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Doing Business Enforcing Contracts – Uzbekistan

and the Top 5 Ranking Countries 2019

AN ANALYSIS OF DB REFORM TRENDS,
LESSONS LEARNED AND RECOMMENDATIONS
TO MOVE FORWARD

AUTHOR:
Heike GRAMCKOW

COORDINATOR:
Rano ISMAILOVA,
Task manager of the 'Rule of Law Partnership in Uzbekistan' project

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Summary

This report reviews the performance of Uzbekistan in comparison to the 5 countries that were performing the highest in the Doing Business Enforcing Contracts Indicator in 2019, i.e. Australia, Kazakhstan, Republic of Korea, Norway and Singapore. The ease of contract enforcement is one element of the World Bank's Doing Business (DB) Indicator. It captures court performance in three main indicator areas: timeliness, cost and quality of judicial processes in commercial matters. This document outlines the performance trends related to this DB indicator among these six countries over a five-year period, i.e. from 2014 to 2019, as well as their reform activities and provides recommendations that Uzbekistan could consider to further improve the operations and services of the commercial courts.

The data collection for the 2019 DB report was completed in May 2018. Related to Enforcing Contracts Indicator, Uzbekistan ranks 41st among the 190 economies included. In two of the three main contract enforcement indicators, **Time** and **Cost** to enforce a contract**,** Uzbekistan is doing well. Nevertheless, looking at the top performing countries, there still seems to be some room for improvement for reducing both, particularly in the initial period of filing and service and during the actual enforcement process.

The main area where improvement is needed, however, is in the **Quality of the Judicial Processes Index** and **Quality of the Judicial Administration Index.** These two indicators are measuring the use of internationally recognized good court practices, especially good case management practices, and these seem to be currently underdeveloped in Uzbekistan. Several of the reforms listed in the President's decree of July 31, 2018, are addressing some of these important areas, but what does not seem to be included is the core of good case management: the creation of reasonable timelines for all processing steps and other case management techniques to better enable the courts to control the efficiency of how cases are handled in the commercial courts.

In all 5 economies that are ranked at the top of the enforcing contracts indicator in 2019, the primary focus of reforms has been

on the introduction of such good case management practices in addition to automation. Experiences from many countries around the globe have shown that successful court automation that effectively reduces the complexity and time required for handling a case requires the introduction of good case management practices, including a streamlining of all process and creating of timelines.

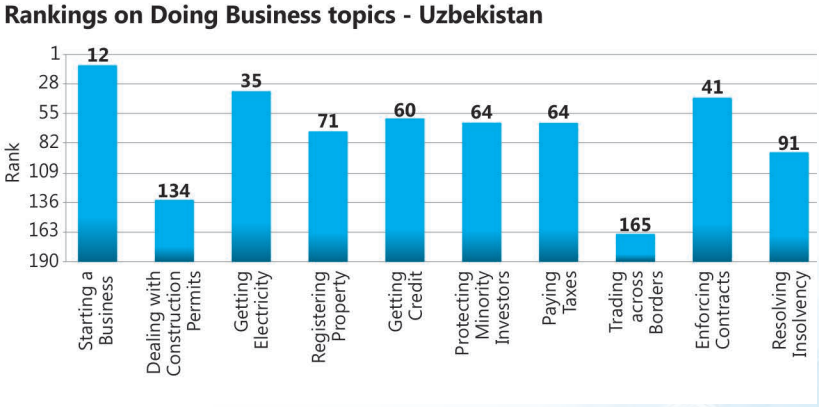
Good case management is the tool all well performing courts use to manage their caseload in a manner that reduces delays and costs while at the same time ensuring user friendliness and just and transparent decision making. The introduction of these techniques is not just needed to achieve a higher rank on the Enforcing Contracts Indicator but is at the heart of creating well performing courts of all types and for all users, a goal, that is central to Uzbekistan's efforts to enhance the operations of all branches of government. This document compares the performance of the 2019 top enforcing contracts leaders, their related reform efforts, as reported to the DB teams, and outlines a range of recommendations that can be undertaken in the short-, mid- and long-term to strengthen the judicial processes in Uzbekistan.

1. Introduction and General Overview of Uzbekistan's Ranking in the World-Wide Doing Business Enforcing Contracts Indicator[1]

The DB enforcing contracts indicator measures the time and costs for resolving a commercial dispute through a local first-instance court, and the implementation of good court practices measured by the Quality of Judicial Processes Index, evaluating if an economy has adopted a series of good practices that promote quality and efficiency in the court system (Doing Business 2019 online).

The latest Doing Business (DB) Report, completed in May 2018, ranked Uzbekistan number 41 in the enforcing contracts indicator among the 190 economies[2] included in the report, with an ease of DB Score of 67.26.[3] (see Figure 1).

Figure 1: Rankings and Scores on all Doing Business Measures for Uzbekistan in 2019



1 This report was developed by Dr. Heike Gramckow.

2 The data collection for the enforcing contracts indicator in each included economy focuses only on the courts in the main commercial center of a country that are handling business cases of the type that match the standard case type used by the DB methodology (see Annex 1 for more details). Only in a few cases, generally at the request of the country and with its financial support, a few additional commercial centers are included. The data are collected through study of the codes of civil procedure and other court regulations as well as questionnaires completed by local litigation lawyers and judges.

3 The ranking of economies on the ease of enforcing contracts is determined by sorting their scores for enforcing contracts. The scores are the simple average of the scores for each of the component indicators included in the DB data collection For a definition of the rank and ease of DB score see Annex 2.

Figure 1: Source DB 2019 report online at http://www.doingbusiness.org/en/data/exploreeconomies/uzbekistan#

In comparison to other economies in the Eastern European and Central Asian (ECA) Region, Uzbekistan ranks right in the middle, along with countries like Bulgaria (ranked 42th) and Azerbaijan (ranked 40) and above the average for the region, which is 51. Some ECA countries, like Kazakhstan (ranked 4th) and Georgia (ranked 8th) are among the world leaders in this DB indicator while others, like Cyprus (ranked 138) and Kyrgyz Republic (ranked 131) are trailing well behind (See Table 1).

Table 1: DB ranking 2019: Enforcing Contracts – Easter Europe and Central Asia

Economy	Rank-Enforcing contracts
Albania	98
Armenia	24
Azerbaijan	40
Belarus	29
Bosnia and Herzegovina	75
Bulgaria	42
Croatia	25
Cyprus	138
Georgia	8
Kazakhstan	4
Kosovo	50

Economy	Rank-Enforcing contracts
Kyrgyz Republic	131
Macedonia, FYR	37
Moldova	69
Montenegro	44
Romania	17
Russian Federation	18
San Marino	82
Serbia	65
Tajikistan	61
Turkey	19
Ukraine	57
Uzbekistan	**41**

Source: DB 2019 historical data online at http://www.doingbusiness.org/en/data#

In comparison to other lower middle-income countries, Uzbekistan is doing well. Of the 47 countries defined as lower income by the DB report, only two, namely Georgia (ranked 8) and Bhutan (ranked 28) are scoring higher, only a few are trailing closely behind Uzbekistan (Cabo Verde 45, Kosovo 50), while most others are ranking significantly lower (see Table 2). Uzbekistan ranks just above the OECD high income country rank (rank 45) (Doing Business 2019).

Table 2: DB Ranking 2019: Enforcing Contracts – Lower Middle Income Countries

Economy	Rank-Enforcing contracts
Angola	186
Bangladesh	189
Bhutan	28
Bolivia	113
Cabo Verde	45
Cambodia	182
Cameroon	166
Congo, Rep.	155
Côte d'Ivoire	106
Djibouti	140
Egypt, Arab Rep.	160
El Salvador	109
Eswatini	172
Georgia	8
Ghana	116
Honduras	152
India	163
Indonesia	146
Kenya	88
Kiribati	120
Kosovo	50
Kyrgyz Republic	131
Lao PDR	162
Lesotho	95
Mauritania	72
Micronesia, Fed. Sts.	184
Moldova	69
Mongolia	66
Morocco	68
Myanmar	188
Nicaragua	87
Nigeria	92
Pakistan	156
Papua New Guinea	173
Philippines	151
São Tomé and Príncipe	185
Solomon Islands	156
Sri Lanka	164
Sudan	144
Timor-Leste	190
Tunisia	80
Ukraine	57
Uzbekistan	**41**
Vanuatu	136
Vietnam	62
West Bank and Gaza	123
Zambia	130

Source: DB historical data online at http://www.doingbusiness.org/en/data #

1.1. The 2019 Top 5 Enforcing Contracts Performers and Uzbekistan

The 2019 DB report lists Singapore, Korea, Norway, Kazakhstan and Australia as the top 5 ranking countries in contract enforcement. All top 5 performers are high and high middle-income economies, however, the performance of countries like Georgia (ranked 8), for example, shows, that lower average income levels alone do not impede well advanced reforms in this indicator area.

A comparison of the 3 overall composite indicators used in the enforcing contracts indicator (time, cost and quality of process) already tells a good story of where the top performers excel and where Uzbekistan could focus future reform efforts (see Table 3).

Table 3: 2019 Top 5 Contract Enforcement Performers and Uzbekistan

	Economy	Enforcing Contracts Score	Enforcing Contracts rank	Total Time (days)	Cost (% of claim value)	Quality of judicial processes index
Region						
	OECD high income	67.65	45	582.4	21.2	11.5
	Europe & Central Asia	65.65	51	496.3	26.3	10.3
Economy						
	Singapore	84.53	1	164	25.8	15.5
	Korea, Rep.	84.15	2	290	12.7	14.5
	Norway	81.27	3	400	9.9	14.0
	Kazakhstan	81.25	4	370	22.0	16.0
	Australia	79.00	5	402	23.2	15.5
	Uzbekistan	**67.26**	**41**	**225**	**20.5**	**6.0**

Source: DB Historical Data, Enforcing Contracts, online http://www.doingbusiness.org/en/data

Uzbekistan is doing well when it comes to ***time to enforce a contract***. Only Singapore is performing better, however by an impressive 61 days, indicating that even in this area there is room for review for Uzbekistan.

The leader in lowering the ***cost of contract enforcement*** is Norway, with cost reaching only about 9.9% of the value of the claim, followed by Korea with only 12.7%. All remaining leaders show costs of over

22%, higher than the costs indicated for Uzbekistan (20.5%). As discussed in more detail below, court fees were reduced in Uzbekistan in 2018 which makes the courts more accessible and may register positively in the DB 2020 report.

Very important for future reform efforts in Uzbekistan, as for any country, is its performance in the ***Quality of Judicial Process Index***. The highest score a country can achieve in this composite indicator is 18, a score none of the 190 economies reviewed has yet achieved. All 5 top leaders score 14 points or higher, with Kazakhstan leading with 16 points. Uzbekistan only scored 6 points in this indicator area. A sign that much more can be done here. (See Annex 3 for all reforms reported by DB for the top 5 performers and Uzbekistan from 2014-2019).

A review of the 2014 to 2019 data further showed, that Uzbekistan's ratings for all 3 composite indicators changed very little over time (see Annex 4). Due to the composite nature of each indicator, changes tend to be limited from one year to the other, but all of the top 5 performing countries improved over time, even though they already were at the top of the performance ranks for several years.[4] The long term data show for the top performers either a steady rise in their score, or, when there was a dip in 2016 due to the different way data were collected from then on, a score improvement continued again since then. The scores for Uzbekistan, on the other hand showed only a small improvement until 2016, a small dip in 2016 and no change since then.

Reforms undertaken in contract enforcement in the top 5 performing countries

To better understand how the top performing countries have undertaken reforms to become the leaders in the world in this indicator and use their experiences in Uzbekistan, it is important to

[4] Since the DB method for measuring the Enforcing Contracts indicator was significantly changed and improved in 2016 for one of the 3 major composite indicators, i.e. from number of steps required to complete a case to number of good practices in place, results from the years before this change are difficult to compare. That is also, why only the most recent annual ranking is given in the latest report and why some economies, including top ranking Singapore, saw a drop in its overall score in this indicator. The country scoring is provided for each of the years in which the related data collection is provided, i.e. since 2004.

consider first, that all of them have undertaken very systematic, well planned, user focused reforms over longer periods of time, in some cases over two or three decades. Achieving good court performance, like good performance of government overall, requires time, is never an ad hoc effort and has to always continue.

All of the reforms undertaken in the top ranking countries included a combination of systematic assessments of how well (or not) the courts are performing in terms of timeliness, cost, other efficiency measures and user friendliness, a review of different reform options and what changes would need to be undertaken to adjust the legislative and regulative framework, institutional operations and (human and financial) capacities, and outreach activities.

At the same time, considering the many changes undertaken over time and already being planned for the future, few of these reforms have been reported to the DB teams to include in their reporting. The starkest example are probably the many very fundamental reforms undertaken since at least 2005 in New South Wales, Australia, where the Sydney business courts, that are the focus of the DB reports, are located. Not a single reform effort has been captured in the DB documentation that is publicly available. While some reforms are reported for the other top 5 performers, they do not present the full picture of the reforms implemented over time. Actually, while in some countries, including Australia, Singapore, and South Korea partial accounts of certain reform periods are published (i.e. McLellan 2010, Malik 2007), Gramckow and Ebeid 2016b).

A full review of the reforms undertaken in these countries, except those reported to the DB teams, is therefore difficult, time consuming and beyond the scope of this report. Nevertheless, where possible and within the scope of this report, other reform areas were included to provide a more rounded picture.

Fortunately, today there are many countries a court aiming for reforms can turn to directly, to learn from successes and failures, and use these experiences to develop their own reform strategies that meet their needs and those of their users. Ongoing communications and exchange of experiences with other courts is what all of the top preforming

courts in the world are engaging in. They are all active members of international judicial and court management organizations, such as the International Association of Court Managers and the International Consortium for Court Excellence, and actively they engage with other courts to hear about their experiences and new projects they may try.

When looking back at over 30 years of courts around the globe improving and professionalizing their operations to better serve those who are coming to them, there are a few things that stand out:

- First, court management is at the center of all changes,
- Second automation is important but it is just a tool to gain greater court efficiency and effectiveness,
- Third, those who are working in the courts, the judges, administrative staff and court users need to drive and inform the change.

The top 5 performing courts have introduced many changes, in a well-planned manner over time. The list of reforms undertaken in the past 5 years by these countries as reported by Doing Business is provided in annex 3. As explained, much more has been changed over time and the below sections try to reflect this, to the extent possible within the scope of this report.

There is one other, not directly reform related aspect, that the courts in the top performing economies tend to do well – they analyze the DM data, prepare for the data collection, engage with the collection teams and take all opportunities that the DB teams offer to comment on and inform the collection efforts. This is one recommendation for Uzbekistan to consider.

The next section will present more detail of how the 5 top performers and Uzbekistan are performing related to the individual components of each indicator, which will provide clearer information about reform gaps and opportunities for Uzbekistan.

1.2. Time to Enforcement

As discussed above, Uzbekistan is generally doing quite well when it comes to time required to enforce a contract. A detailed review of this component indicator shows, however, that improvements could still be possible for each major court and enforcement process. This composite indicator measures the time generally required for three major case processing steps:

1. From case filing to service of process;
2. From trial initiation (i.e. after process is served) to issuing of a judgement; and
3. From judgement to final enforcement (see Annex 1 for details on the process steps included in each element).

Time to Enforcement Component 1:
Case Filing to Service

As shown in table 4, Singapore is the leader here with only 6 days required for filing and service of a case. An enabling legislation and court rules and institutional changes to introduce very streamlined court processes supported by a pretty much completely electronic processes on the side of the court and for both parties have led to this remarkable achievement.

In comparison, this step takes 40 days in Norway. One important reason why this process is longer in Norway is that in civil (and commercial) cases parties are required to seek out of court mediation first, which, in lower value cases is followed by a hearing in front of a Conciliation board if the parties cannot reach an agreement on their own.[5] This is a good practice and, while increasing the time to complete this process step, it limits cost, overall time in court and reduces the stress that is often related to formal court events, which is important for many people and especially important if business relationships should be preserved.

The 30 days reportedly required in Uzbekistan for this process (DB 2019), therefore, are not excessive but could be improved in the long run if not only the courts but also potential parties to the case, especially

[5] For details see the Norway Courts website at https://www.domstol.no/en/Civil-case/

lawyers and business owners are equipped to file cases electronically and receive service notes electronically. Equally important is that the laws support such electronic processes (i.e. electronic signatures, electronic document receipt confirmation) and include adjustments to the rules of legal delivery of service (see Gramckow and Ebeid, 2016).

In all top 5 performing countries the legislation and court rules have been adjusted to enable electronic case filing, electronic document submittal, and acceptance of electronic signatures. As detailed further below, electronic service includes a range of special legal issues related to confirmation of receipt that has kept the many countries, including some of the top performers, i.e. Australia and Kazakhstan, from allowing electronic service at all. In all of the top performing countries laws and regulations were adjusted to streamline processing requirements and the needed insittuional changes were made. In paralleled, automation was introduced to enable not just electronic intake of cases, but to ensure that the case intake data migrate into all further court process steps that are automated to limit multiple data entry, help create a range of court forms and notices, create various court calendars with reminders and develop different case management reports to be used by individual court staff, judges, court statisticians, court managers, the court leadership, and to create court reports required by other government entities and for public reporting.

The road map included in the President's Decree on Measures to further improve the rating of the Republic of Uzbekistan in the Doing Business Annual Report issued July 13, 2018 includes several items that should enhance the handling of civil cases (i.e. actions nos. 42, 43), but a range of other measures can be undertaken in the mid-term as outlined in the recommendations section further below.

Time to Enforcement Component 2: Trial to Final Judgement

When it comes to the time cases take from trial to judgement, Uzbekistan is number one with just 90 days. Even in Singapore, the overall top performer, this step takes an average 118 days. This is a very good result and there is nothing that seems to need to be changed. At the same time, learning from the top performers who always assess

not just why they are not doing well but why certain areas excel, it is worth exploring if there is anything that could be done differently in the longer run. Commercial cases can be challenging, even if they are as simple as the sample case the DB report is using as a measure. This is not an area of priority to focus on since performance is good, but it provides a good example for probing if excellence, not just efficiency, is achieved. First, one question to ask is, "Are these cases generally fully adjudicated by the court in 90 days or, are many dismissed and refiled?" Experiences from Serbia and Mongolia have shown, that one of the reasons why this period is so short in these countries, is that judges may reject a case instead of adjourning it if the court or the parties did not get the time needed to prepare for trial. While postponing a case for lack of preparation is not a good reason for an adjournment and should be allowed only rarely, some case types require more time. Even shortages in court staff can be a reasonable justification for an adjournment, if the adjournment decision is based on standard rules that are published and the reasons are properly documented. The result of too frequent dismissals for lack of preparation without rules to consider special circumstance tends to lead to increased numbers of cases in the court, since these cases get refiled, leading to related duplication of efforts, and much frustration on the side of the parties. Another question, one that is more difficult to answer and requires outreach to business lawyers and the overall business community is: "Do people trust the courts and bring their cases to be adjudicated?" If only few or less contested cases are brought to the courts, lack of trust, even not understanding processes or fear of high cost can be a negative reason. As stated, this is not a priority to explore but a reminder that high performing courts look at aspects of their operations continuously with the aim to improve throughout.

Time to Enforcement Component 3: Enforcement of Judgement

In this performance area, Uzbekistan again is doing well in comparison to the world wide top 5 performers. With 105 days on average required for enforcement of a case it is doing better that Kazakhstan and Korea. Still not as well as Singapore (40 days), Norway (60 days) and Australia (60 days), meaning there are ways this process can be improved.

Considering this process is handled faster than in most other countries it is not a priority area to address but can be looked at as part of broader court data development and case process review activities that should inform all reform activities and are essential to the courts' ability to manage themselves well in the future. It is interesting to note, that the enforcement systems in place in Singapore, Norway and Australia differ significantly. A clear indication that not the type of system itself is key to success but finding the right fit for a particular country environment (see Box 1).

Box 1: Types of civil enforcement systems in the 3 best performing countries in this sub-indicator

Singapore: Court bailiffs handle all civil enforcement actions in Singapore. (See https://www.statecourts.gov.sg/cws/CivilCase/Pages/BailiffsSection.aspx)

Norway: Private enforcement agents are responsible for civil enforcement of judgements in most urban areas, the police is the civil enforcement arm in more rural areas. (See http://www.nyinorge.no/en/Ny-i-Norge-velg-sprak/New-in-Norway/Transport-and-services/Bank-services/Debt/)

Australia, New South Wales: Civil enforcement actions are conducted through the local Sheriff's office. (See https://legalvision.com.au/how-can-i-enforce-a-judgment-debt-in-new-south-wales/

Short-term recommendations: Since Uzbekistan is generally doing well in all three time to enforcement components, this is not an urgent area to address. What would be helpful, however, not only to support future changes to speed up processes but to support other reform areas, especially all automation reforms, would be a review of the legislative and court rules framework to ensure that it supports electronic processes (i.e. electronic signatures, electronic document receipt confirmation, use of electronic forms instead of paper) and allows electronic delivery of service at least for lawyers and businesses.

Mid-term recommendations: The example of Norway shows that well performing courts sometimes may take longer periods of time for certain processing steps than initially seems to be necessary. When looking at the reasons for this, one quickly realizes that other good process practices are included which require additional time. This shows, that very short timelines alone are not always an indicator of very good

performance and should not be the sole goal. The goal should be to offer some flexibility based on special case needs and clear rules for exceptions. Since Uzbekistan is doing well in the overall time indicator, there is no real need to address this indicator in the short run. Rather, as will be outlined later, to improve court performance, multi-year case data should be collected and continuedly analyzed to identify which type of cases (i.e. simple, average, complex commercial cases, certain case types) or parties seem to require more time to process a case and the reasons why. Such information can then be used to develop reasonable timelines for each major step for different case types and to develop options to address varying processing needs.

This is exactly what most of the top 5 performing countries are doing. Their automated case management systems are designed to collect such data and compile them into analytical reports that are then reviewed on a regular basis by the court leadership. They also have a statistical unit that regularly analyze these reports and summarize their findings for the court leaders to consider.

The first time component, *filing to service,* is the area that could probably benefit the most from a process review and changes that can be addressed in the mid-term as part as an overall court process assessment and data collection effort.

For the *trial to judgement period* it would be helpful to develop and collect multi-year data to better understand adjournment and dismissal patterns and to inform the development of reasonable processing timelines for major processing steps for major case types and of solid adjournment rules. This is what courts that have been performing well over a long period of time, like the courts in Singapore and Korea, have developed and continue to track to ensure the rules are upheld and to make adjustments to the rules if needed. This is not an area that requires urgent attention since Uzbekistan is performing well in this sub-indicator but should be included in a more comprehensive review of all court processes that would inform reform all areas of processing and court operations.

The *judgement to enforcement* period tends to be influenced by many factors that are often outside of the control of the court, especially

if the enforcement actions are actually conducted by non-court actors. Beyond efficient processes, important areas to look at are the effectiveness of enforcement officers, rules for access to, protecting and eventually seized property, auction options and, naturally, the ability of the losing party to actually pay. All of this is very country specific and addressing enforcement inefficiencies requires a more detailed review of not just the processes but identification of case types and situations that impede effective and successful enforcement. Without such review well-designed recommendations for changes in this area cannot be provided. Several countries in ECA have had success by introducing private bailiffs (i.e. Bulgaria and Estonia) but not all succeeded for different reasons (i.e., Macedonia and Ukraine). As mention earlier, success, failure and how effective such option is depends very much on a range of country conditions that need to be considered and well understood first, before such option is even explored (see Gramckow 2014). In this context, it is interesting to consider that Kazakhstan introduced private enforcement agents in 2011.[6] Further process streamlining was conducted in 2016 and actual implementation of this law took until 2017, which is not surprising, since this is significant change. Still, it is unclear if this move brought improvements in some areas, but the fact that the enforcement period remains quite high indicates that the model chosen at that time, may not have been as beneficial as desired. It could also be, that these significant changes just take a little more time to reflect in reduced time duration. This remains to be seen in the coming years. The experience of Norway may be more helpful to Uzbekistan in this context since the country opted for a mixed private-public enforcement agency approach, with civil enforcement in the more sparsely populated and generally less affluent rural area served by the police. For a country like Uzbekistan that has large rural areas, the lessons learned in Norway may be particularly helpful.

Long-term recommendations: The activities suggested to be undertaken in the mid-term, will be a solid basis to create the courts' capacities to continuously track their performance, inform the need for

[6] See Union Internationale de Huissiers de Justice online at https://www.uihj.com/en/new-act-on-the-creation-of-liberal-enforcement-agents-in-kazakhstan_2152057.html

further adjustments, guide ongoing automation activities and inform future needs for changes in the legislation. A permanent working group comprised of judges and court staff, including IT and statistical staff, should lead these efforts, including activities that occasionally involve private lawyers, the business community and consumers to identify their needs, capacities and experiences. Ongoing training programs for judges and court staff should be created that enable them to apply case management techniques, use case management reports and provide regular feedback to the working group. Similarly, regular information and outreach activities should be developed for private lawyers, the business community and consumers to continuously engage and inform them in the courts reform efforts. The courts in Singapore and Korea offer helpful experiences in both areas.

Table 4: Time to Enforce a Contract 2019, Top Performers and Uzbekistan

Economy	Rank-	Total Time (days)	Time Filing to service (days)	Time Trial to judgment (days)	Time Enforcement of judgment (days)
Australia	5	402	14	328	60
Kazakhstan	4	370	15	135	220
Korea, Rep.	2	290	20	150	120
Norway	3	400	40	300	60
Singapore	1	164	6	118	40
Uzbekistan	**41**	**225**	**30**	**90**	**105**

Source: Historical Data, DB Enforcing Contracts, online http://www.doingbusiness.org/en/data

1.3. Cost of Enforcing Judgements

The cost of enforcing contracts indicator includes 3 key components: 1. Attorney fees, 2. Court fees, 3. Enforcement fees.

The *first cost component, attorney fees*, tends to be the most costly in every country and is generally the most difficult for the government to regulate. In Uzbekistan these cost reach 15% of the case value, right in the middle between the best performer, Norway, where these cost reach just 8% and Singapore, where attorney cost reach a high 20.9% (See Table 5).

Recommendations for reducing cost in this area require a more detailed review of attorney payment regulations as well as the manner in which parties are generally represented. In some countries, like Germany, attorney fees are set by law and calculated by type of overall activity required and case value. Nowadays, an online attorney cost calculator enables parties in Germany to see what the potential cost would be before they turn to an attorney (see www.smart-rechner.de). This not only makes the decision-making process for those considering seeking the aid of an attorney easier, it also provides for cost transparency and honesty in attorney fees. In some countries,

Control of lawyer fees in Norway:

Efficient court processes, reduced process complexity and a strong focus on mediation has a significant impact on limiting the time lawyers spend on a case. Fees for handling any legal matters in Norway are agreed in a contract with the client. While there are some set fees for select legal actions and case types, Norwegian lawyers usually charge by the hour and the hourly rate varies by law firm. The cost of the lawyer's fees has to be stated in court as part of the judgement hearing and the party has a right to request the court within one month after the judgment to determine a reasonable fee to be paid. In doing so, the court shall take due account of the legal assistance contract as well as other circumstances (Dispute Act § 3-8).

See: Lorange, online at https://www.domstol.no/globalassets/upload/da/internett/domstol.no/aktuelt/backer.pdf

like Serbia, attorneys are paid by individual activity conducted, providing few incentives to seek early case resolution. Furthermore, attorneys in Serbia frequently handle only one part of the court process. This especially happens when *pro bono* lawyers are assigned by the court. As a result, the parties must consult multiple times about the same matter with several lawyers, multiple lawyers re-start their own preparation processes and no stringent strategy for handling a particular case is ever developed or pursued. The resulting inefficient leads to longer preparation times, duplication of activities and, as a result, higher costs. These are all areas the government can address after studies of the actual situation in a particular location and in consultation with the court and private lawyer association.

The combined effects of broader reforms undertaken in Norway to reduce process complexities, time and cost, including cost of lawyer fees, demonstrate that all the "reforms" or changes in the different performance areas have to be part of a systematic, well studies and informed, longer-term change process. When undertaking the significant civil (including commercial) law reform in 2005, Norway opted for a systematic approach to promoting, even requiring, mediation first, reducing legal and procedural complexity, introducing good case management principles, that let the judge control the process, and systematic, user-informed automation.

Limiting the need to appear with an attorney in simple, low value cases, availability of assistance to *pro se* litigants, and streamlined, automated court processes all do reduce attorney cost related to court related activities to reasonable levels that the private Bar can buy into and are good options to reduce these costs to the parties.

The second area measured is *court cost*. In comparison to the top 5 performers, Uzbekistan is generally doing well in this area. With just 3.5% of the claim, these costs are similar to the court fees in 4 of the top performing economies. With only 1.3% of the case value the lowest court fees are assessed in Norway. Well-streamlined processes, automation and a court philosophy that aims at limiting cost where possible has led to this result. Court cost were further reduced in

Uzbekistan in late in 2018 which should register positively in the 2020 DB report.[7]

Similarly, at just 2% of the case value, *costs for the enforcement process* in Uzbekistan are comparable to the costs assessed in most of the top performing countries (between 0.2 and 2.1% of the case value). At 10% of the value, the costs in Kazakhstan for this process are significantly higher. Here too, streamlined processes and automation can lead to cost reduction, a complete change from a public enforcement system to a private one may or may not. As mentioned above, one of the most successful ways to improve enforcement and also reduce enforcement cost for the parties introduced in many Eastern European countries has been the use of private enforcement officers (Gramckow 2014). Still, this is not a decision that worked well in every country, as the current results from Kazakhstan which opted for introducing private enforcement agents indicate. Such decision requires a solid assessment of country-specific enforcement conditions and full or partial options for privatization first. Unless enforcement success rates are low, this is not an area recommended for reviews and reforms in Uzbekistan at this time.

Short to Mid-Term Recommendations: A review of the regulations for *attorney fees* and lawyer assignment rules and practices should be undertaken in the short-term. Of special interest here is also, how these issues are regulated in Kazakhstan where attorney fees come up to only 8.5% of the claim. It may be helpful to review the related Kazakh legislation and its actual application to better understand how Uzbekistan can benefit from that example. Related to *court fees,* a review of how fees are set (i.e. by event, by case value), and what the court may be able to reduce would be helpful.

Mid-Term Recommendations: The study of attorney fee regulations and assignment practices should lead to legislative and implementation proposals that ideally are also endorsed by the private Bar. To reduce court fees effectively, streamlining of all court processes is generally the most effective way. This is an area that should be addressed through a solid process review of all court activities and is a mid-

[7] See Decree of Cabinet of Ministers N963 Dated 27.11.2018 y.

term activity since it requires time to collect the needed data and information for the entire court process.

Long-term Recommendations: In the *long-term*, further automation of most court processes can reduce court fees if combined with authorizing regulations that streamline processes and enable the courts to use good case management practices. Effective automation takes time, requires solid process assessments and the costs of the automation process itself tends to be high in the beginning. Only in the longer run does automation lead to lower cost and only if processes are actually changed. Considering that the *costs for the enforcement process* in Uzbekistan are in a range comparable to most top performers, this is not a priority area to focus on, rather it should be considered when the effectiveness of enforcement is reviewed as part of activities to address the quality of process indicator (see below).

Table 5: Cost of Enforcing Judgments 2019, Top Performers and Uzbekistan

Economy	Rank	Total Cost (% of claim)	Attorney fees (% of claim)	Court fees (% of claim)	Enforcement fees (% of claim)
Australia	5	23.2	18.5	4.5	0.2
Kazakhstan	4	22.0	8.5	3.5	10
Korea, Rep.	2	12.7	9	3	0.7
Norway	3	9.9	8	1.3	0.6
Singapore	1	25.8	20.9	2.8	2.1
Uzbekistan	**41**	**20.5**	**15**	**3.5**	**2**

Source: Doing business Historical Data, DB Enforcing Contracts, online at http://www.doingbusiness.org/en/data

1.4. Quality of judicial process and administration

The Quality of judicial process and administration process is a complex composite indicator consisting of 19 individual good court practice elements. This indicator was introduced in 2016 to replace the previous, quite controversial indicator of *steps to process a case*.[8]

These 19 indicator components include, are all indicators of good court practices (good enforcement agency practices are not specifically included, but many of the good court practices also apply to these agencies and can be introduced there to enhance the post-judgement processes).

These 19 components are compiled into 2 general indicators: 1. Quality of the judicial process and 2. quality of judicial adminstration, these are addressed by 4 sub-indicators:

- court structure and proceedings,
- case management,
- court automation, and
- alternative case resolution.

Table 6 shows the results for the 2019 top performers and Uzbekistan. Interestingly Kazakhstan leads in this area with 16 points, a clear indication of a very systematic reform process. Uzbekistan achieved only 6 of a total of 18 points possible, with no points in a vital area of good court performance – case management. Clearly areas where reforms can make a difference.

[8] The prior "steps to process a case" indicator intended to capture an important measure of court case performance: the numbers of steps required to complete a case from filing through final enforcement. The problem the data collection presented was that to actually understand this process, one had to have knowledge of both the things that the parties had to do as well as the processes court clerks, judges, and enforcement officers had to perform. Furthermore, developing clear descriptions for each possible process that would apply in each country was not an easy task. As a result, the data collection form developed was difficult to complete and could be interpreted differently. The end result over time was, that the data collected for this indicator were less than reliable. The decision to change to a clearer indicator of good performance that would focus on internationally recognized good court management practices was a very important move to create a more reliable data base. It also introduced a composite indicator that courts around the world could more easily act upon, especially since supporting reports providing examples of improvement actions were developed (see Gramckow and Ebeid 2016).

What the top performers have done, and which options could be explored by Uzbekistan in the coming years will be discussed in more detail for each of the 19 sub-components in the following sections. Additional information about the other countries beyond the top 5 performers that were the focus of this document have done to introduce these good practices can be found in "Good Practices for Courts: Helpful Elements for Good Court Performance and the World Bank's Quality of Judicial Process Indicator" Published by the World Bank in 2016 (Gramckow and Ebeid, 2016).

Table 6: Quality of the Judicial Process Index 2019, Top Performers and Uzbekistan

Economy	Rank	Quality of the judicial processes index	Court structure and proceedings (0-5)	Case management (0-6)	Court automation (0-4)	Alternative dispute resolution (0-3)
Australia	5	15.5	4.5	5.5	3.0	2.5
Kazakhstan	4	16.0	5.0	5.0	3.0	3.0
Korea, Rep.	2	14.5	3.5	4.0	4.0	3.0
Norway	3	14.0	3.5	4.0	4.0	2.5
Singapore	1	15.5	4.5	4.5	4.0	2.5
Uzbekistan	**41**	**6.0**	**2.5**	**0.0**	**2.0**	**1.5**

Source: Doing Business Historical Data, DB Enforcing Contracts, online http://www.doingbusiness.org/en/data

1.4.1. Court structure and proceedings

This part of the Judicial Process Quality Index focuses on 5 main elements:

- commercial court specialization,
- small claims courts,
- availability of pre-trial attachments,
- random assignment of cases, and
- equal handling of the testimony of women.

As shown in Table 7 below, Kazakhstan leads in this component as the only top performer that achieved all 5 possible points. Uzbekistan

achieved 2.5 points. Positively, there is already commercial specialization in Tashkent (and other parts of the country), and testimonies of female plaintiffs are treated equally. Furthermore, the President's decree of July 2018 includes some activities to address some of the other areas. This includes the completion of random assignment of cases to judges (Decree activity no. 45), which, if fully in introduced by the next time DB data are collected, would increase this score by one. Furthermore, the decree requests proposals for the introduction of small claims processes in commercial matters (Decree activity no. 39) and some review of options to adjust the form of the first hearing, which could address pre-trial conference issues (see below under case management) and possibly adjustments to the pre-trial attachment process. These are good developments but will not lead to more significant changes soon unless quick implementation follows.

The following sections outline what is available in the top 5 performing countries and recommendations will be provided for options to advance on each of the elements of this component where Uzbekistan so far has not scored all points possible (highlighted in green).

Introduction of small claims courts. All of the top 5 performers have introduced some form of small claims provisions in their economies and all of them allow that claimants represent themselves. Kazakhstan introduced simplified small claims procedures in 2016, other economies, like the business court in New South Wales introduced specialized divisions that only handle small claims. Considering that such small claims courts, benches or prosses focus on simple commercial issues of lower value, they often handle a majority of commercial (and other) case in their jurisdiction. Their introduction can, therefore, also have an immediate positive impact on the processing of all commercial cases in the general jurisdiction court. Since the cases handled in small claims processes are simple, the need for representation by a lawyer is low. Lessons from the top performers and some of the oldest small claims court established worldwide, such as the multi-door court in Washington DC, show that their use of simplified rules of evidence, more streamlined procedures and much less formal proceedings in which parties can represent themselves not only reduced time and efforts to handle these cases but is an important service particularly

Table 7: DB Enforcing Contracts 2019, Top 5 Performers and Uzbekistan: Judicial Process Quality Index: Court structure and proceedings

Economy	Quality of judicial processes index (0-18)	Court structure and proceedings (-1-5)	1. Is there a court or division of a court dedicated solely to hearing commercial cases?	2.a. Is there a small claims court or a fast-track procedure for small claims?	2.b. If yes, is self-representation allowed?	3. Is pretrial attachment available?	4. Are new cases assigned randomly to judges?	5. Does a woman's testimony carry the same evidentiary weight in court as a man's?
Australia	15.5	4.5	Yes	Yes	Yes	Yes	Yes, manual	Yes
Kazakhstan	16.0	5.0	Yes	Yes	Yes	Yes	Yes, automatic	Yes
Norway	14.0	3.5	No	Yes	Yes	Yes	Yes, automatic	Yes
Singapore	15.5	4.5	Yes	Yes	Yes	Yes	Yes, manual	Yes
Korea, Rep.	14.5	3.5	No	Yes	Yes	Yes	Yes, automatic	Yes
Uzbekistan	6.0	2.5	Yes	No[9]	n.a.	Yes	No[10]	Yes

Source: Doing business Historical Data, DB Enforcing Contracts, online http://www.doingbusiness.org/en/data

for small local businesses and less affluent consumers who cannot afford a lawyer and would otherwise have no legal recourse to enforcing a contract or other rights (Gramckow and Ebeid 2016a). Faster and less costly dispute resolution matters particularly to small and medium-size enterprises, which often do not have the resources to stay in business during lengthy, costly litigation. A new decree to introduce simplified procedures for commercial cases is currently being developed in Uzbekistan and self-representation is already allowed in Uzbekistan. If fully implemented by the time the next DB data collection is conducted, this should reflect positively in this indicator.

[9] The experts of DB do not consider writ proceedings as a fast-track procedure for small claims.
[10] From October 2018 all cases in the courts of Uzbekistan are assigned randomly to judges. Since the data was collected earlier, this reform was not included.

Short-term recommendations: Building upon current reform efforts, it can be helpful to also review the current reform proposals in light of lessons learned from other countries. Since delegations from Uzbekistan had the opportunity to travel to Washington, DC, among others, hopefully delegation members had a chance to visit the multi-door court there and discuss with members of that court the operations and lessons learned. One of the decisions to make is if only simplified proceedings for small claims should be implemented and used in all courts that handle business cases or if there is also a need to set up a special division or even a special court to handle small claims cases at least in Tashkent (See Gramckow and Ebeid 2016a). Often, the need for a special division may be high in the main commercial center of a country, but not in other areas. Hopefully, the proposals developed included a review of the current caseload of smaller commercial cases in Tashkent to get a sense of the number of cases that may potentially be handled through this mechanism. This is important to better understand what form of small claims services should be created (i.e., simplified processes for simple cases used in all commercial courts, a few small specialized claims benches and/or a full court where the volume is sufficient). This analysis then would inform estimates of the human and financial resources needed to set up such operations and to better understand the impact on the existing commercial court. It is also important to consider that when the chosen small claims court option is successful, the number of people filing small claims is likely to increase beyond its current rate, as individuals, who do not have the financial means to look to the courts to enforce a contract, now can take advantage of this small claims option. Furthermore, it is assumed that an assessment of the civil/commercial procedure code has been undertaken to identify options for reducing complexity of filing requirements, process steps, evidentiary requirements and documents to be submitted as well as introduction of simplified forms for use in simplified proceedings. If not, these are activities recommended to be undertaken in the short-run.

Mid-term recommendations: Using the just mentioned information collected to better understand the form small claims provisions should take across the country, in Tashkent and other main commercial centers, further legal reform or rule change adjustments may be

needed and a detailed implementation proposal with timelines should be developed reflecting human, financial and infrastructure needs for effective implementation. Furthermore, it will be important to have some communications with private lawyer associations to ensure that they understand that their potential income levels will not be impacted by not requiring representation in small claims courts since these types of cases typically do not come to them. Similarly, it will be important to educate the local business community, especially small and mid-size businesses and the general public about these plans and how this option increases their access to the courts and justice. The different nature of these operations will require a different layout of hearing rooms, if a special division is created. Furthermore, training of judges and court staff, not just in the new regulations but in communicating with and assisting those who are coming to the small claims courts without representation has to be provided. It will also require the development of simpler court forms and information material for court users (in print, online, written in simple, easy to understand language). This also offers an opportunity to develop simple automated forms and information court users can access (ideally online, including at computer terminals at the court), and the simpler court processes lend themselves very much to early automation of proceedings. All of these considerations should be reflected in as much detail as possible in the implementation plans that are being developed and continue to inform legislative change processes.

Long-term recommendations: In order to reflect the often growing and changing needs of the business community, especially of the local business community, case trends and case management data should be reviewed at least annually to better observe overall case trends, detect processing and court service areas that can benefit from adjustments and changes in resource needs. The less complex processes of small claims options lend themselves to automation not just within the court but to test automated options for filing, service of notices, access to case schedules and advanced document submissions that can be used by self-representing litigants. Since small claims procedures are especially important for small and mid-size local businesses and local consumers, this is also a good place for developing forms in minority

languages, where needed, and for engaging local communities to gain feedback on court operations and to educate the public about the services and role of the courts in general.

1.4.2. Case Management

This sub-component of the Judicial Process Quality Index includes 10 elements – not surprising since case management is at the heart of good court performance and addresses many aspects of court operations. Australia performed best in this area, achieving 5.5 of a total possible 6 points. All other top performers achieved 4 or more points. Uzbekistan gained 0 points, an indication that this a primary area to address (see Table 8). There are a few elements in the President's decree that speak to some case management topics, especially the automation of processes. However, without further information this writer cannot assess to what extend the current automation efforts reflect good case management principles overall and specifically as related to the DB Enforcing Contracts Indicators.

In order to achieve good case management outcomes, the top performers conducted significant reforms over several years; some, like Singapore and Korea for almost 30 years. As mentioned earlier, Norway, introduced fundamental changes to the civil process in 2005 that reflected the need for good case management practices. The changes in Kazakhstan are more recent, particularly since 2014 (Maters 2015). This makes its good results especially in this complex indicator area very compelling. The lessons related to the development of strong case management capacities for the courts particularly from these two judicial systems are important for any country to consider. Both countries recognized that the capacities to manage the court, understand case management and implications of court automation has to be created within the judiciary and the managing court staff. Both countries also recognized early on that good case management is at the heart of efficient court operations as is a focus on developing reforms based on data and feedback from all users. They understood that automation is just one tool to increase efficiency, one that will not fully succeed if processes are not streamlined and case management is not applied. They also understood that such reforms take time, have

to be planned well and will always continue as the needs of the courts and their users change along with the law and technology.

Generally, case management refers to a set of principles and techniques developed to ensure the timely and organized flow of cases through the court from initial filing through disposition (Gramckow and Nussenblatt 2013). While the case management principles adopted by courts across the world vary depending on their needs, laws and the local legal culture, several have been applied so consistently worldwide that today they are recognized as a set of core principles for effective managing court operations (for more information see Gramckow and Nussenblatt 2013).

Doing Business collects data on six of the internationally recognized core case management principles:

- the availability of regulations setting time standards for at least three key court events and how well they are adhered to,
- the availability of regulations on adjournments and continuances and if they are applied in at least 50% of the relevant cases,
- the ability to create at least 2 key case management reports,
- the possibility of holding a pretrial conference, i.e., a hearing to narrow down contentious issues and evidentiary questions before the trial, explore the case's complexity and the projected length of trial, create a schedule of the proceedings and check with the parties on the possibility of settlement,
- the use of electronic case management tools for judges,
- as well as the use of electronic case management tools for lawyers.

When collecting data related to regulations on time standards and adjournments, *Doing Business* also surveys experts on whether these standards are respected in practice.

As mentioned above, Uzbekistan received 0 points in this important area. This is where changes can make a significant difference to the courts, its users and related to the Doing Business Indicator. Fortunately, introduction of several of these good case management practices do not require significant financial investments, with the

exception of court automation which is an area that should be planned out well and seen as an ongoing, long-term investment based on good case management principles.

Regulations and adherence to time standards

With regards to the implementation of *Time Standards*, Uzbekistan has legislation that sets an overall time standard, for finalizing commercial cases but not for at least 3 key steps (i.e., filing to service, service to judgement, judgement to enforcement). Such time standards for at least 3 key court events exist currently in 98 economies included in the DB report, including in 2 of the top 5 performing countries, i.e. Australia and Kazakhstan (introduced in 2018). Norway, South Korea and Singapore instead opted for judge controlled case management options, including automation of processes that allow for close monitoring of process duration and actions that ensure timely disposition of a case but provide flexibility depending on the circumstance of the case.

More importantly, DB requires that these time standards are regularly upheld in at least 50% of the cases. Having such standards defined in the law and court rules is a good start but if they are not applied in practice, nothing changes. In practice such time standards are respected in only 64 of these economies reviewed by DB. In all 5 top performing economies, any time standards that exist are reported to be upheld in most cases. Doing so requires more than setting time standards; it requires introduction and adherence to case management principles, a system and related reports that help judges and court staff monitor case progress and timelines, and mechanisms to enforce these rules, including default decision making if a party repeatidly does not abide by set and agreed upon timelines without justification. Positively, the overall time standards that exist in Uzbekistan are generally upheld.

Adjournment rules

Controlling adjournments is one of the key case management tools courts can apply. Adjournment of any court event means that the court as well as the parties need to reschedule and use additional human and financial resources to accommodate a different hearing date. It

also means the entire process will last longer, thereby preventing timely recovery of losses and damages, duplication of efforts, increased cost to the court and the parties, and occasionally also loss of information and generally great frustration of the parties involved. DB inquires if the law limits the maximum number of adjournments allowed and if existing rules of adjournment are upheld in about 50% of the cases.

Detailed rules regulating adjournments are available in only 36 economies reviewed by DB in 2018. Of the top performers, only Kazakhstan introduced legislation in 2017 that sets a maximum for number of adjournments. This legislation was introduced in 2017 and does not specify that any adjournments will only be granted for unforeseen or exceptional circumstance. Time will show if this regulation will be practical and lead to efficient processing. Instead, both Australia and Singapore have rules that ensure that any adjournments are only granted for unforeseen and exceptional circumstances. Adjournment rules are respected in more than 50% of the cases in both countries. Uzbekistan has no adjournment limitations at this time. The examples of Australia and Singapore may be particularly helpful.

Case management reports

Another way to support effective implementation of case management techniques is to use case management reports that compile and analyze case performance data for different management purposes within the court: the court leadership, individual judges, administrative staff (see Gramckow and Nussenblatt 2013). These reports can show whether case management goals have been met in individual cases and/or at the court level and they are the basis for considering changes to the operations, staff and other resource allocation, budget requests, and inform the need for court rules changes and input to legislative changes.

DB assesses if case data reports are available for at least 4 process elements:

1) the number of cases pending before the court,
2) the clearance rate,
3) the average disposition time, and
4) the age of the pending caseload.

Importantly, these reports do not have to be created electronically. Any court that keeps decent case management data can and does theoretically produce such reports at least monthly for the court leadership and ideally for each judge, so they can analyze where inefficiencies and bottlenecks lie and also help them track the progress of ongoing case management initiatives.

Data collected for the 2019 report on the availability of four of the more common types of performance management reports show that at least two of these reports are publicly available in 73 economies (DB 2019).

Such reports can be created for the commercial court division in all 5 top performing country. No such reports were available in Uzbekistan for the DB data collection in 2018. The President's decree includes the publication of 2 of these reports (clearance rate and time to disposition, Decree activity no.41), which is good steps in the right direction but will not be sufficient to achieve the full points aimed at.

Pretrial conferences

The DB data show that having a pretrial conference is a common case management tool, used in 92 economies, including in all 5 top performing countries. This is an important case management practice and the required legislative changes to the relevant procedural rules are available in all top 5 performing countries. There, pre-trial conferences are automatically scheduled and requirements for document submission, topics to be addressed and scheduled to be developed are outlined by the court for the lawyers ahead of time.

No pre-trial conferences are available in Uzbekistan. It is unclear if this will be addressed as part of activities related to no. 40 of the President's decree.

Electronic case management tools

Related to the use of ***electronic case management tools*** DB collects information not just on the existence of such electronic tools but if these are ***available to judges and lawyers***. Such tools typically include the possibility for judges and lawyers to track their

Box 4: E-case management: What does DB measure?

Under the Doing Business methodology, an economy is considered to have an electronic case management system available to judges if judges in the relevant court can use such a system for at least four of the following eight purposes:

- to access laws, regulations and case law; to automatically generate a hearing schedule for all cases on their docket;
- to send notifications (for example, e-mails) to lawyers;
- to track the status of a case on their docket; to view and manage case documents (briefs, motions); to assist in writing judgments;
- to semi-automatically generate court orders; and
- to view court orders and judgments in a particular case.

An economy is considered to have an electronic case management system available to lawyers if lawyers can use such a system for at least four of the following eight purposes:

- to access laws, regulations and case law; to access forms to be submitted to the court;
- to receive notifications (for example, e-mails);
- to track the status of a case;
- to view and manage case documents (briefs, motions); to file briefs and documents with the court; and
- to view court orders and decisions in a particular case.

Source: DB 2019, methodology, online.

cases, automatically created priority task lists, reminders of upcoming deadlines, etc. The text in Box 4 details what tools DB measures.

In 2018, some case management tools were available to judges in 53 economies, but to lawyers in only 43 economies (Doing Business 2019). All 5 top performers do have electronic case management tools that are available to judges and lawyers. Norway, for example, updated its system in 2018 to allow judges and lawyers to manage their cases electronically. In these countries the parties to a case also have some access to the system. Currently, the system available in Tashkent largely aims at supporting the administration of cases but electronic case management tools seem to be unavailable to judges or lawyers in Uzbekistan, however, the development of such tools for both user groups is mentioned in the President's decree (no. 42) and should be well under way by the time the next DB data collection will be conducted.

Naturally such tools can and have been used by courts without automation and courts that introduced such tools manually first generally were

able to integrate these into the development of user-friendly automated case management systems. If these tools are at least available in manual form, automating them is much less difficult.

Short-term and mid-term recommendations: Assuming there are currently already some efforts under way to increase the general understanding of case management overall and special techniques that can be applied in the courts in Uzbekistan, a good first step to create **solid time standards** for major processing steps is to assemble a group of open minded but experienced judges and court staff to develop an initial "map" of a streamlined commercial court process with reasonable timelines for each major processing step (at minimum for filing to service, trial to judgement, and for the enforcement process itself). Such group of local "experts" was used in Singapore, Australia and Korea. Next this group should then consult with private local lawyers who have significant experience with representing such case and with local business members who had litigated such cases in the local courts, to consider their experiences and concerns related to the suggested time standards. Lessons learned from many countries, starting with the US, where case management was first applied in court settings over 30 years ago, show that such approach results in reasonable timelines that can be adhered to. The established timelines should first be tested and then rolled out to cover all commercial cases (and other case types later on). As the examples of Norway, Singapore and Korea show, setting strict timelines for specific case types and process steps may not be what is most efficient in a particular country. Instead, setting desired timelines, based on suggestions from the above mentioned expert working group, and ensuring that the judges have the capacities and legal authorities to monitor, implement and enforce reasonable timelines based on the circumstances of a case, can be more important.

Equally important is that the courts have the powers to enforce these rules. Court rules and legislation may have to be adjusted to provide the needed legal framework, outlining what reasons are allowed to request and grant an adjournment and providing the judges with a range of response mechanisms, ranging from initial rescheduling of a court event for one time only, setting a

strict calendar of actions the parties have to abide with, to dismissal of the case or even default judgement in favor of the parties that complies with the set timelines. Training for judges and court staff on case management and how to adhere to the timelines with some flexibility will be needed along with outreach and education of private lawyers on the intent of the timelines, the benefits to them and what this requires of them. Publication of the introduction of the timelines and their benefit for court users is equally important. Since there are already good experiences by judges and lawyers in Uzbekistan for reach out to different communities through the mahallas, such outreach can be target to businesses in different localities as well important consumer groups to gain input for developing meaningful time standards and for educating them about the benefits involved.

Naturally, adherence to meaningful timelines requires the development of rules for ***limitations for adjournments***. The parties as well as the court can have well substantiated reasons for not being able to meet a set timeline, i.e. serious sickness or death of a party, significant evidence that can be proven to not have been available earlier, in some instances even loss of staff at the court or in a law firm. If processing timelines are set too strict and no adjournment is allowed, the case may result in a dismissal, only to be refiled later, duplicating efforts of the parties and the court. If timelines are set too generally and no adjournment rules are set, parties may request frequent adjournments, rending timelines inefficient. Beyond court rules, changes to the procedural code are often needed, which tends to require more time. Court rules and/or the law have to define acceptable adjournment reasons and the number of times they can be requested in major processing steps. Importantly, adjournment reasons from the side of the court also have to be set. In well performing countries, including the top 5 performing countries, these are often limited to short-term sickness of the judge and natural disasters; if a judge is impeded for a longer period of time, dies or leaves the court a onetime adjournment is allowed for a newly assigned judge to be assigned. The courts set very high standards for their own commitment to processing cases in time. To develop meaningful adjournments rules court data should

be reviewed to better understand when requests for adjournments are granted, what types of cases and situations are involved. Using this information together with a review of effective adjournment rules like the ones in Kazakhstan, Australia and Singapore, provides a good basis to develop rules that meet the special needs of the commercial court in Tashkent. If these data are available in Uzbekistan, this can be a short-term activity. Otherwise, developing the required data first is important to develop adjournment rules that a meaningful within the current court operations. Based on such rules, judges and court staff will need to be trained in the mid-term, the rules will need to be published and outreach activities to lawyers and the general public will be important to ensure they understand the rules, reasons and benefits.

Regarding the development of 4 specific ***case management reports***, i.e. reports that indicate the time to disposition, clearance rates, age of pending caseload, and single case progress reports, DB only requires the availability of 2 of these reports in a manual form. At the time of the last DB data collection, the reporters were not able to confirm that at least 2 of such reports are available in the commercial court in Tashkent. A range of sources indicate that data are collected and compiled for the courts in Tashkent, however, it is unclear what data are exactly currently already available for the commercial court in Tashkent to produce such reports reliably and on a regular basis (i.e. at least monthly). Meaningful recommendations are therefore difficult to provide without more information. Ideally data are at least manually collected on a regular basis, i.e., on excel-type electronic forms that allow for quick updating, sorting and searches. To guide this process, hopefully a working group exists already in Uzbekistan, that includes judges, court staff, a court statistician and similar staff to identify what data are available, what would need to be created, how frequently these reports would need to be available to different end users, how the reports should look like. If not, this is a short-term activity to undertake. Such working group is important to ensure that the court leadership and other end users of the reports understand what is available, what can be developed in the future, and for working group members to explain in detail to those who

are developing the reports, what they need and when. Reportedly some of these reports are available to the court leadership and possibly judges and administrative court staff but it is unclear how frequently such reports are created (i.e. ideally at least monthly) and what level of detail related to case types is reported. As a result, it is difficult to make more meaningful recommendations. Today judges and court staff in Korea and Singapore have the most important reports related to their own caseload readily available on their own computers in real time. It was suggested that this too is the case in Tashkent, but not confirmed by the DB data collection team. Nevertheless, core elements that need to be in place in the short run are at least 2 of the above mentioned case management reports in manual form. The statistical staff at the court should be able to produce these without effort. Mid-term enhancements in this area will need to focus on creating more frequented more reports for the court leadership, court administrator and individual judges. The scope of these reports will always change over time, and number of reports to be created will increase over time as those who are using the reports will understand them better and will want to get more detail in the future. A standing working group comprised of the main data users will be essential to inform these processes into the future. Equally important will be ongoing training of the main users of the reports and a strategy for using select data in public outreach. As automation progresses, the frequency and detail of the reports generally increases since the production becomes easier.

The develop well-functioning ***pre-trial conferences*** takes more time and can be undertaken in the mid-term. Experiences from al top 5 performing countries show, that first the scope and rules for pre-trial conferences have to be agreed upon which often requires a change in legislation. The focus is on ensuring that the judges or judge assistants have early access to the case file and all evidentiary information to assess the complexity of the case, potentially contested issue, elements on which the parties are likely to agree to early, and enough information to develop an initial schedule for the processing the case through the court. After the proper rules are in place, judges and other court staff need to be trained in

the proceedings. Sometimes, the creation of a screening unit that reviews all cases for these issues can be helpful. Equally important is early outreach to private lawyers to ensure they understand the benefits of a well-informed pre-trial conference and their concerns are considered, they too will need related training. In countries where pre-trial conferences are new, it is helpful to expose judges, courts staff and lawyers to good examples from other countries either through visits or at least via video examples, best combined with an online question and answer session with the example court and its lawyers. The rules for pre-trial conferences have to allow for joint informal communications with both parties to firm up understanding of schedules, timelines, and reporting of delay issues. Furthermore, as for all other court processes, data have to be collected when the new process is tested in implemented to understand if there are bottlenecks and if this new process is functioning as envisioned.

Long-term recommendations: In the long run, automation will be an important tool to support all of these case management practices. This requires that rule-based, i.e., adjustable timeline reminders are integrated into the case management software, producing time-staged reminder lists for court staff and judges (and eventually for lawyers) as well as regular timeline-based management reports for the judges, court staff, and the court leadership. These reports will not just assist in adhering to meaningful timelines but in making adjustments to the rules as the capacities of the courts and the need of its users change. Similarly, adjournment rules and their requirements need to be captured in the case management software in the long-run, along with reminders of adjournment limited to the judges and lawyers. As mentioned early, creation of all case management reports electronically should be an important element of enhancing the current software from a case tracking system to a system that truly supports case and court management. The above recommendations outlined especially for the mid-term already provide some guidance for getting to that stage. More detailed recommendations require a solid on-site assessment that is beyond the scope of this report. Considering that pre-trial conferences are currently not available in Uzbekistan, it is too early

to extend recommendations beyond those provided for the short- and mid-term.

Table 8: DB Enforcing Contracts 2019, Top 5 Performer and Uzbekistan: Judicial Process Quality Index: Case Management

Economy	Quality of judicial processes index (0-18)	Case management (0-6)	1.a. Are there laws setting overall time standards for key court events in a civil case?	1.b. If yes, are the time standards set for at least three court events?	1.c. Are these time standards respected in more than 50% of cases?	2.a. Does the law regulate the maximum number of adjournments that can be granted?	2.b. Are adjournments limited to unforeseen and exceptional circumstances?	2.c. If rules on adjournments exist, are they respected in more than 50% of cases?	3. Can two of the following four reports be generated about the competent court: (i) time to disposition report; (ii) clearance rate report; (iii) age of pending cases report; and (iv) single case progress report?	4. Is a pretrial conference among the case management techniques used before the competent court?	5. Are there any electronic case management tools in place within the competent court for use by judges?	6. Are there any electronic case management tools in place within the competent court for use by lawyers?
Australia	15.5	5.5	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Kazakhstan	16.0	5.0	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Norway	14.0	4.0	Yes	No	Yes	No	No	n.a.	Yes	Yes	Yes	Yes
Singapore	15.5	4.5	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Korea, Rep.	14.5	4.0	Yes	No	Yes	No	No	n.a.	Yes	Yes	Yes	Yes
Uzbekistan	6.0	0.0	Yes	No	Yes	No	No	n.a.	No	No	No	No

Source: Doing Business Historical Data, DB Enforcing Contracts, online http://www.doingbusiness.org/en/data

1.4.3. Court Automation

The use of an electronic system to process court activities greatly increases the effectiveness of case management if it reflects the case management principles introduced in a court and if it is developed with solid input from the system users (see Gramckow and Nussenblatt 2013). Lessons from some countries, like Serbia, have also shown, that if automation is introduced without adjusting rules and regulations to support electronic processing, the workload for court staff actually increases and the desired efficiency cannot be achieved.

The 4 measures of court automation included in this DB indicator all focus on electronic services available to the parties:

- availability of electronic filing of the initial summons,
- electronic service of process,
- electronic payment of court fees, and
- the publication of judgements in commercial cases at all court levels, and publication of commercial judgements at the appeals and Supreme Court level.

Doing Business tests only whether these features are in place, not whether the majority of court users uses them. For all these features the court of reference is the one that would have jurisdiction to hear the *Doing Business* standardized case. The Top 5 performers scored 4 or 3 points, Uzbekistan achieved 2 points (see Table 9). Positively, cases can be filed, and fees can be paid electronically. These are both good initial steps towards automation and each of them is not just helpful to the court by the court users.

Uzbekistan has stepped up its court automation efforts at least since 2014. After initial pilot testing, the so-called E-SUD system has been expended to all inter-district, city and district civil courts which should include the commercial divisions.[11] The DB results indicate that Uzbekistan is nevertheless at an earlier point of automation that is not just used by court administrative staff but is available to court users. This is not unusual since court internal capacities have to be built first.

[11] See UzDaily 11 November 2017 online at https://www.uzdaily.com/articles-id-41573.htm

To take the example of the courts in new South Wales, by 2011, all of its quite well automated systems were still paper based and required lawyers and the parties to come to the court for most actions. In 2014, the courts introduced online registration and an online jury management system, in 2015 an online system to search the hearing list and access to judgements online. Additional processes were added in the following years and by 2018, the so called "Online Court" enabled handling of about 70% of all court actions (not just in business matters) online. This is by now means the end of this journey. The NSW courts have many more plans for expanding online services and continuously adjusting and improving its automated systems and offerings (D'Elia 2018). The stories of court automation and e-services are similar in Singapore, South Korea and Norway, countries that have a good 15 plus years of experience with court automation.

Using these experiences is a good opportunity for Uzbekistan to ensure that the automation process is well designed and informed by user needs. As mentioned, several times before: automation without good case management principles in place, without extensive end user input and conducted in a rushed manner has not been successful anywhere. Actually, in many cases a less well planned and informed automation process instead has led to significant frustration and high cost and did not achieve the desired efficiency in several countries, including in several jurisdictions in the US (see Gramckow and Nussenblatt 2013). Well planned and participatory approaches to developing a well-functioning automated case management system that serves the court and its users was not applied in most of the top 5 performing countries. Positively, the E-Sid system was and continuous to be develop with input from working groups that include members of the courts, it is unclear if potential court users, such as commercial lawyers and business representatives are also included, which would be important.

Today ***electronic filing*** of the initial complaint is permitted in 36 economies, in all top 5 performing countries, and in Uzbekistan. This is quite positive and can shorten the time needed for the filing process as well as reduce cost to the attorney, if the fees for electronic filing are not higher than filing in person. In some countries, the cost for filing electronically are actually set lower to encourage the

electronic process. This is a helpful idea, but only if electronically filed documents can be fully used at the court and if e-filing does not require court staff to retype significant text data into the courts own systems. Singapore is among the countries that has a long experience with e-filing and by 2015 introduced an almost complete e-litigation system. Importantly, keeping the needs of court users in mind, the court offered terminals for use of e-court processes at the court to ensure that those who had limited access to them could files cases and conduct other court processes electronically. The court also facilitated purchasing of pre-paid cards that enabled those who did not have a credit card to pay online. These are important services to the less affluent parts of the population.

Electronic service of process — that is, the initial summons can be served by e-mail, fax or text messaging — is available only in 33 economies. Three of the top performers, i.e. Norway, Singapore, and Korea offer e-service of process. Uzbekistan does not, which is not surprising since it is not a feature many countries have as of yet. In the President's decree action no.43 speaks to the development of proposals to address this. In most countries, the legislation requires proof of receiving by the party that is served, which is not always technically possible. Many countries offer this option only when the party to be served is a firm or requires prior registration with the court. The basis for e-service of process is generally the assumption that a functioning company has to provide for proper working email, fax or other electronic communication mechanisms. It is also assumed that, just like with regular mail, the company is properly served when the notice is delivered to any employee. Still, both assumptions have to be regulated either in published court rules or the law. In order to overcome some of the existing legislative hurdles, courts may be legally able to allow firms to register with the court, thereby providing their approval ahead of time for process to be served electronically. Where this is not legally possible, courts may use the electronic option in addition to the regular hard copy delivery (by mail or other delivery service) to reduce the response time for the party. Any proposals for Uzbekistan should be reviewed in light of these experiences from other countries (see Gramckow and Ebeid 2016).

Electronic payment of court fees, allowed in 59 economies, is the most commonly available feature of court automation measured by *Doing Business*. This is the easiest to introduce and offered in all 5 top performing countries as well as in Uzbekistan. The above-mentioned effort of Singapore to ensure that those who have limited access to computers or nor credit card may be of interest.

For the Enforcing Contracts Indicator, ***Publication of judgements in commercial cases*** is assessed by two components: one for making the judgements public for all court levels (except for small claims and where privacy issues are concerned), and one for publication of commercial judgments at the appeals and Supreme Court level. Making judgments available does not have to be electronically and does not necessarily require substantial resources, but it does require good internal organization and meaningful classification of cases. Case decisions must be accessible and efficiently cataloged so that they can be easily searched. In 44 economies courts publish virtually all recent judgments in commercial cases either online or through publicly available gazettes. This is also the case in all top 5 performing countries, not yet in Uzbekistan. There are, however, efforts under way to publish commercial case judgements by the Supreme Court electronically (see President's decree activity no. 44).

Short-term and mid-term recommendations: Without more detailed information about the current functionalities of the **automated case management systems** implemented for all court processes in Uzbekistan it is difficult to make meaningful recommendations for enhancements. Nevertheless, considering that case management approaches are current underdeveloped in Uzbekistan, in the short-term, it should be reviewed if these system development efforts are truly informed by a) good case management practices, and b) by user groups that consists of court staff, judges, the court's statistician and the relevant technology staff. As access to the system is extended to lawyers and other parties, their input will need to be included.

These user groups that inform the case management system development, together with the IT staff/contractor, will have to map out and review the entire court process in light of the good case management techniques planned for the near future and

later. This may lead to change proposals even in areas that have already been automated, like ***electronic filing and electronic fee payment***. These two are not priority areas to address at this time but, as mentioned before, the full benefit of electronic filing will only come to fruition when the filing documents are online in an electronic manner so that lawyers and eventually other parties enter their filing data directly und these then migrate into the court's own system, limiting the need for court staff to reinter the information. In the mid-term, terminals should be available at the courts, and staff available to assist with data entry if needed, for those who do not have the capacities or needed technology in their business or home to make use of electronic filing. As already mentioned stated, full ***electronic service delivery*** is not a feature used in many countries, due to the many legal and practical difficulties related to electronic service of process. In the short-run, assessing the options that are feasible first in Tashkent and later throughout Uzbekistan would be a meaningful first step to develop solutions that work in the long run. The experiences and good practices from other countries outlined in the already mentioned good practice report (Gramckow and Ebeid 2016) will be helpful in assessing the different options, i.e. e-service only for registered parties, e-service only as a back-up, etc., before further legislative changes are recommended and any implementation efforts are made.

When it comes to ***publication of judgements***, Uzbekistan is taking the right steps by starting with the publication of Supreme Court judgements first. As stated earlier, the development of a good classification system and listing order that allows for effective searches (manually or electronically) is the most important step in this effort. It is unclear if this currently exists, otherwise, this would be the first important short-term step. The top performers all provide good examples of such systems that Uzbekistan can easily adjust to its own needs. Often some classification systems already exist for use in local gazettes but electronic systems have different requirements for search capabilities that need to be considered. Input from user groups that include judges, business lawyers and law professors, which tend to be the main users of such information, will be important to gather and reflect in the design a good electronic judgement publication system.

This will inform mid-term efforts to develop an e-judgement system for Uzbekistan that can be extended to other court levels over time.

Table 9: DB Enforcing Contracts 2019, Top 5 Performers and Uzbekistan: Judicial Process Quality Index: Court automation

Economy	Quality of judicial processes index (0-18)	Court automation (0-4)	1. Can the initial complaint be filed electronically through a dedicated platform within the competent court?	2. Is it possible to carry out service of process electronically for claims filed before the competent court?	3. Can court fees be paid electronically within the competent court?	4.a Are judgments rendered in commercial cases at all levels made available to the general public through publication in official gazettes, in newspapers or on the internet or court website?	4.b. Are judgments rendered in commercial cases at the appellate and supreme court level made available to the general public through publication in official gazettes, in newspapers or on the internet or court website?
Australia	15.5	3.0	yes	No	Yes	Yes	Yes
Kazakhstan	16.0	3.0	yes	No	Yes	Yes	Yes
Norway	14.0	4.0	yes	Yes	Yes	Yes	Yes
Singapore	15.5	4.0	yes	Yes	Yes	Yes	Yes
Korea, Rep.	14.5	4.0	yes	Yes	Yes	Yes	Yes
Uzbekistan	6.0	2.0	yes	No	Yes	No	No

Source: Doing Business Historical Data, DB Enforcing Contracts, online http://www.doingbusiness.org/en/data

2. ADR

While the *Doing Business* indicators for enforcing contracts have traditionally measured dispute resolution through the local court system, in recent years the focus has broadened to include mechanisms of alternative dispute resolution (ADR) — in particular, arbitration, voluntary mediation and conciliation.

ADR is not something that can replace traditional litigation but is a tool that can assist parties and courts in resolving disputes in a timely, cost-effective and transparent way.

Almost all the economies surveyed (185) in 2018 recognize ADR in one way or another as a mechanism for dispute resolution. Most (176) also recognize voluntary mediation or conciliation. All 5 top performers and Uzbekistan also do.

This indicator looks at 2 good practices related to ADR for which a total of 3 points can be achieved:

- Availability of commercial arbitration a) that is regulated by law, b) if any commercial disputes are excluded from these regulations (which results in a subtraction), and c) If valid arbitration rulings are enforced.
- If voluntary mediation or conciliation is a) available and b) regulated by law, and c) if there are financial incentives to use mediation or conciliation.

All the 5 top performers scored 2.5 or 3 points, Uzbekistan 1.5.

Related to ***arbitration***, Uzbekistan is currently lacking in enforcement. Unfortunately, that renders any arbitration activity ineffective and discourages its use by the business community. All top performing countries recognize this and are enforcing arbitration clauses and agreements regularly. It is usually mid-size companies that suffer if arbitration agreements are not upheld and not enforced. Large internationally operating companies apply international arbitration clauses that tend to be disputed in London, Hong Kong or other internationally recognized arbitration locations. So, it is local firms that are losing out if local arbitration agreements are not enforced. A first step to change this is to assess why enforcement does not occur. Without more information no further recommendation can be provided other than looking at the

current arbitration enforcement efforts particularly in Kazakhstan which has made changes to its enforcement system in the recent years.

Positively, ***voluntary mediation and conciliation***, is available in Uzbekistan as it is in the top 5 performing countries. What is lacking in Uzbekistan reportedly is a consolidated law or chapter of the civil procedure code outlining its implementation. This is a very unfortunate gap since it likely transfers into limited and uneven use of these options. All top 5 performers focus on effective regulations and implementation those area. This is high priority to address since it can have a significant impact on timely court operations and benefit especially many of the small business and lower income parties that to date often have no recourse through the courts.

Another area to consider is the introduction of ***financial incentives to use mediation or conciliation***. As reported in the 2019 DNB report, Kazakhstan and Korea apply such (while Norway, for example, requires the use of mediation before these cases can be filed). What option works best in Uzbekistan will depend largely on how well accepted mediation or conciliation are for commercial cases in Tashkent and other areas. Considering that neither is currently available, only short-term recommendations can be provided for this indicator.

Short-term and mid-term recommendations: Conducting a review of the current enforcement process for both arbitration and mediation (and as mentioned above, for court judgements generally) to identify where the shortcomings are for both ADR options is an important first step to take. Based on this activity, a change package should be developed that not only focuses on changing enforcement processes but includes performance measures that include elements such as timeliness, success rates, satisfaction rates, data development to track performance, oversight mechanism, training for enforcement officers and outreach to the public to educate them about their rights, how the system is supposed to work and where to file a complaint if enforcement is not completed within reasonable timelines or in a manner that appears to infringe on the parties rights (see Gramckow 2014). Again, communication with the relevant authorities in Kazakhstan to learn about how they manage these processes is recommended. This is not something that can be completed in the short-term but can be started

soon and then completed in the mid-term. The need to start this work soon is essential since the lack of enforcement renders arbitration and mediation inefficient, undermines the trust of parties in them and hints at other enforcement issues in regular court processes. These are serious shortcomings that have to be attended to soon.

Another important short-term effort would be to engage in advancing legislative changes to guide mediation and/or conciliation. These efforts should involve rules for providing some financial incentive to those who pursue mediation/conciliation in good face. Mid-term efforts would follow implementation efforts pending legislation.

Depending on how well these efforts progress, supporting them with automation that guide the enforcement processes, provide for automated issuance of orders and notices, collects data to track cases, timelines and enforcement results will be *mid-term and long-term actions*.

Table 10: DB Enforcing Contracts 2019: Top 5 Performers and Uzbekistan: Quality of Judicial Process Index: Alternative dispute resolution

Economy	Quality of judicial processes index (0-18)	Alternative dispute resolution (0-3)	1.a. Is domestic commercial arbitration governed by a consolidated law or consolidated chapter or section of the applicable code of civil procedure encompassing substantially all its aspects?	1.b. Are there any commercial disputes—aside from those that deal with public order or public policy — that cannot be submitted to arbitration?	1.c. Are valid arbitration clauses or agreements usually enforced by the courts?	2.a. Is voluntary mediation or conciliation available?	2.b. Are mediation, conciliation or both governed by a consolidated law or consolidated chapter or section of the applicable code of civil procedure encompassing substantially all their aspects?	2.c. Are there financial incentives for parties to attempt mediation or conciliation (i.e., if mediation or conciliation is successful, a refund of court filing fees, income tax credits or the like)?
Australia	**15.5**	**2.5**	**Yes**	**No**	**Yes**	**Yes**	**Yes**	**No**
Kazakhstan	**16.0**	**3.0**	**Yes**	**No**	**Yes**	**Yes**	**Yes**	**Yes**
Norway	**14.0**	**2.5**	**Yes**	**No**	**Yes**	**Yes**	**Yes**	**No**
Singapore	**15.5**	**2.5**	**Yes**	**No**	**Yes**	**Yes**	**Yes**	**No**
Korea, Rep.	**14.5**	**3.0**	**Yes**	**No**	**Yes**	**Yes**	**Yes**	**Yes**
Uzbekistan	**6.0**	**1.5**	**Yes**	**No**	**No**	**Yes**	**No**	**No**

Source: Doing Business Historical Data, DB Enforcing Contracts, online http://www.doingbusiness.org/en/data

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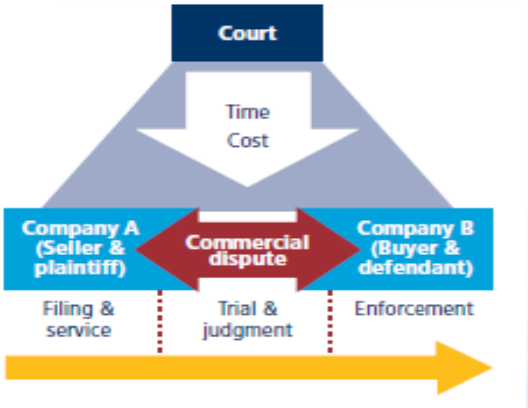
Annex 1: DB Enforcing Contracts Methodology

Efficiency of Resolving a Commercial Dispute

The data on time and cost are built by following the step-by-step evolution of a commercial sale dispute (Figure 2). The data are collected for a specific court for each city covered, under the assumptions about the case described below. The "competent court" is the one with jurisdiction over disputes worth 200% of income per capita or $5,000, whichever is greater. Whenever more than one court has original jurisdiction over a case comparable to the standardized case study, the data are collected based on the court that would be used by litigants in the majority of cases. The name of the relevant court in each economy is published on the *Doing Business* website at http://www.doingbusiness.org/data/exploretopics/enforcing-contracts. For the 11 economies for which the data are also collected for the second largest business city, the name of the relevant court in that city is given as well.

Figure 2 - What are the time and cost to resolve a commercial dispute through the courts?



Assumptions about the case

- The value of the claim is equal to 200% of the economy's income per capita or $5,000, whichever is greater.
- The dispute concerns a lawful transaction between two businesses (Seller and Buyer), both located in the economy's largest business city. For 11 economies the data are also collected for the second largest business city. Pursuant to a contract between the businesses, Seller sells some custom-made furniture to Buyer worth 200% of

the economy's income per capita or $5,000, whichever is greater. After Seller delivers the goods to Buyer, Buyer refuses to pay the contract price, alleging that the goods are not of adequate quality. Because they were custom-made, Seller is unable to sell them to anyone else.

- Seller (the plaintiff) sues Buyer (the defendant) to recover the amount under the sales agreement. The dispute is brought before the court located in the economy's largest business city with jurisdiction over commercial cases worth 200% of income per capita or $5,000, whichever is greater. As noted, for 11 economies the data are also collected for the second largest business city.
- At the outset of the dispute, Seller decides to attach Buyer's movable assets (for example, office equipment and vehicles) because Seller fears that Buyer may hide its assets or otherwise become insolvent.
- The claim is disputed on the merits because of Buyer's allegation that the quality of the goods was not adequate. Because the court cannot decide the case on the basis of documentary evidence or legal title alone, an expert opinion is given on the quality of the goods. If it is standard practice in the economy for each party to call its own expert witness, the parties each call one expert witness. If it is standard practice for the judge to appoint an independent expert, the judge does so. In this case the judge does not allow opposing expert testimony.
- Following the expert opinion, the judge decides that the goods delivered by Seller were of adequate quality and that Buyer must pay the contract price. The judge thus renders a final judgment that is 100% in favor of Seller.
- Buyer does not appeal the judgment. Seller decides to start enforcing the judgment as soon as the time allocated by law for appeal lapses.
- Seller takes all required steps for prompt enforcement of the judgment. The money is successfully collected through a public sale of Buyer's movable assets (for example, office equipment and vehicles). It is assumed that Buyer does not have any money on her/his bank account, making it impossible for the judgment to be enforced through a seizure of the Buyer's accounts.

Time

Time is recorded in calendar days, counted from the moment Seller decides to file the lawsuit in court until payment. This includes both the days when actions take place and the waiting periods in between. The average duration of the following three different stages of dispute resolution is recorded: (i) filing

and service; (ii) trial and judgment; and (iii) enforcement. Time is recorded considering the case study assumptions detailed above and only as applicable to the competent court. Time is recorded in practice, regardless of time limits set by law if such time limits are not respected in the majority of cases.

The filing and service phase includes:

- The time for Seller to try and obtain payment out of court through a non-litigious demand letter, including the time to prepare the letter and the deadline that would be provided to Buyer to comply.
- The time necessary for a local lawyer to write the initial complaint and gather all supporting documents needed for filing, including authenticating or notarizing them, if required.
- The time necessary to file the complaint at the court.
- The time necessary for Buyer to be served, including the processing time at the court and the waiting periods between unsuccessful attempts if more than one attempt is usually required.

The trial and judgment phase include:

- The time between the moment the case is served on Buyer and the moment a pre-trial conference is held, if such pre-trial conference is part of the case management techniques used by the competent court.
- The time between the pre-trial conference and the first hearing, if a pre-trial conference is part of the case management techniques used by the competent court. If not, the time between the moment the case is served on Buyer and the moment the first hearing is held.
- The time to conduct all trial activities, including exchanges of briefs and evidence, multiple hearings, waiting times in between hearings and obtaining an expert opinion.
- The time necessary for the judge to issue a written final judgment once the evidence period has closed.
- The time limit for appeal.

The enforcement phase includes:

- The time it takes to obtain an enforceable copy of the judgment and contact the relevant enforcement office.
- The time it takes to locate, identify, seize and transport the losing party's movable assets (including the time necessary to obtain an order from the court to attach and seize the assets, if applicable).
- The time it takes to advertise, organize and hold the auction. If more than one auction would usually be required to fully recover the value of claim in a case comparable to the standardized case study, then the time between multiple auction attempts is recorded.
- The time it takes for the winning party to fully recover the value of the claim once the auction is successfully completed.

Cost

Cost is recorded as a percentage of the claim value, assumed to be equivalent to 200% of income per capita or $5,000, whichever is greater. Three types of costs are recorded: average attorney fees, court costs and enforcement costs.

Average attorney fees are the fees that Seller (plaintiff) must advance to a local attorney to represent Seller in the standardized case, regardless of final reimbursement. Court costs include all costs that Seller (plaintiff) must advance to the court, regardless of the final cost borne by Seller. Court costs include the fees that the parties must pay to obtain an expert opinion, regardless of whether they are paid to the court or to the expert directly. Enforcement costs are all costs that Seller (plaintiff) must advance to enforce the judgment through a public sale of Buyer's movable assets, regardless of the final cost borne by Seller. Bribes are not taken into account.

Quality of Judicial Processes

The quality of judicial processes index measures whether each economy has adopted a series of good practices in its court system in four areas: court structure and proceedings, case management, court automation and alternative dispute resolution (Table 11).

Table 11 - What do the indicators on the quality of judicial processes measure?

Court structure and proceedings index (0-5)
Availability of specialized commercial court, division or section (0-1.5)
Availability of small claims court and/or simplified procedure for small claims (0-1.5)
Availability of pretrial attachment (0-1)
Criteria used to assign cases to judges (0-1)
Evidentiary weight of woman's testimony (-1-0)
Case management index (0-6)
Regulations setting time standards for key court events (0-1)
Regulations on adjournments and continuances (0-1)
Availability of performance measurement reports (0-1)
Availability of pretrial conference (0-1)
Availability of electronic case management system for judges (0-1)
Availability of electronic case management system for lawyers (0-1)
Court automation index (0-4)
Ability to file initial complaint electronically (0-1)
Ability to serve initial complaint electronically (0-1)
Ability to pay court fees electronically (0-1)
Publication of judgments (0-1)
Alternative dispute resolution index (0-3)
Arbitration (0-1.5)
Voluntary mediation and/or conciliation (0-1.5)
Quality of judicial processes index (0-18)
Sum of the court structure and proceedings* case management, court automation and alternative dispute resolution indices

Court structure and proceedings index

The court structure and proceedings index has five components:

- Whether a specialized commercial court, section or division dedicated solely to hearing commercial cases is in place. A score of 1.5 is assigned if yes; 0 if no.
- Whether a small claims court and/or a fast-track procedure for small claims is in place. A score of 1 is assigned if such a court or procedure is in place, it is applicable to all civil cases and the law sets a cap on the value of cases that can be handled through

this court or procedure. The point is assigned only if this court applies a simplified procedure or if the procedure for small claims is simplified. An additional score of 0.5 is assigned if parties can represent themselves before this court or during this procedure. If no small claims court or fast-track procedure is in place, a score of 0 is assigned.

- Whether plaintiffs can obtain pretrial attachment of the defendant's movable assets if they fear the assets may be moved out of the jurisdiction or otherwise dissipated. A score of 1 is assigned if yes; 0 if no.
- Whether cases are assigned randomly and automatically to judges throughout the competent court. A score of 1 is assigned if the assignment of cases is random and automated; 0.5 if it is random but not automated; 0 if it is neither random nor automated.
- Whether a woman's testimony carries the same evidentiary weight in court as a man's. A score of -1 is assigned if the law differentiates between the evidentiary value of a woman's testimony and that of a man in any type of civil case, including family cases; 0 if it does not.

The index ranges from -1 to 5, with higher values indicating a more sophisticated and streamlined court structure. In Bosnia and Herzegovina, for example, a specialized commercial court is in place (a score of 1.5), and small claims can be resolved through a dedicated division in which self-representation is allowed (a score of 1.5). Plaintiffs can obtain pretrial attachment of the defendant's movable assets if they fear dissipation during trial (a score of 1). Cases are assigned randomly through an electronic case management system (a score of 1). A woman's testimony carries the same evidentiary weight in court as a man's (a score of 0). Adding these numbers gives Bosnia and Herzegovina a score of 5 on the court structure and proceedings index.

Case management index

The case management index has six components:

- Whether any of the applicable laws or regulations on civil procedure contain time standards for at least three of the following key court events: (i) service of process; (ii) first hearing; (iii) filing of the statement of defense; (iv) completion of the evidence period; (v) filing of testimony by expert; and (vi) submission of the final judgment. A score of 1 is assigned if such time standards are available and respected in more than 50% of cases; 0.5 if they are available but not respected in more than 50% of cases; 0 if there are time standards for less than three of these key court events or for none.
- Whether there are any laws regulating the maximum number of adjournments or continuances that can be granted, whether

adjournments are limited by law to unforeseen and exceptional circumstances and whether these rules are respected in more than 50% of cases. A score of 1 is assigned if all three conditions are met; 0.5 if only two of the three conditions are met; 0 if only one of the conditions is met or if none are.

- Whether there are any publicly available performance measurement reports about the competent court to monitor the court's performance, to track the progress of cases through the court and to ensure compliance with established time standards. A score of 1 is assigned if at least two of the following four reports are made publicly available: (i) time to disposition report (measuring the time the court takes to dispose/adjudicate its cases); (ii) clearance rate report (measuring the number of cases resolved versus the number of incoming cases); (iii) age of pending cases report (providing a snapshot of all pending cases according to case type, case age, last action held and next action scheduled); and (iv) single case progress report (providing a snapshot of the status of one single case). A score of 0 is assigned if only one of these reports is available or if none are.
- Whether a pretrial conference is among the case management techniques used in practice before the competent court and at least three of the following issues are discussed during the pretrial conference: (i) scheduling (including the time frame for filing motions and other documents with the court); (ii) case complexity and projected length of trial; (iii) possibility of settlement or alternative dispute resolution; (iv) exchange of witness lists; (v) evidence; (vi) jurisdiction and other procedural issues; and (vii) narrowing down of contentious issues. A score of 1 is assigned if a pretrial conference in which at least three of these events are discussed is held within the competent court; 0 if not.
- Whether judges within the competent court can use an electronic case management system for at least four of the following purposes: (i) to access laws, regulations and case law; (ii) to automatically generate a hearing schedule for all cases on their docket; (iii) to send notifications (for example, e-mails) to lawyers; (iv) to track the status of a case on their docket; (v) to view and manage case documents (briefs, motions); (vi) to assist in writing judgments; (vii) to semi automatically generate court orders; and (viii) to view court orders and judgments in a particular case. A score of 1 is assigned if an electronic case management system is available that judges can use for at least four of these purposes; 0 if not.
- Whether lawyers can use an electronic case management system for at least four of the following purposes: (i) to access laws, regulations and case law; (ii) to access forms to be submitted to the court; (iii) to receive notifications (for example, e-mails); (iv) to

track the status of a case; (v) to view and manage case documents (briefs, motions); (vi) to file briefs and documents with the court; and (vii) to view court orders and decisions in a particular case. A score of 1 is assigned if an electronic case management system that lawyers can use for at least four of these purposes is available; 0 if not.

The index ranges from 0 to 6, with higher values indicating a more qualitative and efficient case management system. In Australia, for example, time standards for at least three key court events are established in applicable civil procedure instruments and are respected in more than 50% of cases (a score of 1). The law stipulates that adjournments can be granted only for unforeseen and exceptional circumstances and this rule is respected in more than 50% of cases (a score of 0.5). A time to disposition report, a clearance rate report and an age of pending cases report can be generated about the competent court (a score of 1). A pretrial conference is among the case management techniques used before the District Court of New South Wales (a score of 1). An electronic case management system satisfying the criteria outlined above is available to judges (a score of 1) and to lawyers (a score of 1). Adding these numbers gives Australia a score of 5.5 on the case management index, the highest score attained by any economy on this index.

Court automation index

The court automation index has four components:

- Whether the initial complaint can be filed electronically through a dedicated platform (not e-mail or fax) within the competent court. A score of 1 is assigned if such a platform is available and litigants are not required to follow up with a hard copy of the complaint; 0 if not. Electronic filing is acknowledged regardless of the percentage of users, as long as no additional in-person interactions are required, and local experts have used it enough to be able to confirm that it is fully functional.
- Whether the initial complaint can be served on the defendant electronically, through a dedicated system or by e-mail, fax or short message service (SMS), for cases filed before the competent court. A score of 1 is assigned if electronic service is available and no further service of process is required; 0 if not. Electronic service is acknowledged regardless of the percentage of users, as long as no additional in-person interactions are required, and local experts have used it enough to be able to confirm that it is fully functional.
- Whether court fees can be paid electronically for cases filed before the competent court, either through a dedicated platform or through online banking. A score of 1 is assigned if fees can be paid electronically and litigants are not required to follow-up

with a hard copy of the receipt or produce a stamped copy of the receipt; 0 if not. Electronic payment is acknowledged regardless of the percentage of users, as long as no additional in-person interactions are required, and local experts have used it enough to be able to confirm that it is fully functional.

- Whether judgments rendered by local courts are made available to the general public through publication in official gazettes, in newspapers or on the internet. A score of 1 is assigned if judgments rendered in commercial cases at all levels are made available to the general public; 0.5 if only judgments rendered at the appeal and supreme court level are made available to the general public; 0 in all other instances. No points are awarded if judgments need to be individually requested from the court, or if the case number or parties' details are required in order to obtain a copy of a judgment.

The index ranges from 0 to 4, with higher values indicating a more automated, efficient and transparent court system. In Estonia, for example, the initial summons can be filed online (a score of 1), it can be served on the defendant electronically (a score of 1), and court fees can be paid electronically as well (a score of 1). In addition, judgments in commercial cases at all levels are made publicly available through the internet (a score of 1). Adding these numbers gives Estonia a score of 4 on the court automation index.

Alternative dispute resolution index

The alternative dispute resolution index has six components:

- Whether domestic commercial arbitration is governed by a consolidated law or consolidated chapter or section of the applicable code of civil procedure encompassing substantially all its aspects. A score of 0.5 is assigned if yes; 0 if no.
- Whether commercial disputes of all kinds—aside from those dealing with public order, public policy, bankruptcy, consumer rights, employment issues or intellectual property—can be submitted to arbitration. A score of 0.5 is assigned if yes; 0 if no.
- Whether valid arbitration clauses or agreements are enforced by local courts in more than 50% of cases. A score of 0.5 is assigned if yes; 0 if no.
- Whether voluntary mediation, conciliation or both are a recognized way of resolving commercial disputes. A score of 0.5 is assigned if yes; 0 if no.
- Whether voluntary mediation, conciliation or both are governed by a consolidated law or consolidated chapter or section of the applicable code of civil procedure encompassing substantially all their aspects. A score of 0.5 is assigned if yes; 0 if no.

- Whether there are any financial incentives for parties to attempt mediation or conciliation (for example, if mediation or conciliation is successful, a refund of court filing fees, an income tax credit or the like). A score of 0.5 is assigned if yes; 0 if no.

The index ranges from 0 to 3, with higher values associated with greater availability of alternative dispute resolution mechanisms. In Israel, for example, arbitration is regulated through a dedicated statute (a score of 0.5), all relevant commercial disputes can be submitted to arbitration (a score of 0.5), and valid arbitration clauses are usually enforced by the courts (a score of 0.5). Voluntary mediation is a recognized way of resolving commercial disputes (a score of 0.5), it is regulated through a dedicated statute (a score of 0.5), and part of the filing fees is reimbursed if the process is successful (a score of 0.5). Adding these numbers gives Israel a score of 3 on the alternative dispute resolution index.

Quality of judicial processes index

The quality of judicial processes index is the sum of the scores on the court structure and proceedings, case management, court automation and alternative dispute resolution indices. The index ranges from 0 to 18, with higher values indicating better and more efficient judicial processes.

Reforms

The enforcing contracts indicator set tracks changes related to the efficiency and quality of commercial dispute resolution systems every year. Depending on the impact on the data, certain changes are classified as reforms and listed in the summaries of *Doing Business* reforms in 2017/18 section of the report. Reforms are divided into two types: those that make it easier to do business and those changes that make it more difficult to do business. The enforcing contracts indicator set uses three criteria to recognize a reform.

First, changes in laws and regulations that have any impact on the economy's score on the quality of judicial processes index are classified as reforms. Examples of reforms impacting the quality of judicial processes index include measures to introduce electronic filing of the initial complaint, the creation of a commercial court or division, or the introduction of dedicated systems to resolve small claims. Changes affecting the quality of judicial processes index can be different in magnitude and scope and still be considered a reform. For example, implementing a new electronic case management system for the use of judges and lawyers represents a reform with a 2-point increase in the index, while introducing incentives for the parties to use mediation represents a reform with a 0.5-point increase in the index.

Second, changes that have an impact on the time and cost to resolve a dispute may also be classified as reforms depending on the magnitude of the changes. According to the enforcing contracts methodology, any updates in legislation leading to a change of 2% or more on the score gap, except when the change is the result of automatic official fee indexation to a price or wage index (for more details, see the chapter on the ease of doing business score and ease of doing business ranking) of the time and cost indicators is classified as a reform. Changes with lower impact are not classified as reforms, but they are still reflected on the most updated indicators data.

Third, legislative changes of exceptional magnitude such as sizeable revisions of the applicable civil procedure, or enforcement laws, that are anticipated to have a significant impact on time and cost in the future.

> *This methodology was initially developed by Djankov and others (2003) and is adopted here with several changes. The quality of judicial processes index was introduced in* Doing Business 2016. *The good practices tested in this index were developed based on internationally recognized good practices promoting judicial efficiency.*

Annex 2: Definitions of Rankings and Scores

Rankings

The Doing Business Report ranks economies on their ease of enforcing contracts, from 1–190. A high ranking means that the judicial environment is more conducive to enforcing a contract for a local firm in a particular economy. The rankings are determined by sorting the aggregate scores of several indicator elements, assigning full or half points to each, sometimes subtracting a point if a condition is not fulfilled and giving equal weight to each topic.

Ease of Doing Business Score

The ease of doing business score measures the gap between a particular economy's performance and the best practice and serves as basis for the ease of doing business rankings. The ranking of economies on the ease of enforcing contracts is determined by sorting their scores for enforcing contracts. These scores are the simple average of the scores for each of the component indicators.

Annex 3: Enforcing Contracts Reforms Reported by Doing Business for the past 5 years

The Doing Business data collection gathers among many other things, reforms that are reported for each of the economies that are included in the assessment. As indicated in the methodology annex 2, only major reforms are included. It is also important to recognize that not all reforms are regularly reported to the data collections teams. As a result, the reforms listed by Doing Business are only a fraction of what countries actually undertake but they still provide a good overall picture of reform trends and activity levels.

Reported Reforms Kazakhstan

DB2019: Kazakhstan made enforcing contracts easier by making judgments rendered at all levels in commercial cases publicly available and publishing performance measurement reports on local commercial courts.

DB2018: Kazakhstan made enforcing contracts easier by introducing additional time standards for key court events that are respected in the majority of cases.

DB2017: Kazakhstan made enforcing contracts easier by adopting a new code of civil procedure and by regulating the maximum number of adjournments that can be granted by a judge in a given case.

DB2016: Kazakhstan made enforcing contracts easier by introducing a simplified fast-track procedure for small claims and by streamlining the rules for enforcement proceedings.

DB2015: Kazakhstan made enforcing contracts easier by introducing an electronic filing system for court users.

Reported Reforms Korea, Rep.

DB2012: Korea made filing a commercial case easier by introducing an electronic case filing system. E-filing for civil cases stated in May 2011, which includes commercial cases. The latest data currently accessible indicate that by mid-2016, 70.1% of 3-panel judges cases (i.e., more complex, higher value cases) were filed electronically, 43,66% of single judge panel cases and 63,4% of small claims were filed electronically. (see Supreme Court of South Korea website at http://eng.scourt.go.kr/eng/judiciary/eCourt/eTrials.jsp).

Reported Reforms Norway

DB2018: Norway made enforcing contracts easier by introducing an online platform that implements electronic service of process and allows judges and lawyers to manage cases electronically. In 2018 more than 66% of claim were submitted electronically.

DB2017: Norway made enforcing contracts easier by introducing an electronic filing system for court users.

DB2010: Norway speeded up contract enforcement through the introduction and monitoring of tighter deadlines in court procedures.

Reported Reforms Singapore

DB2019: Singapore made enforcing contracts easier by introducing a consolidated law on voluntary mediation.

DB2015: Singapore made enforcing contracts easier by introducing a new electronic litigation system that streamlines litigation proceedings.

Reported Reforms Uzbekistan

DB2014: Uzbekistan made enforcing contracts easier by introducing an electronic filing system for court users.

Annex 4: 2014-2019 Data for Enforcing Contracts Top Performers and Uzbekistan

Economy	Region	Income group	DB Year	Rank-Enforcing contract (DB19)	Score-Enforcing contract (DB17-19 methodology)	Score-Enforcing contracts (DB16 methodology)	Score-Enforcing contracts (DB04-15 methodology)	Procedures (number)	Time (days)	Filing and service (days)	Trial and judgment (days)
1	2	3	4	5	6	7	8	9	10	11	12
Uzbekistan	Europe & Central Asia	Lower middle income	2004				66,97	42	225		
Uzbekistan	Europe & Central Asia	Lower middle income	2005				66,97	42	225		
Uzbekistan	Europe & Central Asia	Lower middle income	2006				66,97	42	225		
Uzbekistan	Europe & Central Asia	Lower middle income	2007				66,97	42	225		
Uzbekistan	Europe & Central Asia	Lower middle income	2008				66,97	42	225		
Uzbekistan	Europe & Central Asia	Lower middle income	2009				67,61	42	225		
Uzbekistan	Europe & Central Asia	Lower middle income	2010				67,61	42	225		
Uzbekistan	Europe & Central Asia	Lower middle income	2011				67,61	42	225		
Uzbekistan	Europe & Central Asia	Lower middle income	2012				67,61	42	225	30	90
Uzbekistan	Europe & Central Asia	Lower middle income	2013				67,61	42	225	30	90
Uzbekistan	Europe & Central Asia	Lower middle income	2014				68,65	41	225	30	90
Uzbekistan	Europe & Central Asia	Lower middle income	2015			67,26	68,65	41	225	30	90
Uzbekistan	Europe & Central Asia	Lower middle income	2016		67,26	67,26			225	30	90
Uzbekistan	Europe & Central Asia	Lower middle income	2017		67,26				225	30	90
Uzbekistan	Europe & Central Asia	Lower middle income	2018		67,26				225	30	90
Uzbekistan	Europe & Central Asia	Lower middle income	2019	41	67,26				225	30	90
Kazakhstan	Europe & Central Asia	Upper middle income	2004				63,03	41	410		
Kazakhstan	Europe & Central Asia	Upper middle income	2005				63,03	41	410		
Kazakhstan	Europe & Central Asia	Upper middle income	2006				67,74	37	390		
Kazakhstan	Europe & Central Asia	Upper middle income	2007				67,74	37	390		
Kazakhstan	Europe & Central Asia	Upper middle income	2008				67,74	37	390		
Kazakhstan	Europe & Central Asia	Upper middle income	2009				67,74	37	390		
Kazakhstan	Europe & Central Asia	Upper middle income	2010				67,74	37	390		
Kazakhstan	Europe & Central Asia	Upper middle income	2011				67,74	37	390		
Kazakhstan	Europe & Central Asia	Upper middle income	2012				68,29	37	370	15	135
Kazakhstan	Europe & Central Asia	Upper middle income	2013				68,29	37	370	15	135

Enforcement of judgment (days)	Cost (% of claim)	Attorney fees (% of claim)	Court fees (% of claim)	Enforcement fees (% of claim)	Quality of the judicial processes index (0-18) (DB16 methodology)	Quality of the judicial administration index (0-18) (DB17-19 methodology)	Court structure and proceedings (0-5) (DB16 methodology)	Court structure and proceedings (0-5) (DB17-19 methodology)	Case management (0-6) (DB16-19 methodology)	Court automation (0-4) (DB16-19 methodology)	Alternative dispute resolution (0-3) (DB16-19 methodology)	Score-Procedures (number)	Score-Time (days)	Score-Cost (% of claim)	Score-Quality of the judicial processes index (0-19) (DB16 methodology)	Score-Quality of the judicial processes index (0-19) (DB17-19 methodology)
13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
	22,2											34,38	91,39	75,14		
	22,2											34,38	91,39	75,14		
	22,2											34,38	91,39	75,14		
	22,2											34,38	91,39	75,14		
	22,2											34,38	91,39	75,14		
	20,5											34,38	91,39	77,05		
	20,5											34,38	91,39	77,05		
	20,5											34,38	91,39	77,05		
105	20,5	10	3,5	8,7								34,38	91,39	77,05		
105	20,5	10	3,5	2								34,38	91,39	77,05		
105	20,5	15	3,5	2								37,5	91,39	77,05		
105	20,5	15	3,5	2	6		2,5		0	2	1,5	37,5	91,39	77,05	33,33	
105	20,5	15	3,5	2	6	6	2,5	2,5	0	2	1,5		91,39	77,05	33,33	33,33
105	20,5	15	3,5	2	6	6	2,5	2,5	0	2	1,5		91,39	77,05	33,33	33,33
105	20,5	15	3,5	2	6	6		2,5	0	2	1,5		91,39	77,05	33,33	33,33
105	20,5	15	3,5	2	6	6		2,5	0	2	1,5		91,39	77,05	33,33	33,33
	22											37,5	76,23	75,37		
	22											37,5	76,23	75,37		
	22											50	77,87	75,37		
	22											50	77,87	75,37		
	22											50	77,87	75,37		
	22											50	77,87	75,37		
	22											50	77,87	75,37		
	22											50	77,87	75,37		
240	22	8,5	3,5	10								50	79,51	75,37		
220	22	8,5	3,5	10								50	79,51	75,37		

Economy	Region	Income group	DB Year	Rank-Enforcing contract (DB19)	Score-Enforcing contract (DB17-19 methodology)	Score-Enforcing contracts (DB16 methodology)	Score-Enforcing contracts (DB04-15 methodology)	Procedures (number)	Time (days)	Filing and service (days)	Trial and judgment (days)
1	2	3	4	5	6	7	8	9	10	11	12
Kazakhstan	Europe & Central Asia	Upper middle income	2014				68,29	37	370	15	135
Kazakhstan	Europe & Central Asia	Upper middle income	2015			72,92	69,33	36	370	15	135
Kazakhstan	Europe & Central Asia	Upper middle income	2016		75,7	75,7			370	15	135
Kazakhstan	Europe & Central Asia	Upper middle income	2017		75,7				370	15	135
Kazakhstan	Europe & Central Asia	Upper middle income	2018		77,55				370	15	135
Kazakhstan	Europe & Central Asia	Upper middle income	2019	4	81,25				370	15	135
Norway	High income: OECD	High income	2004				74,31	34	430		
Norway	High income: OECD	High income	2005				74,31	34	430		
Norway	High income: OECD	High income	2006				74,31	34	430		
Norway	High income: OECD	High income	2007				74,31	34	430		
Norway	High income: OECD	High income	2008				74,31	34	430		
Norway	High income: OECD	High income	2009				74,31	34	430		
Norway	High income: OECD	High income	2010				75,13	34	400		
Norway	High income: OECD	High income	2011				75,13	34	400		
Norway	High income: OECD	High income	2012				75,13	34	400	40	300
Norway	High income: OECD	High income	2013				75,13	34	400	40	300
Norway	High income: OECD	High income	2014				75,13	34	400	40	300
Norway	High income: OECD	High income	2015			73,86	75,13	34	400	40	300
Norway	High income: OECD	High income	2016		73,86	73,86			400	40	300
Norway	High income: OECD	High income	2017		75,71				400	40	300
Norway	High income: OECD	High income	2018		81,27				400	40	300
Norway	High income: OECD	High income	2019	3	81,27				400	40	300
Singapore	East Asia & Pacific	High income	2004				93,36	21	120		
Singapore	East Asia & Pacific	High income	2005				93,36	21	120		
Singapore	East Asia & Pacific	High income	2006				93,36	21	120		
Singapore	East Asia & Pacific	High income	2007				93,36	21	120		

Enforcement of judgment (days)	Cost (% of claim)	Attorney fees (% of claim)	Court fees (% of claim)	Enforcement fees (% of claim)	Quality of the judicial processes index (0-18) (DB16 methodology)	Quality of the judicial administration index (0-18) (DB17-19 methodology)	Court structure and proceedings (0-5) (DB16 methodology)	Court structure and proceedings (0-5) (DB17-19 methodology)	Case management (0-6) (DB16-19 methodology)	Court automation (0-4) (DB16-19 methodology)	Alternative dispute resolution (0-3) (DB16-19 methodology)	Score-Procedures (number)	Score-Time (days)	Score-Cost (% of claim)	Score-Quality of the judicial processes index (0-19) (DB16 methodology)	Score-Quality of the judicial processes index (0-19) (DB17-19 methodology)
13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
220	22	8,5	3,5	10								50	79,51	75,37		
220	22	8,5	3,5	10	11,5		3,5		3	2	3	53,13	79,51	75,37	63,89	
220	22	8,5	3,5	10	13	13	5	5	3	2	3		79,51	75,37	72,22	72,22
220	22	8,5	3,5	10	13	13	5	5	3	2	3		79,51	75,37	72,22	72,22
220	22	8,5	3,5	10	14	14		5	4	2	3		79,51	75,37	77,78	77,78
220	22	8,5	3,5	10	16	16		5	5	3	3		79,51	75,37	88,89	88,89
	9,9											59,38	74,59	88,98		
	9,9											59,38	74,59	88,98		
	9,9											59,38	74,59	88,98		
	9,9											59,38	74,59	88,98		
	9,9											59,38	74,59	88,98		
	9,9											59,38	74,59	88,98		
	9,9											59,38	77,05	88,98		
	9,9											59,38	77,05	88,98		
60	9,9	8	1,3	0,6								59,38	77,05	88,98		
60	9,9	8	1,3	0,6								59,38	77,05	88,98		
60	9,9	8	1,3	0,6								59,38	77,05	88,98		
60	9,9	8	1,3	0,6	10		3,5		2	2	2,5	59,38	77,05	88,98	55,56	
60	9,9	8	1,3	0,6	10	10	3,5	3,5	2	2	2,5		77,05	88,98	55,56	55,56
60	9,9	8	1,3	0,6	11	11	3,5	3,5	2	3	2,5		77,05	88,98	61,11	61,11
60	9,9	8	1,3	0,6	14	14		3,5	4	4	2,5		77,05	88,98	77,78	77,78
60	9,9	8	1,3	0,6	14	14		3,5	4	4	2,5		77,05	88,98	77,78	77,78
	17,8											100	100	80,09		
	17,8											100	100	80,09		
	17,8											100	100	80,09		
	17,8											100	100	80,09		

Economy	Region	Income group	DB Year	Rank-Enforcing contract (DB19)	Score-Enforcing contract (DB17-19 methodology)	Score-Enforcing contracts (DB16 methodology)	Score-Enforcing contracts (DB04-15 methodology)	Procedures (number)	Time (days)	Filing and service (days)	Trial and judgment (days)
1	2	3	4	5	6	7	8	9	10	11	12
Singapore	East Asia & Pacific	High income	2008				93,36	21	120		
Singapore	East Asia & Pacific	High income	2009				89,54	21	150		
Singapore	East Asia & Pacific	High income	2010				89,54	21	150		
Singapore	East Asia & Pacific	High income	2011				89,54	21	150		
Singapore	East Asia & Pacific	High income	2012				89,54	21	150	6	118
Singapore	East Asia & Pacific	High income	2013				89,16	21	164	6	118
Singapore	East Asia & Pacific	High income	2014				89,16	21	164	6	118
Singapore	East Asia & Pacific	High income	2015			83,61	89,16	21	164	6	118
Singapore	East Asia & Pacific	High income	2016		83,61	83,61			164	6	118
Singapore	East Asia & Pacific	High income	2017		83,61				164	6	118
Singapore	East Asia & Pacific	High income	2018		83,61				164	6	118
Singapore	East Asia & Pacific	High income	2019	1	84,53				164	6	118
Korea, Rep.	High income: OECD	High income	2004				78,73	34	230		
Korea, Rep.	High income: OECD	High income	2005				78,73	34	230		
Korea, Rep.	High income: OECD	High income	2006				78,73	34	230		
Korea, Rep.	High income: OECD	High income	2007				78,73	34	230		
Korea, Rep.	High income: OECD	High income	2008				78,73	34	230		
Korea, Rep.	High income: OECD	High income	2009				78,73	34	230		
Korea, Rep.	High income: OECD	High income	2010				78,73	34	230		
Korea, Rep.	High income: OECD	High income	2011				78,73	34	230		
Korea, Rep.	High income: OECD	High income	2012				80,81	32	230	20	90
Korea, Rep.	High income: OECD	High income	2013				79,17	32	290	20	150
Korea, Rep.	High income: OECD	High income	2014				79,17	32	290	20	150
Korea, Rep.	High income: OECD	High income	2015			84,15	79,17	32	290	20	150
Korea, Rep.	High income: OECD	High income	2016		84,15	84,15			290	20	150
Korea, Rep.	High income: OECD	High income	2017		84,15				290	20	150
Korea, Rep.	High income: OECD	High income	2018		84,15				290	20	150
Korea, Rep.	High income: OECD	High income	2019	2	84,15				290	20	150

Enforcement of judgment (days)	Cost (% of claim)	Attorney fees (% of claim)	Court fees (% of claim)	Enforcement fees (% of claim)	Quality of the judicial processes index (0-18) (DB16 methodology)	Quality of the judicial administration index (0-18) (DB17-19 methodology)	Court structure and proceedings (0-5) (DB16 methodology)	Court structure and proceedings (0-5) (DB17-19 methodology)	Case management (0-6) (DB16-19 methodology)	Court automation (0-4) (DB16-19 methodology)	Alternative dispute resolution (0-3) (DB16-19 methodology)	Score-Procedures (number)	Score-Time (days)	Score-Cost (% of claim)	Score-Quality of the judicial processes index (0-19) (DB16 methodology)	Score-Quality of the judicial processes index (0-19) (DB17-19 methodology)
13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
	17,8											100	100	80,09		
	25,8											100	97,54	71,09		
	25,8											100	97,54	71,09		
	25,8											100	97,54	71,09		
26	25,8	20,9	2,8	2,1								100	97,54	71,09		
40	25,8	20,9	2,8	2,1								100	96,39	71,09		
40	25,8	20,9	2,8	2,1								100	96,39	71,09		
40	25,8	20,9	2,8	2,1	15		4,5		4,5	4	2	100	96,39	71,09	83,33	
40	25,8	20,9	2,8	2,1	15	15	4,5	4,5	4,5	4	2		96,39	71,09	83,33	83,33
40	25,8	20,9	2,8	2,1	15	15	4,5	4,5	4,5	4	2		96,39	71,09	83,33	83,33
40	25,8	20,9	2,8	2,1	15	15		4,5	4,5	4	2		96,39	71,09	83,33	83,33
40	25,8	20,9	2,8	2,1	15,5	15,5		4,5	4,5	4	2,5		96,39	71,09	86,11	86,11
	12,7											59,38	90,98	85,83		
	12,7											59,38	90,98	85,83		
	12,7											59,38	90,98	85,83		
	12,7											59,38	90,98	85,83		
	12,7											59,38	90,98	85,83		
	12,7											59,38	90,98	85,83		
	12,7											59,38	90,98	85,83		
	12,7											59,38	90,98	85,83		
120	12,7	9	0,6	0,7								65,63	90,98	85,83		
120	12,7	9	3	0,7								65,63	86,07	85,83		
120	12,7	9	3	0,7								65,63	86,07	85,83		
120	12,7	9	3	0,7	14,5		3,5		4	4	3	65,63	86,07	85,83	80,56	
120	12,7	9	3	0,7	14,5	14,5	3,5	3,5	4	4	3		86,07	85,83	80,56	80,56
120	12,7	9	3	0,7	14,5	14,5	3,5	3,5	4	4	3		86,07	85,83	80,56	80,56
120	12,7	9	3	0,7	14,5	14,5		3,5	4	4	3		86,07	85,83	80,56	80,56
120	12,7	9	3	0,7	14,5	14,5		3,5	4	4	3		86,07	85,83	80,56	80,56

Economy	Region	Income group	DB Year	Rank-Enforcing contract (DB19)	Score-Enforcing contract (DB17-19 methodology)	Score-Enforcing contracts (DB16 methodology)	Score-Enforcing contracts (DB04-15 methodology)	Procedures (number)	Time (days)	Filing and service (days)	Trial and judgment (days)
1	2	3	4	5	6	7	8	9	10	11	12
Australia	High income: OECD	High income	2004				75,9	29	395		
Australia	High income: OECD	High income	2005				75,9	29	395		
Australia	High income: OECD	High income	2006				75,9	29	395		
Australia	High income: OECD	High income	2007				76,95	28	395		
Australia	High income: OECD	High income	2008				76,95	28	395		
Australia	High income: OECD	High income	2009				76,95	28	395		
Australia	High income: OECD	High income	2010				76,95	28	395		
Australia	High income: OECD	High income	2011				76,95	28	395		
Australia	High income: OECD	High income	2012				76,53	28	395	7	328
Australia	High income: OECD	High income	2013				76,53	28	395	7	328
Australia	High income: OECD	High income	2014				76,34	28	402	14	328
Australia	High income: OECD	High income	2015			79	76,34	28	402	14	328
Australia	High income: OECD	High income	2016		79	79			402	14	328
Australia	High income: OECD	High income	2017		79				402	14	328
Australia	High income: OECD	High income	2018		79				402	14	328
Australia	High income: OECD	High income	2019	5	79				402	14	328

Enforcement of judgment (days)	Cost (% of claim)	Attorney fees (% of claim)	Court fees (% of claim)	Enforcement fees (% of claim)	Quality of the judicial processes index (0-18) (DB16 methodology)	Quality of the judicial administration index (0-18) (DB17-19 methodology)	Court structure and proceedings (0-5) (DB16 methodology)	Court structure and proceedings (0-5) (DB17-19 methodology)	Case management (0-6) (DB16-19 methodology)	Court automation (0-4) (DB16-19 methodology)	Alternative dispute resolution (0-3) (DB16-19 methodology)	Score-Procedures (number)	Score-Time (days)	Score-Cost (% of claim)	Score-Quality of the judicial processes index (0-19) (DB16 methodology)	Score-Quality of the judicial processes index (0-19) (DB17-19 methodology)
13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
	22,1											75	77,46	75,25		
	22,1											75	77,46	75,25		
	22,1											75	77,46	75,25		
	22,1											78,13	77,46	75,25		
	22,1											78,13	77,46	75,25		
	22,1											78,13	77,46	75,25		
	22,1											78,13	77,46	75,25		
	22,1											78,13	77,46	75,25		
60	23,2	17,2	4,5	0,2								78,13	77,46	74,02		
60	23,2	18,5	4,5	0,2								78,13	77,46	74,02		
60	23,2	18,5	4,5	0,2								78,13	76,89	74,02		
60	23,2	18,5	4,5	0,2	15,5		4,5		5,5	3	2,5	78,13	76,89	74,02	86,11	
60	23,2	18,5	4,5	0,2	15,5	15,5	4,5	4,5	5,5	3	2,5		76,89	74,02	86,11	86,11
60	23,2	18,5	4,5	0,2	15,5	15,5	4,5	4,5	5,5	3	2,5		76,89	74,02	86,11	86,11
60	23,2	18,5	4,5	0,2	15,5	15,5		4,5	5,5	3	2,5		76,89	74,02	86,11	86,11
60	23,2	18,5	4,5	0,2	15,5	15,5		4,5	5,5	3	2,5		76,89	74,02	86,11	86,11