1. INTRODUCTION

A judicial organization ensures that the work that is done – administering justice – is reliable for citizens. Justice must be accessible, on time and fair. In addition, it must be predictable and effective. And, moreover, the organization of justice must be effective. It may cost a little, but it is predominantly taxpayers' money, and that is why also a judicial organization should account for its expenditures and how it performed in terms of quality and effectiveness. There are two organizational principles that contribute to realizing those aims: hierarchy and cohesion. Hierarchy and cohesion in an organization must be in balance for the organization to function effectively. All kinds of horizontal and vertical interactions are needed, partly in relation to the societal environment of an organization, for it to flourish. This also applies to judicial organizations. One assumption is that professional judges are substantively inspired – and enjoy doing their job – and another is that people trust each other enough to work together. I illustrate this by the phenomenon of procedural guidelines as a result of judicial cooperation and a comparison of the situation of the judicial organizations in Ukraine, Greece and the Netherlands. I conclude that, when it comes to rule of law reviews of national judiciaries, much more attention should be paid to hierarchy and internal cohesion – that is, cooperation along horizontal lines. Without such horizontal cooperation, judges cannot be adequately autonomous, impartial and independent because too much hierarchy enables the exertion of pressures also for other reasons than the quality of court work – pressures related to career preferences of judges, avoiding of sanctions by judges and political influences on judicial decisionmaking.

2. HIERARCHY AND COLLABORATION

There is not so much literature on the effects of hierarchy on collaboration in organizations. Intuitively we assume that guidance is needed; philosopher Thomas Hobbes conjures hierarchy from his analysis as a solution to our tendency to be selfish,[1] and in the Jacobin tradition hierarchy is also a democratic principle: do what the majority indicates. We were raised with it, and we take it for granted.[2] However, there is a lot of criticism of hierarchy as an organizational principle. Hierarchy makes cooperation less effective, according to social psychological research, and the more vertical the hierarchy, the worse the cooperation is between subordinates.[3] Hierarchy remains mainly because some people benefit from it at the expense of others and do everything to maintain that advantage, while the benefits of hierarchy – cooperation – can also be obtained in other ways.[4] At the same time, crossing borders in hierarchies,

1 Thomas Hobbes, *Leviathan*, 165, Penguin, Middlesex, 1984.

2 Ricardo Blaug, (2009), Why Is There Hierarchy? Democracy and the Question of Organisational Form, *Critical Review of International Social and Political Philosophy* 12, 1 p. 85–99.

3 Katherine A. Cronin, Daniel J. Acheson, Penélope Hernández and Angel Sánchez (2015), Hierarchy is Detrimental for Human Cooperation. *Sci Rep* 5, p. 18634; Antonioni, A. et al., (2018) Collaborative hierarchy maintains cooperation in asymmetric games, *Sci Rep* 8, p. 5375; Emmelie Hazelzet, Inge Houkes, Hans Bosma & Angelique de Rijk (2022), How a Steeper Organisational Hierarchy Prevents Change Adoption and Implementation of a Sustainable Employability Intervention for Employees in Low-Skilled Jobs: A Qualitative Study, *Bmc Public Health* 22.

4 Thomas Diefenbach (2013), *Hierarchy and Organisation: Toward a General Theory of Hierarchical Social Systems* (Ser. Routledge studies in management, organizations, and society, 24). Routledge, 2013, p. 43; Samantha Slade (2018), *Going* Horizontal: Creating *a Non-Hierarchical Organization, One Practice at a Time*, Berrett-Koehler.

especially when it comes to the development of solidarity and cooperation between subordinates, comes at the expense of the authority of the highest in rank, and is therefore threatening to them.[5] Also, there is quite some literature on "tight and loosely coupled organisations". "Tight coupling" refers to central control, and little local freedom, like in franchise chains; "loosely coupled" organizations, like universities, allow much more freedom on the shop floor. Literature indicates that organizations that need to adapt to changing circumstances are best at that when they find a middle way between central control and local freedom.[6]

For constitutionalists, this knowledge about hierarchy in organizations and societies may be a basis for setting up multidisciplinary research into the internal organizational functioning of institutions in order to explain the success or failure of the functioning of checks and balances between institutions under the rule of law.

3. PROCEDURAL GUIDELINES

Procedural arrangements in a judicial system – judges' guidelines – are agreements by judges on how they will use powers granted to them by procedural laws to conduct (elements of) proceedings in a case. They are the result of an instrument for collaboration between professionals. This is a curious phenomenon from a normative point of view because judges make rules, while according to the doctrine of separation of powers, they have no regulatory power at all. Guidelines of this kind can be found in Courts of the United States (US)[7] and of the UK,[8] where they are called Court Rules, and in the courts of the Netherlands where they are called procedure rules.[9] The US federal court rules are based on a rule-making competence attributed to the Supreme Court by the legislator (and delegated to specialized committees); The UK Court Rules are also based on the attribution of legislative powers to procedure rule committees. These committees consist of judges. In the Netherlands, such attribution of legislative powers to 'procedure rule committees' is absent. Still, procedural guidelines are created by judges there as well. Without a clear basis in legislation, a general justification of the competence to create procedural guidelines is necessary, all the more so, because the legal system of the Netherlands belongs to the continental law tradition.[10]

---

5 Diefenbach, supra note 4, p. 166.

6 For example: Maria Chiara Demartini and David Otley (2020), Beyond the System vs. Package Dualism in Performance Management Systems Design: A Loose Coupling Approach, *Accounting, Organizations and Society*, 86; Berggren, R., Johanna E. Pregmark, Tobias Fredberg and Björn Frössevi, Change in Tightly Coupled Systems: The Role and Actions of Middle Managers, in: Abraham B. (Rami) Shani and Debra A. Noumair (Eds.), *Research in Organizational Change and Development*. Emerald Publishing, p. 183–209; Starling David Hunter III, Henrik Bentzen and Jan Taug (2020), On the "Missing Link" Between Formal Organization and Informal Social Structure, *J Org Design* 9, 13; Martin Gargiulo and Gokhan Ertug, The Power of the Weak, in: Brass, D. J., Borgatti, S. P., Halgin, D. S., Labianca, G., & Mehra, A. (Eds.). *Contemporary Perspectives on Organizational Social Networks* (First edition, 2014). p. 179–198.

7 For example: <https://www.uscourts.gov/rules-policies> [accessed 14 July 2024].

8 For example: https://www.justice.gov.uk/courts/procedure-rules/civil> [accessed 14 July 2024].

9 In Dutch: "Procesreglementen".

10 On what that means: John Henry Merryman and Rogelio Pérez-Perdomo, *The Civil Law Tradition*, 3rd Edition, Stanford University Press, 2007. Also: John Henry Merryman, (1996), The French Deviation, *The American Journal of Comparative Law* Vol. 44, No. 1, pp. 109–119 Oxford University Press.

An important element of these agreements laid down in the Netherlands' procedural guidelines is that they are a kind of promise. To promise is to perform a certain language act. It is essential that the person to whom the promise is made benefits from it, that the addressee of the promise would rather the promise be done or, given than that it should not be done, that the person who makes the promise has a serious intention of actually delivering the promise.[11] The audiences of procedural arrangements are the parties involved in a case and their representatives. Procedural arrangements promote a certain degree of uniformity in conducting proceedings by judges, thereby making litigation more predictable and allowing judicial case management. However, a lawyer is not necessarily eager for this type of arrangement, because they limit the freedom to represent and defend the interests of their clients in a dispute. Just think of limitations of speaking times at hearings, limiting sizes of documents, setting deadlines for delivering documents to the court, and setting conditions for agreeing with requests for postponements of the hearing of a case or for delivering documents. Lawyers are obliged to represent the interests of their clients as well as possible, including in proceedings. They are partisan in principle.[12] And those procedural guidelines place restrictions on the handling of that duty. Therefore, in the case of procedural guidelines, the performance of the language act 'to promise' is not entirely successful. Actually, the courts use the power they derive from the state to manage cases by subjecting parties to limitations for the benefit of everybody else.

Procedural guidelines have an external effect. They limit the ability of parties and their representatives to manage the procedure. This is important because, in this way, judges and court organizations keep the time spent on cases in their own hands and thus also prevent the planning of court cases from becoming unpredictable. Imagine lawyers repeatedly asking for adjournment of a hearing (which means losing hearing capacity), not sticking to speaking time (which means losing the schedule on a court day), and submitting documents of a size at will without adhering to deadlines (which would require more time from a judge than would be reasonable). In this way, lawyers would be able to effectively take away the judge's capacity for the benefit of their own clients (and perhaps also for their own agenda), while the cases of others would then have to wait longer for treatment. By preventing this by means of procedural guidelines, judges ensure that they divide their time evenly between the pending cases. In doing so, they also promote the possibility of equal access to more or less timely justice – insofar as judges can control it – for citizens and organizations. It also promotes equal treatment of citizens by enhancing proportionality in the use of a court's capacity in a case. And while doing so, judicial procedural guidelines also enhance consistency in case management. That is why stating procedural guidelines by judges is defensible, even if it restricts the freedom of lawyers to protect the interests of their clients in court proceedings, albeit within certain limits, as the courts must fulfill the obligation of enabling a fair trial for the parties in a case as stated in Article 6 ECHR.

11 For instance: Allen Habib, "Promises", *The Stanford Encyclopedia of Philosophy* (Winter 2022 Edition), Edward N. Zalta & Uri Nodelman (eds.), URL, <https://plato.stanford.edu/archives/win2022/entries/promises/> [accessed 14 July 2024].

12 IBA Standards For the Independence of the Legal Profession (Adopted 1990), <https://www.ibanet.org/resources> [accessed 2 April 2023]; Nederlandse Orde van Advocaten, 'Partisanship ('Partijdigheid')' Nederlandse Orde van Advocaten, <https://www.advocatenorde.nl/de-advocaat/kernwaarden/partijdigheid> [accessed 2 April 2023].

Wherever judicial administration is mentioned separately as a judicial task in a constitution or in a law on courts and judges, it can be assumed that judges may make such guidelines, within the limits set by codes of procedure. The way in which such guidelines are determined, who determines them and how they are applied are important. It should be judges who make the guidelines and not an administrative body – not even a managing body of the judicial organization in which judges sit – that is a requirement of internal judicial independence. And in its application, judges in a case should be able to deviate from guidelines, if necessary, because the right to a fair trial should not be affected. The individual judge (or judge panel) should remain in control of the management of a case.[13] Of course, it would be better if the competence to draft such guidelines would be attributed by Statute, but what I describe here is the result of the bottom-up work of judges taking their case management tasks seriously. In the Netherlands, court guidelines, including those that supplement legal procedural law, have long been commonplace; the development dates to before the turn of the last century, and in academic jurisprudence, extensive attention has been paid to this type of judicial cooperation.

I refer to the theses of Ashley Terlouw,[14] Karlijn Teuben,[15] and Bregje Dijksterhuis,[16] and to Paul Bovend'Eert, who has addressed procedural guidelines from a constitutional perspective.[17] Judicial procedural arrangements are generally accepted in the Netherlands as a crystallized judicial practice that was recognized in law recently, by the Dutch Court of Cassation.[18] Some lawyers may have difficulty with it, but to the extent that the application of procedural guidelines restricts them too much in the exercise of their duty to defend the interests of their party, they find the Netherlands' Supreme Court on their side.[19] And the interest of equally accessible justice for citizens by assigning court capacity proportionally to cases justifies that lawyers are to follow such judicial guidelines. In criminal cases, this also applies to public prosecutors.

---

13 That is the thrust of a ruling of the Netherlands'Supreme Court dated 3 June 2022 (ECLI:NL:HR:2022:824).

14 Ashley Terlouw (2003), Judgment and Agreement: Cooperation between Immigration Judges in the Absence of an Appeal. (*Uitspraak en afspraak: samenwerking tussen vreemdelingenrechters bij ontbreken van hoger beroep*). Boom Juridische uitgevers. (in Dutch).

15 Karlijn Teuben (2004), Judges' Regulations in Civil (Procedural) Law, (*Rechtersregelingen in het burgerlijk (procesrecht)*) Kluwer, Deventer (in Dutch).

16 Bregje Monique Dijksterhuis (2008), Judges Standardize the Amount of Alimony: An Empirical Study of Judicial Cooperation in the Working Group on Maintenance Standards (1975–2007) (*Rechters normeren de alimentatiehoogte: een empirisch onderzoek naar rechterlijke samenwerking in de werkgroep alimentatienormen* (1975–2007)) (dissertation), Leiden University Press, (in Dutch).

17 P. P. T. Bovend'Eert (2010), The Judge as Legislator: Uniform Application of Law in Court Regulations from a Constitutional Perspective (*De rechter als wetgever: uniforme rechtstoepassing in rechtersregelingen vanuit staatsrechtelijk perspectief*), RegelMaat (25) 1, p. 17–28; P. P. T. Bovend'Eert (2016), The Legal Nature of Procedural Rules and Other Court Regulations, (Het rechtskarakter van procesreglementen en andere rechtersregelingen), *Nederlands Juristenblad*– 5-2-2016 – AFL. 5 p. 257–326 (Both in Dutch).

18 ECLI:NL:HR:2022:824.

19 The advisory opinion of Advocate-General Ruth de Bock in the aforementioned preliminary ruling procedure on procedural guidelines is by far the most recent and comprehensive, publicly accessible text on procedural guidelines (ECLI:NL:PHR:2021:1228).

It is important to address the phenomenon of judicial guidelines more than 20 years after their invention because they are an expression of cooperation between judges. Judges are individually autonomous professionals, protected with a guarantee of their independence, while their handling of procedural law is monitored in the hierarchical system of appeal and cassation. This means that this collaboration between judicial professionals – in Europe – is not at all self-evident. I will illustrate that through two projects offering the development of judicial guidelines and, thus, judicial cooperation in Ukraine and in Greece respectively.

4. TWO PROJECTS

Since 2019 I have been involved in two projects, organized by the Centre for International Legal Cooperation in The Hague (an organization at the time led by Willem van Nieuwkerk), which aimed, among other things, for the introduction of the idea of the procedural guidelines as an instrument of case management in Ukraine and Greece. The project in Ukraine is a so-called MATRA project (Social Transformation, '*Maatschappelijke Transformatie*'), funded by the Netherlands' Ministry of Foreign Affairs. The project in Greece was funded by the European Commission. In terms of content, both projects were led by Senior Judge Esther de Rooij.

4.1 UKRAINE

Ukraine is a country with 139 (225 in 2018)[20] lawyers per 100,000 inhabitants (for comparison, the Netherlands has 101 per 100,000 inhabitants).[21] The population of Ukraine is declining, from 46 million in 2010 to 41 million in 2022. The number of lawsuits was about 3 million per year in 2010; 1.9 million in 2016 and 2.4 million in 2020.[22] Independent and impartial justice in Ukraine has long been difficult to achieve as appointments to positions in the Supreme Court and the High Council of Justice used to be highly politicized – at least until the fundamental changes in 2017. Judgments could be bought; judges could be pressured by false prosecution decisions; prosecutions could be stalled and so on.[23]

---

20 The figures for Ukraine in the CEPEJ data vary quite a bit: 2010 (225) 2012 (244) 2014 (NA) 2016 (83) 2018 (108) 2020 (135). This probably has to do with changes in the definition of 'lawyer'. Source: Council of Europe, 'Evaluation of judicial systems' European Commission for the Efficiency of Justice (CEPEJ) (2024) <https://www.coe.int/en/web/cepej/cepej-work/evaluation-of-judicial-systems> [accessed 17 July 2024].

21 The Netherlands had 17.900.000 inhabitants in 2023 <https://www.cbs.nl/nl-nl/cijfers/detail/03759ned> [accessed 17 July 2024]; and 18.513 advocates in 2024: <https://www.advocatenorde.nl/nieuws/groei-van-de-balie-zet-door> [accessed 17 July 2024].

22 Source: Special file – Report "European judicial systems – CEPEJ Evaluation report – 2022 Evaluation cycle (2020 data) Ukraine: <https://www.coe.int/en/web/cepej/individual-country-profiles4> (Ukraine). [accessed 10 July 2024].

23 There is a lot of information available about corruption in Ukraine, for example: Oleg Aleksandrovich Bazaluk (2016), *Corruption in Ukraine Rulers' Mentality and the Destiny of the Nation, Geophilosophy of Ukraine*. Cambridge Scholars Publishing; About corruption in the judicial system: Transparency International: National Integrity System Assessment Ukraine 2011; Government of Ukraine Report on Diagnostic Study of Governance Issues Pertaining to Corruption, the Business Climate and the Effectiveness of the Judiciary, July 2014; Greco Evaluation Rounds since 2007: <https://www.coe.int/en/web/greco/evaluations/ukraine> [accessed 17 July 2024]; Furthermore, see the opinions of the Venice Commission on different legislative proposals against judicial corruption in Ukraine, <https://www.venice.coe.int/webforms/documents/default.aspx?country=47&year=all&lang=EN> [accessed 17 July 2024].

In December 2015, a National Anti-Corruption Bureau was established, and in 2019, a High Anti-Corruption Court was created. Both the National Anti-Corruption Bureau and the High Anti-Corruption Court are currently in operation. Furthermore, an electronic system has been set up in which civil servants and officeholders must declare their property. This system does automatic checks with real estate, car, and other registries. The data is accessible to the public to verify. This last mechanism is the most important tool in the fight against corruption.[24]

Judges in Ukraine must declare their property and explain where it comes from. For example, if a person owns three houses, an apartment, a Tesla and a collection of Rolexes, and the person cannot prove that he/she obtained those in a normal way, given, for example, the person's income history, the person can no longer be reappointed as a judge. By the way, finding irregularities in property is different from a criminal conviction for having obtained your property illegally (such as through embezzlement, fraud, corruption). A criminal conviction for embezzlement or fraud is not so easy. More than 6,000 judges and candidates for judges' positions also have to undergo a substantive assessment to requalify. Of the nearly 9,000 judges, 3,000 have resigned or were dismissed. Furthermore, the High Qualification Commission of Judges of Ukraine has initiated a special evaluation ('vetting') and appointment procedure for the members of the Supreme Court and the High Council of Justice. There is cooperation with the Venice Commission and a group of international experts to arrive at a selection of honest judges.[25] NGOs play a driving role, closely monitoring the steps taken and commenting on the level of transparency – also during the war.[26]

Through the National Anti-Corruption Office and the High Anti-Corruption Court, several judges have been prosecuted and convictions have been handed down, including confiscation of allegedly unlawfully acquired property – sometimes in the tons and millions, as in the case of the former president of the Administrative Court in Kyiv. But opposition to reform is hugely tough.[27] An anti-corruption section could be set up within the Public Prosecution Service, but those people can also be bribed – or a media campaign is set up to make it plausible that effectively operating corruption fighters are themselves appearing corrupt, including anti-corruption NGOs.[28] Much

24 Nicholas Nam, Reform of Asset and Interest Disclosure in Ukraine, World Bank Group (26 January 2021) <https://thedocs.worldbank.org/en/doc/457791611679267058-0090022021/Reform-of-Asset-and-Interest-Disclosure-in-Ukraine> [accessed 17 July 2024].

25 Georg Stawa, Wilma Van Benthem and Reda Moliene (2018), Selection and Evaluation of Judges in Ukraine, *Pravo Justice* (November 2018) <www.pravojustice.eu> [accessed 17 July 2024].

26 Max Bader, Oksana Huss, Andriy Meleshevych and Oksana Nesterenko, (2019), Civil Society Against Corruption in Ukraine: Pathways to Impact, *Kyiv-Mohyla Law and Politics Journal* 5, pp. 2–35; DeJuRe, Judicial Reform in Ukraine, <https://en.dejure.foundation> [accessed 29 March 2023]; Corruption is a topic on itself, see: Michael Johnston, (2005), *Syndromes of Corruption: Wealth, Power, and Democracy*, Cambridge University Press.

27 See for example John Lough and Vladimir Dubrovskiy, 'Are Ukraine's Anti-Corruption Reforms Working?' *Russia and Eurasia Programme* (November 2018) <https://euaci.eu/what-we-do/resources/are-ukraines-anti-corruption-reforms-working-research-paper> [accessed 17 July 2024]. Transparency International, Report Based on the Monitoring of the High Anti-Corruption Court, April 1 – July 1, 2021. (<euaci.eu> [accessed 17 July 2024); Oleg Reznik, Olha Bondarenko, Maryna Utkina, Olena Klypa, Liliia Bobrishova (2023), Anti-Corruption Transformation Processes in the Conditions of the Judicial Reform in Ukraine Implementation, *International Journal for Court Administration* 14(1), p. 2.

28 <https://antac.org.ua/en> [accessed 28 March 2023].

of the media in Ukraine is owned by oligarchs. In the meantime, members of NGOs that fight corruption have also to declare their own assets.[29] The Constitutional Court found in 2020 that the obligation of civil servants to give up their property for public accessibility, etc. was unconstitutional.[30] However, this was reversed by legislation in 2023.[31] In this way, some members of the Constitutional Court also tried to avoid their own prosecution, seeking to make the National Anti-Corruption Bureau powerless.

Quite a few of the pending cases at the High Anti-Corruption Court are dragged on by lawyers with deferral requests and even requests already provided for by the court – or they just do not show up. However, the Court has no ability to hold lawyers accountable for contempt of court. Another, even more recent case was decided by the Ukrainian Supreme Court. The case concerned the vetting of judges and their dismissal. The Supreme Court reversed the dismissal of Judge Usatyi, on a procedural point, opening the reversal of such a dismissal for another 180 judges who have been found unfit for judicial office by the High Qualification Commission for Judges.[32]

The public in Ukraine in 2020 found that the courts are among the most corrupt institutions (4.43 on a scale of 1–5), while only customs were rated worse. The Parliament and the Public Prosecutor's Office also scored higher than 4.[33]

In our project in Odesa Oblast, an attempt was made to get the judges of different courts and of the Odesa Court of Appeal to discover whether and how they could get a better grip on their work by developing procedural guidelines for the different jurisdictions. To this end, they worked together with an NGO (Second of May Group), which monitored the project. It was also surprising that the legal profession cooperated with this project in the development of these procedural guidelines. A lawyer and member of Parliament (today's Prosecutor General Andriy Kostin) convinced the local bar to move along. Andriy Drischlyuk, then President of Odessa Court of Appeal, and Judge Tatyana Shevyrina were some of the important persons who pushed the project ahead, despite the Covid-19 restrictions. It was noticeable that judges were hardly used to working together but enjoyed discussing cases and possible guidelines with each other. This was also supported by the presidents of the first-instance courts in Odesa Oblast.

One of the topics that was heavily emphasized in the discussions is the fact that in cases involving a powerful politician or a powerful businessman, judges tend to duck out by recusing themselves. They prefer to throw the hot potato over the wall to a

29 The rule that NGOs had to declare their assets was declared unconstitutional already in 2019; <https://ccu.gov.ua/novyna/ksu-vyznav-e-deklaruvannya-antykorupciynyh-gromadskyh-aktyvistiv-takym-shcho-superechyt)> [accessed 24 July 2024].

30 Transparency International Ukraine News, 'Constitutional Court Puts an End to E-Declarations and Undermines NACP Powers' Transparency International Ukraine (28 October 2020) <https://ti-ukraine.org/en/news/breaking-constitutional-court-effectively-terminates-e-declarations/> [accessed 17 July 2024]; 'Constitutional Court destroyed system of electronic asset declarations. Analysis of the decision' ANTAC (28 October 2020) <https://antac.org.ua/en/news/constitutional-court-destroyed-edeclarations/> [accessed 17 July 2024].

31 See: <https://nazk.gov.ua/uk/novyny/vidnovlennya-deklaruvannya-yaki-deklaratsiyi-neobhidno-podaty/> [accessed 24 July 2024].

32 Olena Shcherban, Grand Chamber of Supreme Court deferred from its own practice and manipulated the law to save dishonest judges, 10 07 2024, <https://antac.org.ua/en/news/grand-chamber-of-supreme-court-broke-its-practice> [accessed 17 July 2024].

33 Inna Volosevych, Corruption in Ukraine 2020: Understanding, Perceptions, Prevalence, *InfoSapiens* (2020) <https://euaci.eu> [accessed 17 July 2024], p. 4.

colleague. And then every excuse is valuable. This also applies to the challenging of judges, which results in delays in a case, and lawyers are often looking to postpone the hearing of a case at all costs. Arguments that are used include: the judge was a fellow student, the judge previously sat on a case in which the person was involved, the judge was a colleague in a previous life, the judge is a customer of the organization that filed a case against the person or is a customer of the organization which was the object of the crime of which the person is suspected, etc. These arguments are declared invalid in the guidelines.

The guidelines developed by Odesa judges also deal with the role of lawyers in the planning of cases, as prescribed in the CCP, and more specifically, concerning the postponement requests. The guidelines indicate when postponement requests will not be granted. The starting point is that if you cannot be present as a lawyer, you should send a colleague, unless unforeseeable circumstances arise (and then you must prove them). They also deal with the deadlines for the delivery of documents prior to the hearing, evidence and speaking times. In Odesa, judges are currently working with these guidelines, to their satisfaction.[34] Hierarchical security was very important to make this possible. Before they joined, judges wanted to make sure that the High Council of Justice regulators agreed to this experiment—with a letter, a signature, and a stamp—so that they would not be vulnerable to disciplinary sanctions triggered by lawyers' complaints against them.

The current situation of judges in Ukraine, two and a half years after the conclusion of the project in Odesa, is one of uncertainty in the highest institutions. There is still a hierarchy, but it has inevitably changed and become uncertain due to the many changes in the bodies that administer the judiciary in Ukraine, and because of the many dismissals of judges in recent years. In these circumstances, collaboration with colleagues in the development and application of procedural guidelines is an attractive perspective. A similar project started in 2023 for the courts in Kyiv Oblast. Also here, judges of different courts have developed procedural guidelines. The extent to which this has a chance of success depends on whether the project also succeeds in linking this method to the newly established institutions of the judicial system in Ukraine. This new establishment is now an ongoing concern.

4.2 GREECE

The project in Greece delivered an entirely different experience. The Center for International Legal Cooperation organized a project for the European Commission between 2019 and 2022, at the request of the Greek government. That was about improving the Greek judiciary, more specifically, organizing statistical data collection, improving the training of judges and improving cooperation between judges. Unfortunately, the latter part of the project was sabotaged from many quarters – from the Athens court to the judges' association and the President of the Supreme Court, Maria Georgiou. That was disappointing, so it may be that I am biased against key players in the Greek judiciary. Only the family judges of the Piraeus District Court, and the Public Prosecutor's Office of Athens and Piraeus were willing to join us. For the judges in Piraeus, their cooperation soon led to a brief set of procedural rules regarding the scheduling of cases for hearing and regarding parties' limitations regarding case management. Incidentally, I would also like to say that the Greek lawyers we spoke with during the preparation of our project were very much in favor

34 The Odesa guidelines date back to 2019.

DOI: 10.36745/ijca.527

of improving case planning and related communication at the Athens District Court. The Athens Court is the largest court in Greece, where 800 of the 2900 Greek judges work.[35] It is also the court where most cases are filed because half of the Greeks live in the Athens region. Cooperation between the Bar Association, the Court, and the Public Prosecution Service to improve planning and lead times in civil and criminal cases is absent. When we asked about this, it turned out that the president of the Athens Bar Association had not spoken to the board of the Athens Court for five years, and there had been no consultation at all. At the same time, when asked, the court did not want to do it at all.

Anyone who reads the Greek Constitution will be impressed by the strong rule of law position of the judges and prosecutors and of the judicial system from an external perspective. But if you then delve deeper into the regulations, you will discover that many competencies, and therefore also powers, are concentrated at the Greek Supreme Court (*Areios Pagos*).[36] The *Areios Pagos* is not only the Supreme Court, but it also organizes the inspection of judges and courts. Presidents and the head of the Public Prosecutor's Office and Advocates-General in the *Areios Pagos* and the Council of State are nominated and appointed by the government, and their term may not exceed four years (Art. 90 Greek Constitution). In practice, Presidents of the Supreme Court are appointed when they are 65 or nearly 66 years old, their term ends when they are 67 years old and they retire. The government's influence on the selection of candidates for these posts has long since been criticized by the European Commission and GRECO – but has not been addressed yet.[37]

As for the inspection, a large number of the judges in the *Areios Pagos* are charged with inspection. They are appointed by lot and are assigned a court or a court of appeal for a year. In the long run, inspection results determine the promotion that judges can make. A body from the same Supreme Court also decides on this as highest instance. When discussing this evaluation 'method' with judges, they said the evaluations are about the cases and judgments judges could select themselves and deliver to an inspector – they thought it was no big deal. However, the criteria by which individual judges are evaluated are not very clear. Since December 2022, a judicial ethics code has been available online on the website of the *Areios Pagos*, but it emphatically denies any relationship with disciplinary rules.[38] It is unclear what happens to this statement in the Greek judicial system. Inspectors do not cooperate with each other. Attention is paid to the enormous backlogs in Greek courts, but this is not seen as an organizational problem, and primarily as an individual judicial responsibility. At the same time, the Greek legislature believes that traffic violations should be assessed and punished by

35 In 2016 there were 2,800; in 2020, they were 3,800 with the announcement of a methodology change. Source: 'Evaluation of judicial systems' European Commission for the Efficiency of Justice (2024) <https://www.coe.int/en/web/cepej/cepej-work/evaluation-of-judicial-system> [accessed 17 July 2024]. Here, probably, the definition of 'judge' had been adapted to the complex Greek judicial organization.

36 Code of courts organization and status of judicial officers.

37 European Commission, 'Commission Staff Working Document, 2020 Rule of Law Report'. Country Chapter on the rule of law situation in Greece SWD (2020) 307 final; 2021 Rule of Law Report, Country Chapter On the Rule of Law situation in Greece SWD (2021) 709 final; 2022 Rule of La Report, Country Chapter On the Rule of Law situation in Greece SWD (2022) 508 final; GRECO, Fourth Evaluation Round Corruption prevention in respect of members of parliament, judges and prosecutors, Addendum to The Second Compliance Report Greece, Strasbourg, 21–25 March 2022. p 4, nrs 18–22.

38 <http://www.areiospagos.gr/Magna%20Carta.pdf> [accessed 17 July 2024].

judges. All kinds of other minor violations (such as exceeding the maximum number of seats on a terrace, or not mentioning a product name in a market stall) must also be dealt with by the criminal courts. As a result, the Public Prosecutor's Office and the courts are flooded with criminal cases, while they are not adequately equipped to deal with them.[39] One problem is that Greece has the highest density of lawyers in the EU (nearly 400 per 100,000 inhabitants), while the fee system encourages them to carry out as many actions as possible, including frequent requests for postponements, especially in criminal cases. Judges in Athens are so busy with these postponement requests that they hardly get to deal with the substance of cases. Scheduling hearings usually results in chaos because lawyers do not stick to speaking times. As a result, lawyers whose cases are scheduled later in the day often must wait until the next day. There is no electronic communication about changed hearing schedules; it is all done with paper and that means that many lawyers must wait with their party in the corridor or on the grounds between the former military barracks where the courts is housed until their case is called.

Greece is a country at a disadvantage in terms of court – and judicial administration. Its ranking in the World Justice Project is the lowest in the EU.[40] Other NGOs also underline the flawed state of the rule of law in Greece.[41] Greece has hardly any statistics on the functioning of civil/criminal courts, the data they provide for CEPEJ and the EU Justice Scoreboard have been absent or very limited for more than a decade, transparency is hard to find, the courthouses in Athens and Piraeus are abominable and ITs of any significance were absent in mid-2022.

In the ordinary jurisdiction appointments to managerial positions are for a limited time (two years) and not based on management talent or organizational experience. It often happens that if a judge does impose restrictions on a lawyer, a disciplinary complaint is filed by the lawyer, which must then first be assessed by an inspector. The vast majority of these complaints are rejected untreated, but about five judges a year are dismissed for dysfunction. In December 2021, there were seven dismissals following a call from Maria Georgiou, the then-new president of the *Areios Pagos*, appointed at the end of June 2021. They were the result of reports for dysfunction by fellow judges through the hierarchy to the president of the *Areios Pagos*.[42] Needless to

39 This was the outcome of a conversation with several prosecutors of the Athens' District on March 2, 2021. Adequate statistics were absent at that time.

40 Country Press Release: Rule of Law Index 'Greece ranked 48 out of 139 countries on the rule of law, dropping one position' World Justice Project (14 October 2021). <https://worldjusticeproject.org/sites/default/files/documents/Greece_2021%20WJP%20Rule%20of%20Law%20Index%20Country%20Press%20Release.pdf> [accessed 17 July 2024].

41 Joint Civil Society Submission to the European Commission on the 2023 Rule of Law Report, January 2023, (Vouliwatch, Greek Council for Refugees (GCR), Refugee Support Aegean (RSA), HIAS Greece, Generation 2.0 – Second Generation/Institute for Rights, Equality and Diversity, Reporters United).

42 Letter from the President of the Supreme Court to the Judicial Officers and Court Employees of the country. July 27, 2021. <https://www.areiospagos.gr/anakinoseis/%CE%95%CE%A0%CE%99%CE%A3%CE%A4%CE%9F%CE%9B%CE%97%20%CE%A0%CE%A1%CE%9F%CE%95%CE%94%CE%A1%CE%9F%CE%A5%20%CE%91%CE%A1%CE%95%CE%99%CE%9F%-CE%A5%20%CE%A0%CE%91%CE%93%CE%9F%CE%A5%20%CE%A3%CE%A4%CE%9F%CE%A5%CE%A3%20%CE%94%CE%99%CE%9A%CE%91%CE%A3%CE%A4%CE%95%CE%A3%20%CE%A4%CE%97%CE%A3%20%CE%-A7%CE%A9%CE%A1%CE%91%CE%A3%20%CE%9A%CE%91%CE%99%20%CE%94%CE%99%CE%9A%CE%91%CE%A3%CE%A4%CE%99%CE%9A%CE%9F%CE%A5%CE%A3%20%CE%A5%CE%A0%CE%91%CE%9B%CE%9B%CE%97%CE%9B%CE%9F%CE%A5%CE%A3.FR10.pdf> [accessed 13 July 2024] – the letter was removed from the website of the Areios Pagos.

say, our project – for the improvement of the cooperation part – was as good as dead with that call. Also, Mr. Tselipos, the friendly then-president of the Court in Piraeus, threw in the towel.

Hierarchy instead of professional autonomy

All in all, it can therefore be said that the external independence of judges is formally well arranged in Greece, but that they are internally dependent for their assessment and promotion on the not so clearly standardized assessments of inspectors of their Supreme Court about their functioning. Meanwhile, the government has the decisive vote in the selection and appointment of candidates to the highest judicial functions. Judges have little defense against lawyers who ignore case planning. In the hierarchy of the judiciary, examples are regularly set by firing dysfunctional judges. The threat of negative sanctions is real and accompanied by uncertainty, also regarding the criteria used by the ECtHR. Too many disciplinary powers concentrated in one body like the *Areios Pagos* violates the judicial independence requirement of Article 6 ECHR.[43] No one at court level therefore dares to take an initiative to improve the internal organization, leaving aside the question of whether one has the insight to do so. Cooperation between judges at court level – outside the multi-panel chambers – is virtually absent. In brief: the professional autonomy of Greek judges is weak.[44]

Recent examples of hierarchical manipulation in Greece include prosecuting Andreas Georgiou, the former president of the National Statistical Office (ELSTAT) who in 2011 revealed the true extent of Greece's budget deficit, for harming the country's interests.[45] The Chief Public Prosecutor – a member of the *Areios Pagos* – ordered his prosecution three times, even after repeated acquittals by the courts. Georgiou's former colleagues have also filed defamation lawsuits against them. His case against the decision of the *Areios Pagos* to reject a request for a preliminary reference without any justification was heard by the ECtHR in Strasbourg in January 2023 and decided in March 2023, but the decision of the Supreme Court dates back to 2018.[46] He won this case at the ECtHR, but this meant re-opening proceedings at the Greek Supreme Court – it will take years before he will be finally acquitted from prosecution for his courage. The prosecution for human trafficking that has been instituted against volunteers who receive migrants washed ashore on Lesvos[47] and Kos is undoubtedly also a well-known example.[48] Such trials take years: in Greece you file proceedings not to win your

43 On internal judicial independence: Joost Sillen (2019), The Concept of 'Internal Judicial Independence' in the Case Law of the European Court of Human Rights, *European Constitutional Law Review* 15 pp. 104–133.

44 Michael Ioannidis (2020), The Judiciary, in: Kevin Featherstone and Dimitri A. Sotiropoulos (eds.) *The Oxford Handbook of Modern Greek Politics*, Oxford University Press, Oxford 2020, p. 127.

45 Miranda Xafa, The Case of Andreas Georgiou: A Travesty of Justice, World Economics Journal (26 August 2021) <https://www.world-economics-journal.com/Papers/The-Case-of-Andreas-Georgiou-A-Travesty-of-Justice.aspx> [accessed 17 July 2024].

46 ECtHR, *Georgiou v. Greece*, Case No 57378/18, of 14 March 2023.

47 HRW News, Greece: Rescuers at Sea Face Baseless Accusations, *Human Rights Watch* (5 November 2018) <https://www.hrw.org/news/2018/11/05/greece-rescuers-sea-face-baseless-accusations> [accessed 17 July 2024].

48 Eva Cossé and Bill Van Esveld, Sea Rescuers Still Waiting for Justice in Greece, *Human Right Watch* (16 January 2023) <https://www.hrw.org/news/2023/01/16/sea-rescuers-still-waiting-justice-greece> [accessed 17 July 2024]; HRW News, Greece: Migrant Rights Defenders Face Charges, *Human Rights Watch* (26 January 2023) <https://www.hrw.org/news/2023/01/26/greece-migrant-rights-defenders-face-charges> [accessed 17 July 2024].

attention to substantive legal and judicial skill related qualities, but also to efficiency.[54] In addition to the effort that is being made to maintain the trust of the public in case law, the Dutch judicial organization is also internationally oriented. This is evident not only from participation in the European Judicial Networks, such as the European National Councils for the Judiciary or the European Judicial Training Network, but also in the Consultative Council of European Judges and the Venice Commission. It is also evident from the participation of Dutch judges in programs to promote the functioning of judges and courts elsewhere.

The Netherlands has traditionally been a high-trust society. People trust each other (60–66%) but they do not trust institutions that much. Judges can boast a lot of trust (70%), as well as the police, and the army (60%+), but the trust in the House of Representatives is only about 40%, and politicians score even worse (33%).[55]

In today's social turbulence, there is a numerical lack of recourse to justice. The judicial system has a manpower of about 12.000 FTEs of which 2,600 are judges. This organization handles 1.4 million cases, most of which are small crimes/small claims/family cases. The Dutch are certainly not aggressive when it comes to litigation. There are also not very many lawyers (102 per 100,000 inhabitants – compared to Greece: 416,[56] Ukraine: 139, Spain: 303, Germany: 199, England: 256 and Scandinavia: less than 100.[57] At the same time, there are also many obstacles to litigation. Think of legal expense insurers, lawyer's fees and court fees, but also lack of knowledge and lack of ability to interact with public institutions for about 2 million inhabitants.[58]

There is a functional structure in the Netherlands for the management of the judicial organization. It provides for a Council for the Judiciary and Court Administrations that are financed via a system based on output, a quality system that was at least originally intended to be a counterweight to the pursuit of efficiency and which focuses on the substantive quality of justice, on the uniform application of law and a lot of statistical management information. In that sense, there is already quite a lot of top-down cooperation, which is carried out with a lot of horizontal consultation; just think of the presidents' meeting (an institute without a legal basis) and the various National Consultations on Professional Content between team leaders and department chairs of different courts. In addition, the Netherlands' judges have collectively shaped their autonomy in the professional

54 Wet op de rechterlijke organisatie, Staatsblad 2001, 582, Parliamentary Documents no. 27181 <https://wetten.overheid.nl/BWBR0001830/2023-07-01> [accessed 17 July 2024].

55 Hans Schmeets and Jeanet Exel, 'Vertrouwen in medemens en instituties voor en tijdens de pandemie' (Trust in Fellow Human Beings and Institutions Before and During the Pandemic) *Central Bureau of Statistics* (31 March 2022). <https://www.cbs.nl/nl-nl/longread/statistische-trends/2022/vertrouwen-in-medemens-en-instituties-voor-en-tijdens-de-pandemie/4-vertrouwen-in-instituties> [accessed 17 July 2024].

56 Arnt Mein and Freek de Meere (2018), Motives of Citizens to (Not) Go to Court (*Motieven van burgers om (niet) naar de rechter te gaan*), Research report/Research Memoranda Number 3/. (in Dutch).

57 These are data derived from CEPEJ data: Case Law Data (Annual Reports 2020 and 2021) <https://www.coe.int/en/web/cepej/cepej-work/evaluation-of-judicial-systems> [accessed 17 July 2024].

58 Kim van der Kraats (2022), Civil procedural law as a stumbling block, on the legal protection of people without legal knowledge, (*Het civiele procesrecht als struikelblok, over de rechtsbescherming van mensen zonder juridische kennis*), BoomJuridisch, The Hague (in Dutch).

standards – the quality requirements that the judge's work should meet (cf. the expertise, the time spent, the planning of the handling of cases, the support, the way in which judgments are designed). As a result, there is a lot of coherence in the Dutch judicial organization. The development of the procedural guidelines has contributed significantly to this. Predictable and reliable case law is a top priority and the annual reports of the Council for the Judiciary bear witness to this. This means that the equality of the inhabitants of the Netherlands before the law is a much more important starting point for the judiciary than all those 'gaps' in society announced by politicians and citizens. That is why judges and courts are an important institution in Dutch society, and I can claim, certainly in comparison with Ukraine and Greece, that the judiciary is one of the better functioning institutions in the Netherlands. Furthermore, the Netherlands' judiciary wants to connect with society to maintain public trust (socially effective justice), to deliver justice closer to the people and has organized and evaluated several projects during the past five years. It is wonderful that personal administrators have been screened in recent years and that a debt officer was introduced. Still, the results of the 'local' judge, 'neighborhood' judge or 'arranging' judge are not yet impressive.[59] However that may be, those initiatives also show that there is ample room for innovation and experiments and for thoughtful action on developments in law and society in the Netherlands judiciary.

The explanation for this, presumably, is that in the Netherlands a good balance developed between hierarchy, insofar as it is unavoidable, and the professional interrelationships, which have made the judicial system robust in relation to existing social pressures. The Netherlands' judiciary can afford to take a few risks (in terms of social trust) here and there. Cooperation with the Ministry of Justice and Security on regulations and budgeting is also part of that repertoire. That is worthy of a compliment, even though tensions do exist. Much could be done better, starting with improving the accessibility of justice[60] or repressing organized crime.[61] Then, the question arises of whose responsibility it is: the judicial organization or the policymakers in government and parliament.[62] The answer lies in the judicial organization's autonomous position and in the actual independence of the judiciary.

59 Hilke Grootelaar, David Schelfhout and Ivo van Duijneveldt (2020), Evaluation Rotterdam Local Rule Judge and the Hague Local Quarter Judge (*Evaluatie Rotterdamse Regelrechter en Haagse Wijkrechter*), Research Report, Research Memoranda Number 1/ Volume 15; Nienke Doornbos and Romy Hanoeman, Working Method and Results of the Eindhoven District Court, The Person Behind the File (*Werkwijze en resultaten van de Wijkrechtbank Eindhoven. De persoon achter het dossier*), Research Memoranda Number 3/2021 (in Dutch).

60 Maurits Barendrecht (2022), Making Conflicts Manageable, Strengthening the Role of Law (Conflicten hanteerbaar maken, De rol van het recht versterken), *Nederlands Juristenblad*, pp. 2238–2572 (in Dutch).

61 Hans Nelen and Dina Siegel (Eds.) (2021), *Contemporary Organized Crime: Developments, Challenges and Responses*, Springer; Jan Tromp and Pieter W Tops (2020), The Netherlands Drug Country: The Call of the Money, The Power of Criminals, the Need to Break It (and How to Do That) (*Nederland drugsland: de lokroep van het geld, de macht van criminelen, de noodzaak die te breken (en hoe dat dan te doen)*), Uitgeverij Balans; Manja Abraham and Toine Spapens (2021), Keeping Drug Crime Under Control. The Efforts of 25 Years (Drugscriminaliteit beheersbaar houden. De inspanningen van 25 jaar), *Justitiële Verkenningen*, nr, 6 pp. 85–100.

62 Kim van der Kraats (2019), Experiments in Civil Justice: A Solution to Which Problem? (Experimenten in de civiele rechtspraak: een oplossing voor welk probleem?), *Justitiële Verkenningen* 1, pp. 82–96 (in Dutch;) Maurits Barendrecht (2019), The Best Possible

DOI: 10.36745/ijca.527

6. CONCLUSION: JUDICIAL COOPERATION AS A COUNTERBALANCE TO HIERARCHY

The fact that citizens can rely on the courts is not at all self-evident when I look at my experiences with two projects in Ukraine and Greece and at the organizational development of the judiciary in the Netherlands. What does this experience of organizing justice by judges mean for jurisprudence?

I would venture the hypothesis that for effective adjudication, in terms of, among other things, timeliness, dispute resolution capacity, predictability and legal certainty, there must be a certain balance between the internal hierarchy in judicial organizations and social cohesion, which allows for mutual cooperation between professional colleagues. Such cooperation makes judges more resistant to external and internal pressures.[63] Maybe where hierarchy is the dominant organization principle in judiciaries, this is an indication for vulnerability of judges for manipulation, either via corruption or abuse of (disciplinary) powers, or both. A primary sign of this is that judicial initiatives for improvement of the functioning of the courts are hard to find in the (lower) courts.

This hypothesis deserves research that goes beyond the monitors organized by the Council of Europe, the European Commission and multinational NGOs such as Human Rights Watch and Transparency International. If the internal organization and, in particular, the cooperation of judges within judicial organizations is essential for the functioning of the rule of law, traditional rule of law tests are no longer sufficient. A multidisciplinary legal science can take the lead here in developing a test of organization characteristics based on which citizens can rely on their judicial organization and their case management and decisions.

As far as developments in Greece are concerned, I expect little of that. I suspect that the political elites and interest groups in the justice system are not eager for the development of a robust judicial system and will, therefore, *de facto* oppose steps in that direction. I predict that in interactions with the Council of Europe and the European Commission, they will say 'yes' and do 'no'. Just like the political elites of most other Balkan countries.[64] For the inhabitants of Greece, I hope I am wrong.

For Ukraine, I hope that the current window of opportunity for organizational development in the judicial system will lead to similar results in about 10 or 15 years as it has in the Netherlands. That is why the judicial guidelines project in Ukraine deserves broad support, and in the not-too-distant future, an embedding in permanent Ukrainian justice policies. This means that local cooperation between judges within and between courts will eventually have to be embedded in a cooperation to be formalized between the High Council of Justice, the Ministry of Justice and Parliament. Political support therefore is very important. It may help if these steps in organization development are monitored by NGOs.

Adjudication (De best mogelijke rechtspraak), *Justitiële Verkenningen* 2019–1 pp. 97–114 (in Dutch).

63 Here I pay tribute to my former colleague J. B. J. M. ten Berge, Contouren van een kwaliteitsbeleid voor de rechtspraak, in: Philip Langbroek, and K. Lahuis (Eds.), *Kwaliteit van Rechtspraak op de Weegschaal*, Tjeenk Willink, Deventer, 1998, p. 29, who mentions the necessity of professional fraternity in judiciaries, with reference to Anthony T. Kronman, *The Lost Lawyer, Failing Ideals of the Legal Profession*, Cambridge, London, 1993.

64 European Court of Auditors, Special Report 01/2022: EU Support to the Rule of Law in the Western Balkans.

Demartini, M. C., & Otley, D. (2020), Beyond the System vs. Package Dualism in Performance Management Systems Sesign: A loose Coupling Approach, *Accounting, Organizations and Society*, 86. DOI: https://doi.org/10.1016/j.aos.2019.101072

Diefenbach, T. (2013), Hierarchy and Organisation: Toward a General Theory of Hierarchical Social Systems (Ser. Routledge studies in management, organizations, and society, 24). Routledge.

Dijksterhuis, B. M. (2008), Judges Standardize the Amount of Alimony: An Empirical Study of Judicial Cooperation in the Working Group on Maintenance Standards (1975–2007) (*Rechters normeren de alimentatiehoogte: een empirisch onderzoek naar rechterlijke samenwerking in de werkgroep alimentatienormen* (1975–2007)), Dissertation, Leiden University Press (in Dutch). DOI: https://doi.org/10.5117/9789087280451

Doornbos, N. and Romy Hanoeman, Working Method and Results of the Eindhoven District Court, The Person Behind the File (*Werkwijze en resultaten van de Wijkrechtbank Eindhoven, De persoon achter het dossier*), Research Memoranda Number 3/2021 (in Dutch).

European Commission, Commission Staff Working Document, 2020 Rule of Law Report Country Chapter on the rule of law situation in Greece *SWD* (2020) 307 final.

European Court of Auditors, Special Report 01/2022: EU Support to the Rule of Law in the Western Balkans.

Gargiulo, Martin. and Gokhan Ertug, The Power of the Weak, in: Brass, D. J., Borgatti, S. P., Halgin, D. S., Labianca, G., & Mehra, A. (2014) (Eds.), *Contemporary Perspectives on Organizational Social Networks* (First edition, 2014). p. 179–198. DOI: https://doi.org/10.1108/S0733-558X(2014)0000040009

Grootelaar, H., D. Schelfhout and I. van Duijneveldt, (2020), Evaluation Rotterdam local Rule Judge and the Hague local quarter judge (*Evaluatie Rotterdamse Regelrechter en Haagse Wijkrechter*), Research Report, Research Memoranda Number 1/Volume 15.

Habib, Allen, "Promises", in: Edward N. Zalta & Uri Nodelman (Eds), *The Stanford Encyclopedia of Philosophy* (Winter 2022 Edition).

Hatzis, A. N., Greece's institutional trap. *Managerial and Decision Economics* 39, p. 840. DOI: https://doi.org/10.1002/mde.2970

Hazelzet, E., I. Houkes, H. Bosma, and A. de Rijk, (2022), How a Steeper Organisational Hierarchy Prevents Change Adoption and Implementation of a Sustainable Employability Intervention for Employees in Low-Skilled Jobs: A Qualitative Study, *Bmc Public Health* 22. DOI: https://doi.org/10.1186/s12889-022-14754-w

Hobbes, T (1984), *Leviathan*, 165, Penguin, Middlesex.

Hunter, S. D., Bentzen, H. & Taug, J., (2020), On the "missing link" between formal organization and informal social structure, *J Org Design* 9, 13. DOI: https://doi.org/10.1186/s41469-020-00076-x

Ioannidis, M., The Judiciary, in: K Featherstone, D. A. Sotiropoulos (eds.) *The Oxford Handbook of Modern Greek Politics*, Oxford University Press, Oxford 2020, p. 127. DOI: https://doi.org/10.1093/oxfordhb/9780198825104.013.8

Johnston, M., (2005), *Syndromes of Corruption: Wealth, Power, and Democracy*, Cambridge University Press. DOI: https://doi.org/10.1017/CBO9780511490965

Kraats, K. G. F. van der (2022), Civil procedural law as a stumbling block, on the legal protection of people without legal knowledge (*Het civiele procesrecht als struikelblok, over de rechtsbescherming van mensen zonder juridische kennis*), BoomJuridisch, The Hague (in Dutch).

Kraats, K. van der (2019), Experiments in civil justice: a solution to which problem? ('Experimenten in de civiele rechtspraak: een oplossing voor welk probleem?) *Justitiële Verkenningen* –1, pp. 82–96 (in Dutch).

Kronman, A. T., (1993), *The Lost Lawyer, Failing Ideals of the Legal Profession*, Cambridge, London.

Mein, A. and F. de Meere (2018), Motives of citizens to (not) go to court (Motieven van burgers om (niet) naar de rechter te gaan), Research report/Research Memoranda Number 3 (in Dutch).

Merryman J. H., (1996), The French deviation, The American Journal of Comparative Law Vol. 44, No. 1, pp. 109–119 Published By: Oxford University Press. DOI: https://doi.org/10.2307/840522

Merryman, J. H. and Pérez-Perdomo, R. (2007). The Civil Law Tradition, 3rd Edition (3rd ed.). Stanford University Press. DOI: https://doi.org/10.1515/9780804768337

Mitsopoulos, M. and Pelagidis, T. (2010), Greek appeals courts' quality analysis and performance, *European Journal of Law and Economics*, pp. 17–39. DOI: https://doi.org/10.1007/s10657-009-9128-4

Nam, N., Reform of Asset and Interest Disclosure in Ukraine, World Bank Group (26 January 2021).

Nelen J. M. and D. Siegel, (Eds.) (2021), *Contemporary Organized Crime: Developments, Challenges and Responses,* Springer. DOI: https://doi.org/10.1007/978-3-030-56592-3

Papaioannou, E. and S. Karatza, (February 2018), The Greek Justice System: Collapse and Reform, Discussion Paper DP12731, 17, Centre for Economic Policy Research, London. DOI: https://doi.org/10.7551/mitpress/9780262035835.003.0012

Reznik, O, O. Bondarenko, M. Utkina, O. Klypa and L. Bobrishovab, (2023), Anti-Corruption Transformation Processes in the Conditions of the Judicial Reform in Ukraine Implementation *International Journal for Court Administration* 14(1). DOI: https://doi.org/10.36745/ijca.400

Sakellaropoulou, K, N. Michalis, N. Pikramenis, I. Symeonidis, V. P. Androullakis, T. Nikolaidis, L. Tsogas and P. Alikakos, (February 2019), Justice In Greece Proposals for a modern judicial system *Dianeosis Research and Policy Institute*, (Η Δικαιοσύνη ΣΤην Ελλάδα, ΠροΤάςεις για ένα σύγχρονο, δικαςΤικό σύςΤημα, ΚαΤερίνα Ν. Σακελλαροπούλου, Μιχάλης Ν. Πικραμένος, Ιωάννης Συμεωνίδης. Βαςίλειος Π. ΑνδρουΛάκης, ΘεοκΤή Νικολαΐδου, Λάμπρος Τςόγκας, ΠέΤρος Αλικάκος (Φεβρουάριος 2019)).

Schmeets, H., J. Exel, (31 March 2022), 'Vertrouwen in medemens en instituties voor en tijdens de pandemie' (Trust in Fellow Human Beings and Institutions Before and During the Pandemic) *Central Bureau of Statistics*.

Sillen, J., (2019), The Concept of 'Internal Judicial Independence' in the Case Law of the European Court of Human Rights, *European Constitutional Law Review* 15 pp. 104–133. DOI: https://doi.org/10.1017/S1574019619000014

Slade, S., (2018), Going Horizontal: Creating a Non-hierarchical Organization, One Practice at a Time, Berrett-Koehler.

Stawa G., Wilma Van Benthem and Reda Moliene, (2018), Selection and Evaluation of Judges in Ukraine, *Pravo Justice* (November 2018).

Tops P. W. and J. Tromp, (2020), The Netherlands Drug Country: the Call of the Money, the Power of criminals, the Need to Break it (and How to Do That) (*Nederland drugsland: de lokroep van het geld, de macht van criminelen, de noodzaak die te breken (en hoe dat dan te doen)*), Uitgeverij Balans.

Terlouw, A., (2003), Judgment and Agreement: Cooperation Between Immigration Judges in the Absence of an Appeal. (*Uitspraak en afspraak: samenwerking tussen vreemdelingenrechters bij ontbreken van hoger beroep*), Boom Juridische uitgevers (in Dutch).

Teuben, K., (2004), Judges' Regulations in Civil (Procedural) Law, (*Rechtersregelingen in het burgerlijk (procesrecht)*), Kluwer, Deventer (in Dutch).

TO CITE THIS ARTICLE:
Philip Langbroek, 'Relying on the Courts, About Collegiate Collaboration in Courts as a Counterbalance to Professional Hierarchy and as a Necessary Precondition for Efficiently Delivering, Timely and Consistent Justice' (2024) 15(2) *International Journal for Court Administration* 5. DOI: https://doi.org/10.36745/ijca.527

Published: 20 August 2024

International Journal for Court Administration is a peer-reviewed open access journal published by International Association for Court Administration.