of enforcement, which are sent by paper, are 45 EUR,
and by electronic form 36 EUR. Any additional means of enforcement (e.g., enforcement on
movable AND immovable property) cost 5 EUR for each additional means. If a claim is withdrawn
or dismissed, one third of the fee must still be paid.

**Court activity (Claim processing, preparation and sending of decisions)**

Claims are processed and validated through an automated information system. Some data is verified
already during the input.

Paper-form claims are digitized (scanning + OCR) and additionally validated by eye when and
where errors are reported by the system. Verification of paper-based claims' content is done during
the scanning phase by the typists. Currently, approximately 30% of paper-based claims still need
human verification in some part.

Case management system for authentic documents (VL CMS) uses all the collected information,
and creates a complete electronic case file, which enables an automated preparation of the final
decision.

On average, decisions are generated within two working days after submission.

All decisions are equipped with a digital facsimile of the Court's stamp, a signature is not required.
All decisions, orders, and other mail are printed, packed, labelled, and sent from one central
automated postal dispatch system, which makes the “inner” COVL working environment mostly
paperless.

The decision is sent to the creditor and the debtor, who have 8 days to respond.

External contractor receives return of service information from the Post Office. Previously this was
done by COVL, but the work was creating bottlenecks and an industrial scale facility was required.
All returns of service slips are scanned and information on date of service is added to the case file.

**Receiving the decision and replying**

After receiving the decision, debtor can decide either to pay the debt, default (wait for enforcement)
or to object to the decision.

Creditor can also appeal the decision (if the claim was denied), withdraw or partially withdraw the
claim. If the creditor withdraws the claim before its finality, they still must pay 1/3 of the fee.
Fee for an objection is 40 EUR, and an appeal against decision regarding the objection is 100 EUR. Such submissions cannot be sent by electronic means, but only by paper to COVL.

Objections (by debtors; approx. 11% of all claims) are decided on by a judge at COVL, and the procedure is completely paper based.

If the objection is successful, the case is transferred to a competent litigation court (depending on the amount either local or district).

Creditor's appeals (by creditors; approx. 1.5% of all claims) are forwarded to the appellate court. Fee for an appeal against the decision is 80 EUR.

Initially, all four higher courts served as appellate courts, depending on the geographic jurisdiction of the debtor, consistently with the previous system, despite the project proposal that also decision making on the appellate level should be centralized to prevent differences in interpretation of law. This suggestion was, however, accepted in 2010, and the rule was changed. Since 1. 1. 2011 only one appellate court (Appellate Court in Ljubljana) has competence over the appealed cases.

In all cases, the complete electronic case file is available to the competent judge handling the objection, an appeal, or litigation, and is usually printed out for the trial/appeal phase. Because type of procedure changes from enforcement to litigation, file is also transferred from enforcement CMS to litigation CMS (PUND).

**Sentence and enforcement (Determination of finality)**

Date of finality is determined on the basis of returns of service. These are scanned and archived, and the date of the receipt by case parties is automatically added to the electronic case file.

Until the finality of a decision, COVL has competence regarding all additional means of enforcement, deferments, withdrawals or partial withdrawals, or other submissions, and they have to be sent in paper. Correction of an electronic claim by electronic means is not possible, except if the court fee has not been paid yet (i.e., by simply resending the claim).

Additional means of enforcement cost 12 EUR if only one was requested initially, or 6 EUR for each additional if two or more were already requested initially.

After the finality of the decision all available data on the debtor's financial means (e.g., bank accounts, securities, land property, company shares, employer data, other assets, etc.) is automatically collected from official databases and registries by COVL, if the user chooses so by not entering specific details regarding the requested means.

After finality is reached COVL sends the decision to the debtor's debtor (e.g., bank, employer, etc.), enforcement officer, Land Registry, Company Registry and/or CSCC, depending on the requested means of enforcement.

Competence is then also transferred to a local court (which is specified in the decision), which is primarily based on debtor's residence, for realization of the decision on real estate or movable assets. The electronic case file also allows other courts to access its contents.

If it is established (after finality) that no means for enforcement exist, the competent local court calls upon the creditor to request within 15 days a new means of enforcement or a creation of a list of debtor's assets. If the creditor fails to do so, the case is closed.
Chart 7: Detailed work-flow of the automated phase at COVL (source: Workflow Phase 2 – automized work – Stand: 21. 09. 2006 Peter Werle; in Specifications of additional functionalities of VL ledger, version 2.1, p. 45, authors: CIF, Rado Brezovar et al., 17. 5. 2007; translated and adapted by Gregor Strojin)
Functioning in numbers

The main goal of the project was to increase the efficiency of enforcement procedures, which were a major contributor to judicial backlogs due to exponential increases of new claims. The objectives were to decrease the number of pending enforcement claims, and to shorten the decision-making time.

The work, which was previously done by approx. 350 court employees and judges at 44 different courts, is now concentrated at a specialized court with only 6 judges and 62 support personnel (two judges were added to the initial four in 2011 to help COVL deal with increasing numbers of claims). This has enabled other local courts to reassign their resources to other types of claims, thus additionally contributing to their backlog reduction. Introduction of an automated postal dispatch system alone (which has processed more than 1 million postal parcels in 2009) saved approx. 60-70 people/year.

In 2008 COVL received 130,771 claims, in 2009 the number was 208,302 (increase by 60% in one year), and rose only slightly in 2010 (213,549). It is estimated that total number of received claims in 2011 might be again slightly higher (218,715).

New cases at COVL represented 81% of all new enforcement cases in 2010 (other local courts received 20,340 claims in other types of enforcement).

The first objective to decrease pending cases was achieved, as COVL relieved local courts and allowed them to focus on other types of enforcement with greater intensity. Until 2007 the number of pending cases was increasing each year. At the end of 2007 there were 305,321 pending enforcement cases at all local courts. Introduction of COVL (1.1.2008) helped to lower the number of pending enforcement cases by 6,6% in 2008 (to 285,043 on 31.12.2008), by an additional 5,6% in 2009 (to 269,072), and by 7,3% in 2010 (249,465). While there will always be unresolved cases due to a daily inflow of new ones, it is important to recognize the lowering of numbers, as they represent faster resolution times, especially in light of a general increase of quantity of new cases.

The second objective of shortening the decision-making time was achieved despite a significant and unexpected increase of claims, which shows that the system can efficiently cope even with an overload. Optimum business goal was set at two days per decision. Average decision making time has been lowered from an average of 6 months to less than 5 working days for over 90% of the claims. In 2009 a decision was sent in 2 working days after the receipt of claim in 66% of all cases, but the rate fell a bit in 2010 to 54,9%. It reached 65% again in 2011, most likely as a consequence of organizational measures aimed at decreasing the workload of the employees by outsourcing parts of the works, and by adding two judges for the task of working on objections.

Although one contributing factor to the significant increase of new claims in 2009 might be the general financial crisis, the shortening of the time period between the due date for payment and the date of claim-filing (average in 2010 was 69 days) suggests that the other reason also might be a better awareness of the creditors to the available court procedure. Rather than waiting and spending resources on notices to debtors, creditors seem to decide earlier on submitting a claim for enforcement.

Enforcement claims at COVL were used for 876,012 authentic documents (2010), which shows that creditors usually claimed on average 4 due authentic documents on each claim. This offers a conclusion that creditors prefer to wait in order to have more authentic documents against a specific debtor, and only then decide on submitting a claim. One of the reasons for this is, naturally, the court fee, which is paid only once, regardless of the number of claimed documents.

The amount of all enforced claims (not including statutory default interests or contractual interests) in 2010 was 1,215,870,990,49 EUR, or on average 138,57 EUR per authentic document and 568,47
EUR per claim.

In majority of cases garnishment of funds available at the organizations for payment transactions is proposed as the primary means of enforcement. Data for 2011 show that garnishment is used in 47.99% of the cases, followed by attachment of salary (27.23%) and movable assets (18.84%). The absolute numbers are higher than the number of claims, as many different means may be requested for each claim.

Approx. 10% of claims are withdrawn by creditors before the finality of the decision at COVL, and an additional 20% before enforcement takes place through the competent local court, which often signifies the debtors' immediate voluntary fulfilment of the obligation after the receipt of decision. An increased awareness of potential additional costs incurred by the debtors (e.g., fees, interests etc.) seems to play a part of the incentive.

Although the percentage of objections and appeals was expected to be at 20 – 30% during the design phase of the project, it has remained consistently low at an average of 11% of objections and 1.5% of appeals (2009).

Objections were submitted in 23.058 cases in 2010 (more objections are possible in a single case), and 13.376 cases (58.01%) were forwarded to litigation courts, while others (41.99%) were dismissed.

There were 6.055 appeals in 2010, and appellate courts' data (for 2010) shows that initial decisions are upheld in 64.1%, annulled in 19.8%, and changed in 16.1% of appeals.

94% of all claims in 2009 were in e-form (62% individual, 32% bulk), and only 6% in paper form. 98% of e-claims and 72% of paper-based claims in 2009 were completed fully and correctly (i.e., all fields required for processing are fully and correctly completed). By 2011 the percentage of paper submissions fell to 2.6%, while the rate of fully correct claims rose. In 2011 creditors were asked to correct their claims in 16.27% of paper-based claims and only in 1.54% of e-claims.

Automated dispatch system processed 1.109.649 exit mailings in 2010, which consisted of 9.444.600 pages (or 4.26 sheets per mailing). COVL sent 223 packages of mailings to the subcontractor in 2010, with an average of 4.976 mailings and 42.352 pages per package.

In 2010, around 10 million EUR of court fees were collected by COVL, and almost 11 million in 2011. According to Mr. Muršec the entire cost of the system development before 2008 was around 3.2 million EUR. Annual operation costs of COVL are around 5.5 to 6 million EUR. Ms. Kosec broke down this figure into 3.5 million EUR for mail, 0.5 million EUR for external contractors (printing, scanning), 1.2 million EUR for salaries and only 0.2 million EUR for material expenses and overhead. The amount received through court fees thus surpasses the budget required for its functioning almost double. The investment had been fully returned already in the second year of COVL's operation. Court fees go directly into the national budget, however, and not to COVL or the judiciary, which may pose issues in regard to maintenance of the project in the future.

In November 2009, a user survey asked “What mark (1-5) would you give to the new system of enforcement in comparison to the old one?”, and got an average of 4.13. In 2010, the scheme “Automated system for enforcement of authentic documents (COVL)” was awarded a Crystal Scales of Justice special mention.

The speed and efficiency of the procedure suggests that the new approach could even have a positive effect on voluntary and regular payments of monetary obligations in the society. However, this will, in the long run, only be evident through a significant decrease of new claims.
Table 10: Functioning of COVL in numbers

<table>
<thead>
<tr>
<th></th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New cases</strong></td>
<td>114903</td>
<td>130771</td>
<td>208302</td>
<td>213549</td>
<td>218715</td>
</tr>
<tr>
<td><strong>Solved cases</strong></td>
<td>105346</td>
<td>124000</td>
<td>204665</td>
<td>206298</td>
<td>225896</td>
</tr>
<tr>
<td><strong>Courts</strong></td>
<td>44</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Employees</strong></td>
<td>Approx. 50 judges + 300 clerks/administration</td>
<td>4 judges + 62 clerks/administration</td>
<td>4 judges + 62 clerks/administration</td>
<td>4 judges + 62 clerks/administration</td>
<td>6 judges + 62 clerks/administration</td>
</tr>
<tr>
<td><strong>Average decision time</strong></td>
<td>Approx. 6 months</td>
<td>2 days – 55% 5 days – 95%</td>
<td>2 days – 66% 5 days – 90%</td>
<td>2 days – 55% 5 days – 74%</td>
<td>2 days – 65% 5 days – 84%</td>
</tr>
<tr>
<td><strong>Form</strong></td>
<td>100% paper</td>
<td>54% e-ind., 19% e-bulk, 27% paper</td>
<td>62% e-ind., 32% e-bulk, 6% paper</td>
<td>59% e-ind., 37,5% e-bulk, 3,5% paper</td>
<td>53,9% e-ind., 43,5% e-bulk, 2,6% paper</td>
</tr>
<tr>
<td><strong>Appeals / Objections</strong></td>
<td>Est. 20 - 30%</td>
<td>1% appeals, 8-9% objections</td>
<td>1,5% appeals, 11% objections</td>
<td>3% appeals, 12,6% objections</td>
<td>16% appeals, 10,6% objections</td>
</tr>
</tbody>
</table>
Section 6: Discussion and evaluation

Factors affecting the design and development of the project

The project made it clear from the start that the goal was to achieve a transition from a decentralized, bottom-up system to a centralized, top-down system. Some of the major problems with the existing, installed base, both technologically as well as organizationally, related precisely to its decentralized nature. The old IT solution allowed neither connectivity nor centralized maintenance or upgrades, thus increasing its costs and dependence on the original external developers. It was used only for internal and partial case management of enforcement procedures, as it was basically built around a paper-based procedure defined by legislation for decades. Although the technological base did, to a certain extent, support the basic case management, it did not, however, facilitate preparation of statistical and analytical reports, although these are essential for efficient court management and prevention of unnecessary delays on the organizational level. As a consequence, organizational solutions at local courts varied (e.g., number and quality of personnel allocated to the procedure) and resulted in different approaches to solving similar legal or substantive issues, as well as in different resolution times. Obviously, the old system also did not allow e-filing.

The new solution, however, aimed to utilize the developments and possibilities of the technological advances of the last decade, and build the new system by their integration with the core principles of the procedure and the necessities of efficient court management.

Research was thus a significant part of the design phase. Project specifications were initially limited to the way how the project should be conducted and what should be its general results, and have not focused on any chosen solution, but rather on the general principles of ICT project management. It is worth noting that project partners firstly signed a project covenant, which defined some of these principles, as well as benchmarks and mandatory results for various phases.

Decisions made in all components show that simplification of the system was on the minds of the project leaders from the very beginning, and that complexity was intentionally avoided. The project team tried to look at the widest possible picture from the very start, and included a wide variety of stakeholders in the process of designing the solution. Extensive input from internal and external users as well as other stakeholders was collected, and a detailed analysis of the existing installed base (in all of the components) was made, identifying obstacles, bottlenecks and drawbacks, and looking to a number of comparative models for possible solutions how to avoid or overcome them.

Initial design of the project predicted the necessity to divide work into four distinct components: legislative, technological, organizational and promotion. All project components worked concurrently under the supervision of the steering committee, and adapted their tasks to each other's findings and to the committee's decisions. Specifications for the final solutions in all components were drafted and completed only at the later stages of the project, and included some significant solutions which were not included or even mentioned during the inception phase. The centralized organizational component, for example, was included only at a later stage.

Legal, technological and organizational frameworks of the existing system were significantly adapted to serve the functional objectives of the project, and were aimed at increasing the efficiency of enforcement procedures both from customers' as well as courts' perspective.

Despite a detailed analysis of the legislative environment, which identified a number of structural faults and suggested solutions for them, project leadership experienced difficulties in getting relevant input and feedback from the executive branch and certain stakeholders from the business sector, which caused delays. Executive also showed reluctance in implementing certain suggestions,
especially regarding some organizational and legislative aspects (e.g., exclusive jurisdiction of only one appellate court, minimum debt limit for attachment of real-estate, creation of a frequent debtors database, etc.), which could have increased the efficiency of the procedure even more.

Nevertheless, suggestions relating to technological modernization of the procedures were accepted and implemented in the legislation almost fully. Legislative changes aimed to create an environment which avoided traditionally obvious elements of formality in favour of functionality and effectiveness. Requirements such as multiple copies of submitted claims or signatures were the result of paper-based procedures, but were not necessary in an e-context, or even presented a burden. Cooperation of the judiciary and the executive was thus critical for the general success of the project. A number of laws and by-laws had to be changed or amended, most notably the Civil Procedure Law, which fully enabled informatization of the civil procedures and paved the way for others as well. The adopted solutions consequently enabled not only the basic scope of the project, but also provided the ground for subsequent projects.

On the organizational level (which also had to be defined in the legislation) decision-making was to be transferred from judges to clerks in a number of procedural activities. Preparedness of the first level judges and presidents of the courts to accept and adopt the suggested organizational changes was an important factor. This allowed establishment of a new, centralized department with newly employed personnel, as opposed to using the installed organizational and institutional scheme with the existing employees.

Involvement of judges was to be limited only to legally most demanding tasks, such as verification of legal merits for appeals, while other activities were either to be automated or delegated to clerks. Time and resources consuming activities, such as preparation of outgoing mail, as well as scanning of incoming mail, were delegated to outsourced companies. Nevertheless, software solutions that were to be used by outsourced contractors for these tasks were developed by the project itself.

The pre-existing technological base was completely replaced by the new solution, along with hardware. The new solution was based on CIF's strategic technological guidelines, such as three-tier architecture, modularity, re-usability, interoperability, vendor neutrality and independence, and most importantly - open standards.

Experiences from the previous projects led by the same individuals at the SC have shown the importance of a strategic commitment to open standards, and of sustainability of a final solution. This also led to the creation of a principle of not committing to a certain solution on a legislative level in advance, but rather creating a technological solution based on new legislation but in line with SC's strategic technological guidelines in a time slot prescribed by the legislation. Only after such a solution is developed and tested, a ministerial decree can be issued, officially confirming that the solution had been verified by the SC and that the conditions for the implementation of the new legislation have been met.

It could be said that both legislative and organizational developments were initiated by the technological developers and ICT specialized lawyers from within the judiciary, and that this probably represents the most important factor affecting the design and development of the project. The results of the COVL project are in a direct relation to the centrally-led and goal-oriented approach of the RDSC and its CIF.

Operational cost of the COVL system is approx. 6 million EUR per year, and it generates around 11 million EUR in court fees. The cumulative amount of the enforced claims, however, is over 1,2 billion EUR, which makes it highly cost-efficient, and through this, it seems, also an economical and highly attractive option for the economy.

Although the project is acknowledged as a general success story, this is not, however, mirrored in suitable institutional or political support. One of the examples of this is the fact that it took more
than three years for the executive to find new, more suitable work premises for COVL. Recently, a
new proposal of the national budget predicted a significant lowering of the courts' budget in light of
the current financial crisis, which will have a direct affect on the availability of funds for
informatization. One of the cost-saving requests from the government, for example, includes
lowering of the costs for software licenses. This might be possible in institutions that have so far
relied on outsourced and proprietary solutions, but is an impossibility in a system that has been
systematically using open source solutions since 2004 (use of Open Office instead of MS Word only
saves approx. 1 million EUR per year). There are also plans of abolishing CIF or submitting it to the
executive branch, which could prove disastrous in terms of support to the existing information
systems. At the same time, the government is proposing to lower the court fees for a number of
procedures, instead of viewing them as an important source of budget income and a means of cost
recovery.

While these are not factors directly related to interoperability, they are relevant as a precondition for
a normal and sustainable functioning of the system. A comparatively disproportionate dependence
of the project on the input from the judiciary, might present a danger for the sustainability and
evolvability of the project in the future, as the judiciary is in turn dependent on the executive and
legislative branch on material resources and political support. These, however, seem to be shifting
on the basis of factors which are not completely objective.

**Legal, technological, organizational and institutional factors affecting the interoperability**

Simplicity of the final result required a highly complex and meticulous work during the design and
development phases. Most of the internal business process is hidden away from the user's eyes,
although its complexity can be glimpsed by the users, for example when they receive error notices
for entering a non-existing surname, street, company name, registration number, date or any other
data which is simultaneously verified through the external connections.

For this purpose, but more importantly for the internal gathering of all necessary data required for
the identification of case parties and means of possible attachment or garnishment, connections with
external information systems had to be established anew, as they were previously paper-based. One
of the major issues affecting the interoperability was related precisely to the formal right of the
judiciary to automatically access personal data from other registries and data bases. While it was
relatively easy to establish technological interoperability between COVL and external operators, a
new methodology in line with the strict requirements of the personal data protection legislation
project had to be developed by the project. Legislation relating to general organizational aspects of
the courts (Courts' Law) was amended by a general provision creating an obligation for operators of
collections of personal and other protected data to provide the data, as well as allowing creation of
automated connections between the courts and these institutions.

These connections are now based on web service calls and message passing of clearly defined XML
requests, thus resulting in relatively low coupling. This allows significant changes in the assembled
modules with little costs of maintaining or re-establishing interoperability, as long as agreed
standards are maintained.

Claim submission was simplified by preparation of XML structured forms and minimization of
required data. Documents, which were traditionally attached to the paper-based claims as proof of
transaction on which the claim is based, are no longer required. Simple email access is sufficient for
user identification. The logic behind this is “if they are willing to pay, they are the case party.”
Similarly, no signature is required on e-claims. Free text was avoided almost completely and most
inputs are verified for accuracy while the user is typing in data through the above mentioned
connections with external databases.
E-form has significantly contributed to simplification and speed of claim processing. It is interesting to note the percentage of cases in which the court has to appeal to the claimant to correct or amend his claim. In electronic claims, this happens in only 1.54% of cases, whereas in 16.27% of paper-based claims.

An alternative, slightly more complex solution has been developed for larger users for bulk filing, who may implement it into their own systems. Its open code allows users also to modify it for further adaptation to their internal requirements. For such users a digital certificate is required, as opposed to individual users.

As a consequence, users can file claims without any legal training. Numbers show that the new approach significantly simplified the complexity of filing a claim for non-professional users, as they have previously relied on specialist assistance, either by a lawyer or other professional, which raised their initial costs, as well as the costs of the debtor, and led to frequent hesitation or delays in requesting a judicial decision.

A significantly more complex solution could be imagined, though, and its possible elements were contemplated during the design phase. Project could attempt to provide electronic serving to debtors, allow also e-filing of appeals and objections, a creation of an e-file for second and third instances, or extension of the CMS to the external enforcement officers. It could be envisaged, that such attempts would require substantially more work on technological level (as well as in legislative), but the modular assemblage allows further development in the future.

Simplicity of the system could also be always achieved further on user-interface level, as different functional and e-literacy levels of users require different means of presentation. But the proof of the pudding is in the eating. Project had to draw a line somewhere, and that was at the finality of the decision allowing enforcement. This, however, covers the majority of work. The project became a model for successful transformation of a judicial procedure from a paper based to an electronic format, and such approach also seems to provide a comfortable adaptation of users to the new environment.

The system has since proven to be able to evolve and adapt to new functional needs. The technological solution was assembled with largely independent modular components, which allow modification in light of legislative or organizational changes with relatively low costs. Many modular solutions from the project (e.g., centralized filing, unique case ID, electronic case file, modules, automated postal dispatch system etc.) are now being reused and implemented on a national level in modifications or development of other judicial information systems according to their procedural and logistical specifics and requirements (e.g., Criminal Law Information System, Land Registry, Company Register etc.) and in line with the SC's information strategies. Compatibilities of a number of similar applications eventually led to the creation of a new judicial portal for e-filing of different claims (Land Registry, Insolvency, Enforcement), which utilizes many of the same modules (COVL was added to the new portal on March 1, 2012).

One of the cost-saving measures planned for the near future, and a completely feasible extension of the existing system, relates to mandatory e-serving of all court documents to attorneys and large institutional recipients, such as banks, instead of sending them by post. This is especially important, because post-related expenses represent almost one quarter of the budget for all material costs of the judiciary (12 million EUR out of 50 million EUR; the figure does not include salaries), and in case of COVL more than half of all the costs (3.5 million EUR per year).

E-filing has since expanded from enforcement procedures to the land registry and insolvency procedures, and was made mandatory for professional users in all enforcement and lien related procedures. It is interesting to note, however, that a recent introduction of mandatory e-filing was met with resistance by the attorneys themselves and its implementation had to be postponed. The
crucial component that was missing among the attorneys seems to have been appropriate training on how to use the system. This was supposed to be the responsibility of the Bar Association, but was not executed appropriately. An encouragingly low rate of paper-based claims among lay users would seem to prove that e-literacy rate is high, and that reasons for this need to be sought elsewhere. While it was relatively simple to organize and educate the internal users in the judiciary on how to use the system, and lay users as well as the economy quickly adapted to the system once they have discovered its advantages on their own incentive, such an incentive seems to have been missing in the particular professional group.

The human element and reluctance of the established business models to accept change remain important factors in establishing interoperability, as willingness of individuals to engage or use a certain system is a crucial precondition for establishing a connection at all.

**Lessons for EU**

The COVL project shows the importance of a holistic approach during the phases of design and development of the project, and the need for avoiding complexity in the final product. The later can be achieved by focusing on the crucial functional elements of the system, and by designing its building blocks on the principle of modularity, which allows subsequent modifications and additions in the future. The former, however, depends on the willingness of all major stakeholders to commit to finding a working, efficient and sustainable solution.

Efficient governance of any judicial procedure depends on statistical and analytical capabilities of the system. These allow monitoring of the system's performance and enable its potential adaptations based on empirical data, and not merely on assumptions. At the same time, however, such monitoring has to be performed by dedicated management which has the responsibility, as well as the tools for ensuring that the system remains sustainable.

COVL could serve as a model for pan-European enforcement procedures. It already allows filing of claims by foreigners, as it does not discriminate between any nationality of the creditor, but its jurisdiction is obviously limited to debtor's property in Slovenia. User interface is currently only in Slovenian language, but the system could relatively easily be adapted to enable filing in other languages as well, thus facilitating creditors from EU or any other countries to make claims directly.

The system is, however, limited to the documents which are referred to in the Slovenian legal system as “authentic documents.” These are exhaustively defined in the law and their minimum elements and their characteristics are defined in their respective legislations. Consequently, automatization of the procedure is based on a meticulous specification of all possible claims, and verification of possible entries. Similarly, decisions are pre-formulated on the basis of the same variability, and would therefore potentially require new forms if a new authentic document would be classified by legislation.

This is, nevertheless, relatively unlikely on the national level, but still easy to modify. It might be a completely different issue if such a system would be transposed on a pan-national level, where different procedural rules apply. It can be predicted that differences, and especially perceived deviations from established systems, would, at least initially, create an obstacle.

What is termed as one category of authentic documents in Slovenia, might fall within a wider or general category of monetary claims. Countries might have different rules regarding the need for establishment of a particular claim. While Slovenia chose to abolish the need for presenting the document which is the basis for a particular claim, and only a claim that it exists is sufficient, other countries might require a written, free-text explanation of a particular claim, which could complicate its feasibility for automated processing. An EU-wide catalogue of monetary claims which would harmonize their elements for the purpose of cross-border enforcement, could be one of
the solutions.

Development of a suitable legislative framework seems to be the most challenging project component when looking for solutions on an EU level. But even a common legal framework can produce differing results unless common organizational structure is employed. As it was evident even on the national level, different practices of both individual first level courts regarding VL matters in pre-COVL era, as well as of different appellate courts during the period of 2008 – 2010, may lead to much differing results even when identical legislative, technological, and institutional bases are in place. As such, they pose a caveat for future cross-border or pan-national approaches to uniform judicial solutions, especially in the EU where national legislation requirements in any field, including enforcement of monetary claims, still vary.

Different practices may lead to low predictability of the outcome, which is one of the crucial elements of the rule of law. Also, they might dissuade users from using the system in the long run, or affect their confidence in efficiency of cross-border enforcement.

A centralized department model of COVL, which is also used to a certain extent by UK and Germany, could offer a possible EU solution. But its effect depends on the automation of data gathering for the purpose of claim processing, which might be possible in Slovenia or Finland, but was (at least at the time when comparative research was made for the project) not legal in Germany. It is therefore questionable whether similar controls and exchange of data with external registries could be established on a pan-European level with the same methodology and within the same time-frame.

Regardless of this, some organizational and technological elements could be applied generally. Enforcement of monetary claims, or any similar judicial procedure, should be viewed as a service for citizens and the economy, and its optimization as a business process. Tasks should be standardized and the routine, administrative work should be outsourced wherever possible. Among other effects, this relieves the judges from non-judicial work, quickens the processing, and lowers the costs.

Modularity, use of open standards and independence from vendors and external contractors seem to stand out the most among the technological elements. Independence, however, implies an independent development unit which is dedicated primarily to a sustainable implementation of such a solution (and not necessarily making profit), or at least a highly professional and stable IT management team which is capable of effectively managing the external contractors through all the phases of the project.

While it is necessary to have professionals to organize the judicial management of such a procedure as a business process, it is at the same time equally important to have them cooperate closely with the judges and other legal professionals in the creation of efficient and stable solutions. Legal, and especially judicial knowledge of procedural and operational aspects is crucial and seems to be indispensable for effective optimization or reforms of any judicial procedures, and should not be attempted without their inclusion, otherwise it is reasonable to expect practical problems to emerge at later stages. Project management organization of ICT projects at the Supreme Court of Slovenia could therefore serve as another example of good practice.
Section 7: Method

For the purpose of preparation of this case study, a number of interviews was conducted with individuals who have participated in the development of the COVL project, and their cooperation provided an enormous amount of material for this paper. Among these Mrs. Alenka Jelenc Puklavec, the Supreme Court Justice who was the Head of the RDSC and also the president of the project's Steering Committee, deserves the first mention. Mr. Rado Brezovar was the Project Leader and the Director of CIF at the time explained the project development phase. Mr. Bojan Muršec is the current Director of CIF and described current functioning and future plans. Mrs. Jana Savković was employed at the MOJ at the time of the project, and was responsible for the legislative component. After the project was concluded, she left MOJ and joined RDSC as the head of the Enforcement Project Group. Mrs. Barbara Mejač is the current head of the Enforcement Project Group, and was crucial for gathering and analysis of statistics regarding COVL's current functioning. Mrs. Nataša Kosec is the head of COVL and was very helpful in providing information on the functioning of COVL's inner environment. Mr. Andrej Gogala is a computer engineer at CIF who was a member of the technological component for COVL, and helped explain the technological aspects of the system. Mrs. Breda Gruden was in charge of project administration and assisted in gathering extensive project documentation.

Project created substantial amount of project documentation (approx. 5.000 pages), which includes the initial Project proposal, notes and materials from individual activities, Interim Reports, the Final Report, and the specifications for the final solutions, which were made available to the author, and all studied in great detail for the inclusion in this case study. Monthly reports of the RDSC and of the Enforcement Working Group were used for the analysis of the project's subsequent progress for the period after 2008. Statistical reports of the SC3 and of the MOJ4, as well as internal statistical reports from judicial Business Data Storage were also used for numerical analyses.

Changes in legislation were analysed in great detail by studying the adopted versions, as well as preparatory material and by-laws for the Civil Procedure Law, Enforcement and Securing Civil Claims Law, Court Fee Law, Lawyers' Fee Law and the Penal Code.

The author of this case study wrote the initial project proposal in 2004, but has since worked on other projects at the SC.

3 http://www.sodisce.si/sodna_uprava/statistika_in_letna_porocila/
4 http://www.mp.gov.si/si/storitve/uporabni_seznami/statistika/