LIETUVOS ANTSTOLIŲ RŪMAI

EXTRACT FROM THE ANNUAL ACTIVITY REPORT 2020

Chamber of Judicial Officers of Lithuania



THE CRISIS TEACHES US TO HELP EACH OTHER

The norms of public behaviour were not the only thing coronavirus has changed, since the disease is no longer a personal matter and wearing masks has become a social norm. The war on COVID-19 has revalued values: it helped to re-realize that the most precious thing we have is life, health, and humanity.

The year that started from the spring of 2020 until this today, was not easy for any member in the community of judicial officers. The pandemic affected everyone without exception, and the centralization of the submission of enforcement documents has fundamentally changed the cooperation between judicial officers and creditors.

However, we can cautiously welcome the fact that all judicial officers, their colleagues (office workers) and their families, who were diagnosed with COVID-19, have successfully recovered. By organizing remote services in advance, most judicial officers' offices avoided the disease, and the share of people with COVID-19 in the enforcement system currently is lower than the Lithuanian average. Certain technical problems with the new procedure for submitting enforcement documents and automatically selecting the relevant judicial officer for further enforcement procedures (in cases for monetary claims) are also a thing of the past. There is no doubt that the adaptation of the Judicial Officers' Information System to the needs of judicial officers and their offices would be accelerated by the wider involvement of the Chamber of Judicial Officers of Lithuania in its management and the implementation of integration interfaces with the information systems used by judicial officers. On these issues, the Chamber of Judicial Officers of Lithuania continues to consult with the Ministry of Justice. A concrete practical example is the data processing information system SKOLIS, initiated and developed by the Chamber of Judicial Officers, which helps save time for employees, working in the offices of judicial officers, and creates optimal conditions for working with relevant register data.

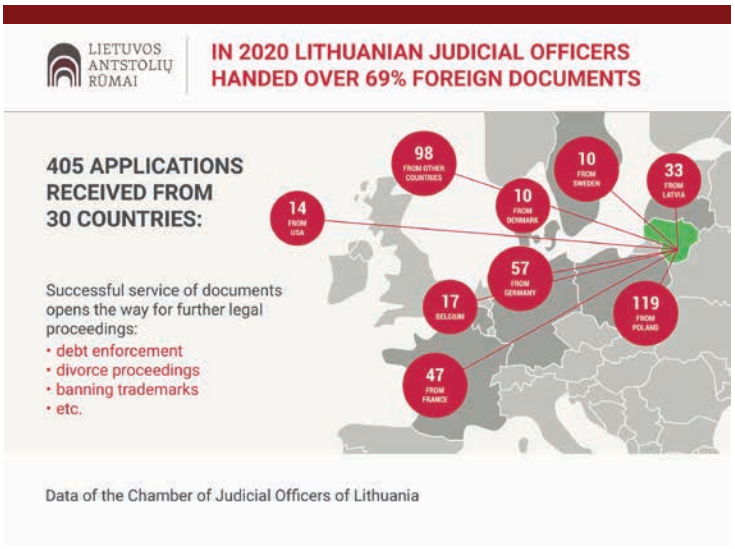


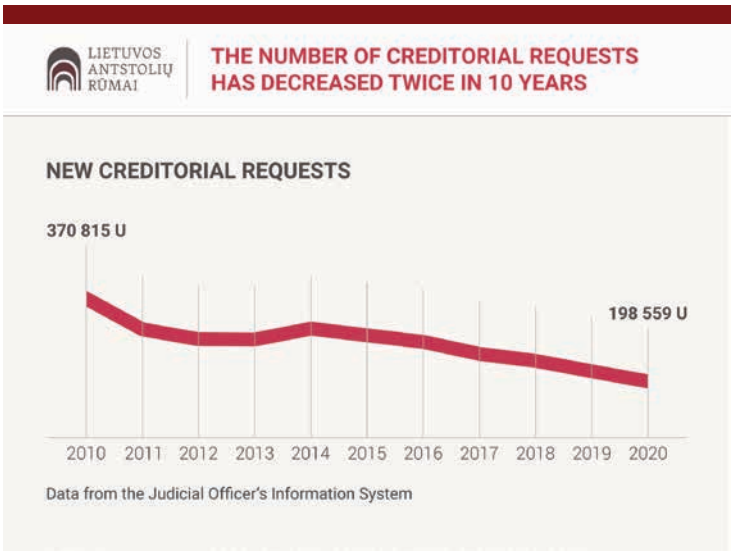
Inga Karalienė,
Chairwoman of the Presidium of the Chamber of Judicial Officers of Lithuania

Just like in the case of the pandemic, we had no choice in the reorganization of the submission of enforcement documents: we had to adapt to the current circumstances, which were beyond our control, in order to continue the ongoing work. The only way to implement the amendments of certain laws initiated by former President Dalia Grybauskaitė in 2019 (the aforementioned amendments requested so that all of the debts by a single debtor would be handled by a single judicial officer), which entered into force in 2021, was the centralization of the selection of judicial officers. Such changes in legislature restrict creditors' choice of a judicial officer in cases of monetary claims, leaving them free to choose only in the case of non-monetary claims. Only time will be able to tell whether the new legislation has brought more advantages or disadvantages. It is possible to learn from mistakes: perhaps these changes in legislation will discourage the resounding populist ideas of returning to the state system of judicial officers' offices, and so on. It is yet unknown whether further legal regulation will in time favour the creditor, or whether it will remain focused on the debtor.

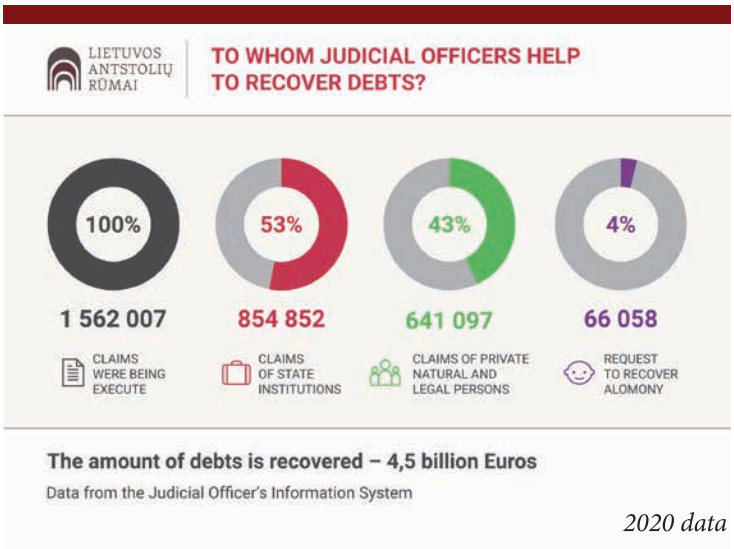
A sober mind is the key to solving any and all problems. During the nineteenth year of private activity, we can already cautiously welcome the fact that there has been much less misunderstanding with representatives of various state institutions. Making judicial officers look guilty of everything "by default" simply because they perform rather unpopular legal functions is no longer an undeniably good tone/opinion. The sober mind prevailed in Seimas (the legislative body of Lithuania), when most parliamentarians took into account the arguments of the Chamber of Judicial Officers of Lithuania and did not support the proposal to publish judicial officers' property declarations, since that was seen as discriminatory against the profession itself. National Audit Office of Lithuania, after conducting a state audit during 2019-2020 (i. e. "State Functions Assigned to Bailiffs and Notaries"), has addressed critical remarks on the regulation of judicial officers' activities to the institutions supervising these activities and not to the judicial officers themselves. The aforementioned National Audit Office audit report recommended that the Government and the Ministry of Justice would develop criteria for determining the fees paid for judicial officers and the number of judicial officers, allowed to practice their profession, over the next few years. Officials of the National Audit Office stated, that they had come to a conclusion that "the estimated enforcement costs of judicial officers correspond to the amounts approved by the Minister of Justice" and did not have any substantive complaints about the quality of the work, conducted by judicial officers. Among other observations, it was proposed to expand the dissemination of public information on judicial officers' fees.

Today, like never before, we need a sense of security. All the more so, when we don't scatter ourselves on non-essential things and instead – we safeguard human relationships, try to stay human everywhere and at all times. Unlike many other previous crises, there is no enemy with a human face during a pandemic. We have nothing to hate and blame, so we can only share experiences and help each other. Therefore, we want all our colleagues to seek common ground and focus on what really matters. As such, each of us and the whole institution of judicial officers will only become stronger.









2020 data

The burden of bureaucracy in the debt collection process has been reduced

In the 1st of July, 2020, the amendments to the Code of Civil Procedure of the Republic of Lithuania, which were initiated by the Chamber of Judicial Officers of Lithuania, has entered into force. With such amendments, the procedural documents, issued by judicial officers, were largely transferred to the electronic space. Instead of 8-10 procedural documents that were previously sent by registered mail, it is now absolutely sufficient to send only one paper letter. In cases of recovery of debts that are up to EUR 1,000, the judicial officer only sends a single original procedural document, which contains all of the necessary information, required by the debtor. For the recovery of other debts, procedural documents are submitted in electronic form only after the successful delivery of any document sent by registered post. At the written request of a party, all procedural documents, regardless of the nature of the debt, can be sent by electronic means. The expanded communication in the electronic space has further ensured the transparency of debt enforcement procedures and helped to significantly reduce the risk score, assigned to the judicial officers' institution, evaluated in the National Money Laundering and Terrorist Financing Risk Assessment Report of the Republic of Lithuania.

A centralized procedure for submitting enforcement documents to judicial officers has been introduced

With the addition of Article 650 to the Code of Civil Procedure of the Republic of Lithuania, which entered into force in the 1st of January, 2020, a centralized procedure for the distribution of enforcement documents to judicial officers has been established. The aforementioned changes in legislation were determined by the implementation of the principle "One Debtor – One Judicial Officer", which was initiated by former President D. Grybauskaitė. If creditors were left with the right to continue choosing judicial officers independently on their own, it would not be possible to secure the recovery of one person's debts in the same judicial officer's office. Since the aforementioned changes in legislation, enforcement documents for recovery of monetary claims are distributed to judicial officers by the Judicial Officers' Information System, in accordance with the currently applicable laws: in proportion to all judicial officers operating in the area and taking into account the categories of enforcement documents and amounts to be recovered, while also ensuring that a new recovery order from the same debtor be assigned to a judicial officer already enforcing recovery from that debtor, unless a new enforcement order is not enforceable in the territory of that judicial officer.

Until the start of 2021, the function of distributing some of the written enforcement documents submitted by state institutions to judicial officers was performed by the Chamber of Judicial Officers of Lithuania has grown into a function of digitization, signing and uploading of all written enforcement documents to the Judicial Officers' Information System.

Two members of the public representatives were added to the Judicial Officers' Court of Honor

The amendments to the Law on Judicial Officers that entered into force at 1st of August, 2020, established new principles for the formation of the Judicial Officers' Court of Honor. The issues of professional ethics of judicial officers and their assistants were assigned to be assessed not only by professional judicial officers, but also by members of the public. At the Governments' and the Ministry of Justices' shared initiative, the number of members of the Judicial Officers' Court of Honor has been increased from five to seven. These amendments to the aforementioned laws are a compromise and much more democratic solution, after long discussions during the consideration of the changes in the legislation. An initial version of the draft (changes in the aforementioned legislation), prepared by the Ministry of Justice, proposed that members of the public would be included in the Judicial Officers' Court of Honor by a unilateral decision of the Minister of Justice.

Five members of the Judicial Officers' Court of Honor are elected from a list of current active judicial officers, while the remaining two members are selected from a list of six members (public representatives), nominated by the Minister of Justice. During a meeting that took place in the 18th of February, 2021, L. Bliujienė, a lawyer and public figure and S. Gurevičius, a former judge of the Supreme Court of Lithuania, who were nominated by the Minister of Justice E. Dobrovolska, were elected by a majority of judicial officers' votes to join the Judicial Officers' Court of Honour.

Early prevention measures helped prevent the uncontrolled spread of COVID-19 in judicial officer's offices

According to the data collected by the Chamber of Judicial Officers of Lithuania, the share of people who contracted COVID-19 in the enforcement system is lower than the Lithuanian average. About 7,6 percent of the country's population was sick with COVID-19, while in the enforcement system – around 6,4 percent (7 judicial officers and 48 assistants and employees, working in the offices). The risk of possible spread of the virus was reduced due to early reorientation to remote service of clients in judicial officers' offices, together with other similar measures.

In early March of 2020, the Presidium of the Chamber of Judicial Officers of Lithuania recommended that the contact between the offices of judicial officers and interested parties would be kept to a minimum. Remote communication with participants of the enforcement and debt recovery process (by phone, e-mail, through the Judicial Officers' Information System) has become a prioritized form of communication, which was accepted by most parties. In October of 2020, the Chamber of Judicial Officers of Lithuania has prepared additional detailed Recommendations for the organization of judicial officers' offices during state-level emergencies and peak periods of the spread of coronavirus (COVID-19), as well as a Remote Work Procedure for judicial officers and their offices. The aforementioned Recommendations and Remote Work Procedure were distributed to all judicial officers.

In December of 2020, the Chamber of Judicial Officers of Lithuania has prepared the Recommendations of the Presidium of the Chamber of Judicial Officers of Lithuania regarding communication methodology with the participants of the enforcement process during the quarantine period, which can be accessed on the Ministry of Justice's website.

