Ancillary Document for the Comparative Dataset of Legal Systems (2008 Data)

This dataset was compiled to enable the quantitative comparison of legal systems, based on data from 2008 (see Keren Weinshall-Margel, Inbal Galon and Sharon Hershenson, A Comparative Evaluation of Case Loads in Legal Systems [in Hebrew], July 2011).

1. Countries Included in the Dataset:

Mediterranean Countries: Algeria, Israel, Jordan, Morocco, Palestinian Authority, Tunisia


European Countries: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, England and Wales, Estonia, Finland, France, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Northern Ireland, Norway, Poland, Portugal, Rumania, Russia, San Marino, Scotland, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine
2. **Data Sources:**

**Israel:**


- Israeli Central Bureau of Statistics:

- Data from the Courts’ Management

**Mediterranean Countries:**


**U.S.:**

- Court Statistics Project, State Court Caseload Statistics: An Analysis of 2008 State Court Caseloads (National Center for State Courts 2010) ("NCSC")
  [http://www.courtstatistics.org/other-pages/~/media/microsites/files/csp/cwsc-2008-online.ashx](http://www.courtstatistics.org/other-pages/~/media/microsites/files/csp/cwsc-2008-online.ashx)


**European Countries:**

3. **Definitions and Comments:**

The following definitions pertain to the variables as specified in the dataset and were derived from the data sources mentioned above. Some of the definitions are general and relevant to all countries. In some instances, the definition is relevant only to certain countries, or varies across different countries.

**Professional Judge**

**U.S.** - Professional judges include the following: judge, magistrate, deputy chief magistrate, master-in-equity, associate judge, senior judge, district judge, "acting" Supreme Court judge, surrogate, chancellor, special judge.

**Europe** - Professional judges may be defined as judges who have been recruited and are remunerated to practice solely as a judge.

**Mediterranean** - Professional judges are judges hired, trained and remunerated as such and where their principle role is to work as a judge.

**Non Professional Judge**

**U.S.** - Non professional judges include the following: master, marital master, referee, justice of the peace, commissioner, aldermen, quasi-judicial staff (only in New York), clerks who hear uncontested probate (only in North Carolina), hearing officers (only in Vermont), and mayor.

**Europe** - Non professional judges can be lay judges, without any legal training. Lay judges can be recruited (usually on a case-by-case basis) for their specific expertise or to ensure citizens’ participation in legal activities.

**Lawyers**

**Europe** - Recommendation Rec(2000)21, on the freedom of exercise of the profession of lawyers, defines the lawyer as “… a person qualified and authorized according to the national law to plead and act on behalf of his or her clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters”. In general, the
definition does not pertain to legal advisors. Thus, when the data includes legal advisors, it is commented upon.

**Mediterranean** - A person qualified and skilled, as laid down in national law, to appeal, act on behalf of clients, practice the law, appear in court, or council and represent clients in legal matters.

**Civil Proceedings**

U.S. - Civil cases are a broad category of trial court cases in which a plaintiff requests the enforcement or protection of a right or the redress or prevention of a wrong. The complaint or petition that begins an action is the unit being counted in each civil case.

**Litigious and Non-litigious Cases**

**Europe** - The distinction between litigious and non-litigious civil cases is relevant in some European countries, especially in civil law jurisdictions. Litigious cases refer to cases characterized by built-in disputes between the parties, which are brought before the courts in order to be resolved through adjudication. Non-litigious cases concern, for example, registration/administrative tasks and enforcement cases, which in these countries are dealt with by special units or entities of the courts (such as uncontested payment orders, registering companies, etc.).

**Criminal Proceedings**

U.S. - Criminal cases are a broad category for trial court cases in which a defendant is charged with violation(s) of state law(s).

**Europe** - Criminal cases are divided into different subcategories in each country (such as the definition per country for severe criminal offenses, misdemeanors, infractions, and so forth). Most of the data refers to all criminal cases in a certain country. However, some countries provided partial data, relevant to only some subcategories of criminal cases in that country.

**Incoming Cases**

U.S. - "New" cases (cases filed for the first time), reopened cases, and reactivated cases.
Resolved (Outgoing) Cases

U.S. - All adjudicated or otherwise resolved cases, reopened dispositions, and cases placed on an inactive status.

Disposition Time

The disposition time indicator compares the number of resolved cases during the observed period and the number of unresolved cases at the end of the observed period. The indicator measures how quickly the judicial system (or a court) turns over received cases – that is, how long it takes for a type of case to be resolved, and it determines the number of days necessary for a pending case to be solved in court, by using the following equation (necessary since some countries are unable to directly measure the length of proceedings):

\[
\text{Disposition Time} = \frac{365 \times \text{Number of Resolved Cases}}{\text{Number of Unresolved Cases}}
\]

Clearance Rate

The clearance rate, expressed as a percentage, is obtained by dividing the number of resolved cases by the number of incoming cases and multiplying by 100:

\[
\frac{\text{Resolved cases}}{\text{Incoming cases}} \times 100 \%
\]

A clearance rate close to 100% indicates the ability of the court or a judicial system to resolve more or less as many cases as the number of incoming cases within the given time period. A clearance rate above 100% indicates the ability of the system to resolve more cases than received, thus reducing any potential backlog. Finally, if the number of incoming cases is higher than the number of resolved cases, the clearance rate will fall below 100%. When a clearance rate falls below 100%, the number of unresolved cases at the end of a reporting period (backlog) will rise. Essentially, a clearance rate shows how the court or judicial system is coping with the in-flow of cases.
Comments regarding the U.S.

- The case numbers do not include: family court, workers' compensation, justice of the peace, justice, juvenile cases.
- The coding for the columns regarding comments about civil and criminal cases:

  A = incomplete  
  B = over-inclusive  
  C = incomplete and over inclusive  
  D = no comments