

INSTITUTO NACIONAL DE ESTADISTICA



# **Magistrates' court Statistics**

## **Methodology**

**July 2018**

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## **1. INTRODUCTION**

Magistrates' Court Statistics provide information referring to the activities carried out by Magistrates' Courts both the civil and criminal fields throughout the reference year. The possible activity related to the functions delegated to the Civil Registry is excluded.

This statistical operation is conducted by the INE according to the collaboration agreement subscribed with the General Council of the Judiciary on 14 February 1995 and subsequent addenda.

Since reference year 2007, the completion of data referred to in these statistics is carried out through a computer web application which centralises the collection of primary information through a web questionnaire, a paper questionnaire and an electronic questionnaire (by mail).

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## **2. MAGISTRATES' COURTS**

Magistrates' Courts in Spain exercise jurisdictional power in those municipalities without existing Courts of First Instance and Instruction and are served by lay judges, that is, judges who do not belong to the judicial profession.

Magistrates' Courts hear, in civil matters, the first instance proceedings, the ruling and the execution of all the processes determined by law; in particular, they assume jurisdiction in claims of less than 90 euros (Art. 47 of Code of Civil Procedure). They may also be entrusted with the functions of the Civil Registry (art.86 LOPJ).

The latter are not researched in this statistic.

In criminal matters, Magistrates' Courts hear, in first instance, the substantiation, ruling and enforcement of proceedings for misdemeanours attributed to them by law and may also intervene in preventive criminal proceedings, or by delegation, as well as in such others provided for by law. In particular, they are competent for offences covered by articles 620, 626, 630, 632 and 633 of the Criminal Code (LECrIm 14.1).

Magistrates are elected by the Plenary Session of the City Council, with the favourable vote of the majority of its members, from among those persons who meeting the legal conditions, request it. If there is no applicant, the Plenary will elect freely. Magistrates are appointed by the Governing Chamber of the Superior Court of Justice for a period of four years and must take an oath before the Judge of First Instance and Instruction.

There shall be a single Registry to handle the cases of several courts.

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### **3. CONCEPTUAL FRAMEWORK OF THE INVESTIGATION**

The *Magistrates' Court Statistics* are prepared on the basis of information provided by the different Magistrates' Courts in the national territory.

Until 31 December 2007, in accordance with the agreement of collaboration between the INE and the General Council of the Judiciary and its subsequent addenda, the information was collected every six months by means of a paper questionnaire which was completed by the Magistrates' Courts.

Currently, the data is provided through a web application designed for this purpose, which became operational on 1 January 2008. This new collection system makes it possible to manage the information requirements that are requested from the different courts more efficiently, taking advantage of the new information and telecommunications technologies made available to users through web platforms.

The objective of this statistic is to monitor the judicial activity of the Magistrates' Courts with respect to both civil and criminal fields. As it has been indicated before, the functions which have been delegated to the Civil Registry have been excluded.

In the civil sector, the movement of cases filed and resolved during the year is studied, as well as the specific types of cases resolved. For this purpose, a distinction is made between oral trials, judicial civil assistance, acts of conciliation and other cases.

In the criminal field, the movement of cases (filed and resolved) is also studied, as well as the type of cases resolved (criminal legal aid and other cases).

The basic unit of the statistic is the civil or criminal case, filed or resolved in each Magistrates' Court.

The reference period is the calendar year, considering as the date of each case the date corresponding to its admission (in the case of cases filed) or that of its resolution (for cases resolved during that year).

The information for the reference year  $t$  is obtained during the first four months of the year  $t+1$ . The data is disseminated on an annual basis.

From a geographical point of view, the statistic covers the whole national territory.

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### **4. VARIABLES STUDIED**

The analytical variables studied in this statistic are the cases filed and resolved by the Magistrates' Courts during the reference year of the information.

**Case filed:** Any case (both civil or criminal) that has been filed in a Magistrates' Court during the reference year of the information and which, therefore, has been part of the activity of that court. It is a broad concept that includes both judicial proceedings in the strict sense (trials) as well as notifications, judicial assistance to other courts or tribunals, and other complementary acts.

This does not include those derived, where applicable, from the functions performed (by delegation) by the court as Civil Registry.

**Case resolved:** Any case (both civil or criminal) that has been resolved in a Magistrates' Court during the reference year for the information.

The same precisions established in relation to the cases filed apply to this concept.

Within the set of cases resolved in the Magistrates' Courts, this statistic provides detailed information on certain specific cases. The concepts for which detailed results are provided, in either the civil or criminal field, are as follows:

**Oral Trial (civil area):** A declarative process aimed at resolving disputes characterised, in the first place, by the simplicity of the dispute and in the second, by their small economic interest. All other disputes must follow the course of the ordinary trial. Verbal proceedings are initiated by a summary suit with immediate summons for a hearing. The suit must state the particulars and identifying circumstances of the plaintiff and the defendant and the address or addresses where they may be summoned, and must state clearly and precisely what is requested. Although the matter is a determining criterion when it comes to establishing the type of procedure to be followed (oral or ordinary), in many cases the amount of the claim continues to play a significant role in this determination.

**Conciliatory act (civil matters):** It is a voluntary, simple, quick and free procedure that allows the parties to seek mutual understanding and conciliation of interests, prior to the lawsuit.

It allows a speedier processing because the citation is much faster than in declarative procedures.

**Judicial assistance (civil and criminal field):** A request for judicial cooperation made by a court to another court of the same level, normally relating to an act

of communication (notification, requirement, summons, etc.) to be made to a person living in the locality of the exhorted court. Judicial assistance must include the name of the court requesting assistance and the one providing it, an explanation of the issue that motivates the issuance of judicial assistance, the name of the persons who are party to the case, the indication of the proceedings whose practice is in question and the deadline for their completion. Judicial assistance is issued and authorized by the Court Clerk.

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## **5. COLLECTION AND PROCESSING O INFORMATION**

The collection of the information is carried out, as of the 2007 reference year, through a web-based computer application designed for this purpose that allows for greater efficiency in the management and control of the entire collection process.

This general data capture system is compatible with the alternative transmission of information between courts, via web questionnaire, electronic questionnaire (by mail) or paper questionnaire, depending on the option chosen by each court.

The overall control and management of the information collection process is carried out by the Provincial Delegations of the INE, the units responsible for collecting the information through the computer web application, and whose work is oriented towards guaranteeing the coverage and quality of the received data.

Throughout the four months of data collection, possible weak points in terms of coverage are detected, and a process of rectification and contacting the informant units is carried out in order to reduce the non-response rate and to have information that guarantees the accuracy and reliability of the results offered.

Once the data file containing the primary information of each court is available, during the information processing phase, basic controls are carried out to evaluate the quality and degree of coverage of the information received (analysis of the response rate, completeness and coherence in the contents of the different recorded records, etc.) and the first indicators and indicative rates of national, regional and provincial coverage are obtained.

As a step prior to the dissemination of the results, an analysis of the aggregated information is carried out to correct possible errors not detected in previous phases.

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## **6. TABULATION AND DISSEMINATION OF THE RESULTS**

The dissemination of the results has an annual periodicity. The results are published in June of the year following the reference year.

Information is provided on both civil and criminal cases.

The tabulation of results within each of these areas of information takes into account three levels of geographical breakdown: national, Autonomous Community and provincial level.

The general structure of the tabulation plan is therefore configured according to the following scheme:

## MAGISTRATES' COURT STATISTICS: *Tabulation of results*

### **1. Civil affairs**

#### 1.1 Movement of civil cases by type of case.

- Total
- Autonomous Communities
- Provinces

#### 1.2 Breakdown of civil cases resolved by type of resolved case

- Total
- Autonomous Communities
- Provinces

### **2. Criminal cases**

#### 2.1 Movement of criminal cases by type of case

- Total
- Autonomous Communities
- Provinces

#### 2.2 Breakdown of criminal cases resolved by type of resolved case

- Total
- Autonomous Communities
- Provinces