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REPORT

**THE ORGANISATION OF THE WORK OF LEGAL ADVISORS
IN SUPPORT OF THE DECISION-MAKING OF THE
CONSTITUTIONAL COURT
PRESENTATION AND EXPERIENCE OF THE
CONSTITUTIONAL COURT OF THE REPUBLIC OF SLOVENIA**

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Introduction

The constitutional court, as the highest body of judicial authority for the protection of constitutionality and human rights, plays a key role in the operation of a state governed by the rule of law. In the Slovene legal order this role is performed by nine Constitutional Court judges. In order to carry out their tasks properly and with a high degree of competence, they foremost need appropriate expert, administrative, and technical support. It is particularly important that a sufficient number of highly qualified legal advisors be at their disposal. This requirement is even more evident in cases in which the jurisdiction of the constitutional court is (too) broad, in cases in which the access to the constitutional court is extensive and the constitutional court deals with a great number of cases, and in cases in which the normative regulation which determines the position of the constitutional court requires that the constitutional court treat all cases it receives within its jurisdiction with the same degree of diligence and that it reason its decision in each individual case. All of the above-mentioned factors are namely true for the Slovene Constitutional Court.

It is a well known fact that the constitutional courts (and other judicial institutions which carry out constitutional review) of different countries have adopted different approaches to the organization of expert support in the work of constitutional court judges. Thus, it is especially worthwhile to exchange experience and different perspectives as regards the organization of the work of legal advisors and other court personnel in order to ensure the highest quality and efficiency of work possible. At the Constitutional Court of the Republic of Slovenia, we have devoted a significant amount of attention over the past several years to the organization of the work of court personnel, in particular legal advisors, as we are aware that a solid organization can significantly contribute to the efficiency of work. In the present report I would like to present our organization of work and our previous experience. These were undoubtedly very different in the past, as the Slovene Constitutional Court reviewed a substantially smaller number of cases and employed up to ten legal advisors, whose work was coordinated by the Secretary General, whereas today the Constitutional Court is overwhelmed by the quantity of work and a substantially greater number of legal advisors must be coordinated.

I. A Presentation of the Organization of the Work of Legal Advisors at the Constitutional Court of the Republic of Slovenia

1. The Organization Model of the Legal Advisors' Department

The Constitutional Court of the Republic of Slovenia was established in 1963 as the constitutional court of one of the federal republics of the former SFRY. Upon Slovenia declaring independence in 1991, the Constitutional Court became the highest judicial authority in a democratic state governed by the rule of law, and with the new Constitution it was assigned new powers, of which deciding on constitutional complaints for the protection of human rights is particularly important. In the Republic of Slovenia the office of Constitutional Court judge is held by nine Constitutional Court judges who are elected for a term of nine years and who may not be re-elected.

During the first composition of the Constitutional Court after 1991, the foundations of the organization of the work of legal advisors were laid, following the principle that the legal advisors of the Constitutional Court are organized in one department for all nine Constitutional Court judges, and that they are specialized in individual legal fields. At that time the judges did not decide to organize work in the manner that is probably instituted at the majority of constitutional courts whereby legal advisors work only for one Constitutional Court judge, i.e.

the cabinet organization of work. Such decision was possibly reached also due to the fact that the work at the Constitutional Court had been organized in a similar manner already before 1991. At the end of 1991¹ eight legal advisors were permanently employed at the Constitutional Court. After 1991 almost all legal advisors were replaced, and their number grew year by year - from ten legal advisors at the end of 1994² to the present 27³ permanently employed at the Constitutional Court. The constant increase in the number of cases received by the Constitutional Court required an increase in the number of legal advisors.⁴ Owing to the work space deficit that existed until the end of 2003, the Court has employed the present number of legal advisors only in the past two years. However, the planned total number of legal advisors employed at the Constitutional Court has not yet been reached. Only three years ago we also enhanced the original organization of the Legal Advisors' Department, which I wish to present below. The organization of the Legal Advisors' Department is regulated by the Rules of Court (Official Gazette RS, Nos. 93/03 and 98/03 – corr. – hereinafter referred to as the Rules).

The legal advisors at the Constitutional Court work within a special organizational unit of the Secretariat of the Constitutional Court, i.e. Legal Advisors' Department.⁵ The work of the Legal Advisors' Department is managed and organized by the Secretary General. During the absence of the Secretary General, he or she is substituted by the Deputy Secretary General and Assistant Secretary Generals, who also assist in managing and organizing the work of the Legal Advisors' Department, and in carrying out other tasks from within the competencies of the Secretary

¹ In 1991, the Constitutional Court received a total of 129 new cases, which were at that time only cases for the review of the constitutionality of statutes or for the review of the constitutionality and the legality of executive regulations.

² In 1994, the Constitutional Court received a total of 466 new cases, of which 345 cases were for the review of the constitutionality or the legality of regulations and 121 were constitutional complaints. The Constitutional Court was given the power to decide on constitutional complaints in 1994, upon the adoption of the new Constitutional Court Act (Official Gazette RS, No. 15/94).

³ This number also includes the Deputy and Assistants Secretary Generals. In addition, the Constitutional Court has three Doctors of Law employed part-time, who are permanently employed as assistant professors at faculties or at a research institution.

⁴ In 2004, the Constitutional Court received a total of 1271 new cases, among which cases concerning the constitutional review of regulations and constitutional complaints dominate, namely 373 cases for the review of the constitutionality or the legality of regulations and 883 constitutional complaints. This year we expect (regarding the number of already received cases in the first half of the year) once more a substantially higher number of new cases, which will in all probability exceed a total of 1700 new cases. At the time of writing the present report, the Constitutional Court is working on 1443 cases. In 2004, the Constitutional Court decided a total of 1364 cases (which is the approximate maximum possible in the opinion of the Constitutional Court judges regarding the present powers of the Constitutional Court and the present normative regulation), and the year ended with 1180 undecided cases.

⁵ In addition to the Legal Advisors' Department, the Secretariat is composed of the Analysis and International Co-operation Department, which primarily collects data and information and drafts comparative legal materials and analysis for the needs of constitutional deciding (Article 17 of the Rules), the Documentation and Information Technology Department, which ensures information and computer support and performs library services for the needs of the Constitutional Court (Article 18 of the Rules), the Office of the Registrar, which accepts and forwards correspondence and documents, maintains the register and archives, and carries out other tasks concerning office operations (Article 19 of the Rules), and the General and Financial Affairs Department, which performs financial and accounting tasks, general legal and staff related tasks, protocol, and other technical tasks (Article 20 of the Rules). The Office of the Registrar is directly managed by the Head of the Office, the Analysis and International Co-operation Department and the Documentation and Information Technology Department are managed by the respective Heads of the Departments, and the General and Financial Affairs Department is managed by the Director.

General (Article 15 of the Rules). At present, in addition to the Deputy Secretary General there are three Assistant Secretary Generals. They manage and organize the work of the legal advisors of the Constitutional Court in panels for the examination of constitutional complaints, participate in the work of panels with the same authority as the Secretary General, and carry out certain other important tasks (e.g. the Deputy Secretary General is responsible for the project of computerizing the work of the Constitutional Court).

2. The Position of the Legal Advisors of the Constitutional Court

The legal advisors of the Constitutional Court, and the Deputy and Assistant Secretary Generals have the position of civil servants (official court personnel) and are permanently employed. Legal advisors are selected through open competition organized by the Constitutional Court and are appointed by the Constitutional Court.⁶ The general act of the Constitutional Court determines the conditions for individual employment posts (the conditions are the same as those determined for judges of local, district, and higher courts), whereby civil servants career promotion is provided for (in titles and payment classes). The positions of the Deputy and Assistant Secretary Generals are in a sense also "career positions", as they are appointed from among the best legal advisors who have worked at the Constitutional Court for a longer period of time prior to their appointment.⁷

Upon the proposal of the Constitutional Court, a statutory regulation was recently adopted pursuant to which a judge who, in accordance with the constitutional regulation, has been elected to permanent judicial office may be assigned as a legal advisor to the Constitutional Court (however, only for a period of three years, with the possibility of re-assignment), and who must return to judicial service after the expiration of the period for which he or she was assigned.⁸ The Constitutional Court was of the opinion that this could contribute to the common benefit of more competent judicial deciding, as judges could apply their concrete experience from judicial proceedings to the work of the Constitutional Court, and vice versa, as he or she reassumed judicial office, apply a constitutional perspective and the acquired experience regarding the protection of human rights to their judicial work. However, at present the Constitutional Court has only one so-assigned higher court judge from the Administrative Court of the Republic of Slovenia, while the procedure for assigning a district court judge is still open at present.⁹

⁶ The Constitutional Court appoints them from among legal and other experts (paragraph 3 of Article 7 of the Constitutional Court Act).

⁷ The Constitutional Court appoints them upon the proposal of the Secretary General (paragraph 2 of Article 15 of the Rules).

⁸ The assignment is decided by the Judicial Council of the Republic of Slovenia upon the proposal of the Constitutional Court; the relevant regulation is provided in the Judicial Service Act (Official Gazette RS, No. 19/94 et sub.), Articles 71, 71a, and 71b.

⁹ The Judicial Council did not entirely comply with the proposal of the Constitutional Court on the possible total number of assigned judges to the Constitutional Court and allowed only five judges to be simultaneously assigned to the Constitutional Court, namely one higher court judge and four district court judges. In previous discussions the disinclination of the Judicial Council to approve the possibility that judges may be assigned to the Constitutional Court could be sensed. If the Judicial Council was not to consider, from the viewpoint of the promotion of judges, the legal advisors' work at the Constitutional Court equal to judicial work, i.e. equal in terms of the acquired legal experience (which I believe should be so considered!), the question arises whether judges will at all be interested in being assigned to the Constitutional Court.

The Secretary General is the head of the legal advisors and their supervisor in an organizational sense. However, the direct functional supervisor of the legal advisors in each individual case is the Constitutional Court judge who is the judge rapporteur for that particular case. Under their guidance and according to their instructions, legal advisors must carry out all individual tasks required for each individual case: the drafting of all documents which are needed for the Constitutional Court in order to gather all the information considered necessary for a decision, the establishing of adversarity between the parties to proceedings, the drafting of reports and draft decisions of the Constitutional Court, etc. We are well aware that at certain other constitutional courts legal advisors only prepare all the materials needed for drafting a decision, whereas the draft decision itself is written by the judge rapporteur. At the Slovene Constitutional Court this is not the case. It has always been customary that the draft decision be written by a legal advisor, indeed under the guidance and according to the instructions of the judge rapporteur, who, every so often, might add or correct a part of the reasoning of the draft decision, while in proceedings for deciding on such draft decision also other judges might contribute a part of the reasoning of the decision. However, such is particularly the case in the most demanding cases. Thus, generally the drafting of a decision is primarily the task of legal advisors. Considering the number of cases decided annually by the Constitutional Court of the Republic of Slovenia, it is not possible for the time being to introduce a different organization of work.

The Secretary General, the Deputy Secretary General, or an Assistant Secretary General must be present throughout a plenary session or a panel session and is *inter alia* responsible for maintaining a record of the adopted decisions, while legal advisors are present at sessions only when the case for which they are responsible is being decided. The President of the Constitutional Court can allow them to speak in discussions, they must be prepared to answer any questions posed by the Constitutional Court judges, and must make note of the comments or viewpoints of the Constitutional Court judges, on the basis of which the legal advisor will have to either improve the drafted decision or draft a new one, naturally again under the guidance of the judge rapporteur. At panel sessions for the examination of constitutional complaints, the Constitutional Court judges allow legal advisors to present a report¹⁰ regarding cases for which they drafted a decision under their guidance.

3. Organizing the Work of Legal Advisors

Organizing the work of legal advisors includes assigning cases. The task of judge rapporteur for individual cases received by the Constitutional Court is assigned to Constitutional Court judges according to the rules determined in advance by the Constitutional Court in the plan of work.¹¹ As a general rule, cases are assigned to the Constitutional Court judges according to the alphabetical order of the initials of their surnames, whereby constitutional complaints are

¹⁰ At plenary sessions, at which all Constitutional Court judges decide simultaneously (cases decided include all cases for the review of the constitutionality or the legality of regulations, cases in which a constitutional complaint was accepted for consideration, and all other cases within the jurisdiction of the Constitutional Court), the judge rapporteur always reports on the case first. Subsequently consideration continues moving clockwise such that the judge sitting to the left of the judge rapporteur follows first, the President of the Constitutional Court speaks last; and finally the President may allow the Secretary General and the legal advisor present at particular points considered to speak (Article 59 of the Rules).

¹¹ The plan of work currently in force allows that it is decided at the session that a case is assigned to another judge rapporteur, and that on the basis of a prior agreement between two judges, a case that was assigned to one judge is reassigned to another judge who becomes the judge rapporteur in that case.

assigned in the same manner among the members of all three panels.¹² The above-mentioned entails that cases are assigned to Constitutional Court judges automatically according to the rules determined in advance, whereas the manner of assigning cases to the legal advisors of the Constitutional Court is different. They are assigned cases by the Secretary General or upon the Secretary General's authorization by the Deputy or Assistant Secretary Generals, in a manner that takes into consideration the field of specialization of individual legal advisors. For the present, assigning cases is organized in a manner such that the Deputy and Assistant Secretary Generals assign constitutional complaint cases to the individual panels for which they are responsible, while the Secretary General assigns cases that concern the review of the constitutionality or the legality of regulations, or other cases which fall within the jurisdiction of the Constitutional Court.

In assigning cases it must *inter alia* be ensured that legal advisors are, to the greatest extent possible, similarly burdened, not only regarding the number of cases assigned to them but also regarding the difficulty of such. Furthermore, it must be taken into consideration that occasionally cases must be reassigned among legal advisors, as the Constitutional Court must ensure that cases with a similar date of receipt must be adjudicated approximately simultaneously, whereby certain cases must be given priority (also among priority cases the date of receipt must be considered) as regards the nature of the case, or its importance in a political or social sense, which the Constitutional Court as the guardian of constitutionality must respect.¹³ At the time of assigning certain cases, it sometimes cannot be predicted how demanding the case really is and how much work and time it will require in order to be decided. Furthermore, cases which initially appear to be "procedurally solvable" (i.e. procedural requirements do not exist) may indeed represent a serious task in the sense of the required work load. In the Slovene constitutional case-law there are several such decisions.¹⁴ Consequently, the above-described method of assignment cannot be exhausted with the first assignment of a case, but is later modified through the continuous monitoring of work. Such allows not only the reassignment of cases but also insight into the work load of an individual legal advisor, which must be taken into consideration in assigning new tasks.

¹² The Constitutional Court judges are divided into three panels, namely one panel examines cases from the field of civil and business law, the second from the field of criminal law, and the third from the field of administrative as well as labor and social security law.

¹³ The Rules of Court determine the order of precedence for adjudicating cases (Article 46). The general rule is that the Constitutional Court adjudicate cases according to the order of precedence of their receipt. However, there are numerous exceptions to this rule - cases that are already at their receipt determined to be priority cases, or they are later defined as such, as the Constitutional Court judges decide on their priority adjudication due to substantiated reasons at a session or at a panel session in cases of constitutional complaints. Regarding the regulation that the order of precedence of their receipt cannot be the only deciding factor for adjudication by the Constitutional Court, see also the European Court of Human Rights judgment in the case *Tričković v. Slovenia* of 12 June 2001, in which the European Court reviewed whether the Constitutional Court of the Republic of Slovenia decided the constitutional complaint within a reasonable time.

¹⁴ The last such case was the Constitutional Court decision in the case of the constitutional complaint lodged after the expiration of the statutorily determined time-limit (the Constitutional Court Act allows that in exceptional cases the Constitutional Court review a constitutional complaint which was lodged too late), and, in addition, before all the ordinary legal remedies, i.e. an appeal, were exhausted (in which case the Constitutional Court Act does not regulate the possibility to review the constitutional complaint before an appeal has been exhausted). As a general rule such constitutional complaint should be rejected as not admissible, which would in a legal sense require a few very simple tasks. However, it was an exceptional case in which the court did not consider the application of a person who was detained on the basis of the criminal judgment of conviction, as it was lodged in the complainant's language. The Constitutional Court accepted the constitutional complaint for consideration, it stated the reasons for which in that case the procedural requirement that an appeal must be exhausted could be overlooked, and granted the constitutional complaint.

An important part of managing and organizing the work includes introducing new legal advisors to the work of the Constitutional Court, which is also the task of the Secretary General and the Deputy and Assistant Secretary Generals. Prior experience has shown that several months of supervised training are necessary for a new advisor to fully acclimate to their work. The Constitutional Court judges namely rely on court personnel to master all the rules of constitutional review, the rules of procedure of the Constitutional Court, and the manner of internal operations. The Constitutional Court judges are extremely burdened with regard to the number of cases decided by the Constitutional Court, hence it cannot be expected that they would introduce new legal advisors to the work of the Constitutional Court and supervise such. Due to the large number of newly employed legal advisors in the past two years and due to the staff turnover we occasionally face, a substantial amount of effort has lately been invested in the above-mentioned tasks. For this purpose we carry out internal group training and additional individual training for each new legal advisor. Our prior experience proves that so far such approach has provided good results. The mode of work at the Constitutional Court is, after all, in some sense particular.

Expert staff meetings are organized for legal advisors to discuss legal issues and are called by the Secretary General for all legal advisors, or by the Deputy or Assistant Secretary Generals who are responsible for the work of individual panels, which enables the separate discussion of legal issues from individual legal fields. Another task of the Secretary General, the Deputy, and Assistant Secretary Generals is to inform legal advisors of changed viewpoints or newly adopted viewpoints of the Constitutional Court on individual issues. Moreover, they must ensure a methodically uniform approach to drafting Constitutional Court decisions as well as participate in the editing of the texts of adopted decisions. The Secretary General carries out the above-mentioned tasks regarding cases discussed at plenary sessions, whereas the Deputy and Assistant Secretary Generals do so regarding cases which are primarily decided by the panels. In order to discuss legal, methodological, and organizational issues which are common to all three panels or concern work regarding all cases, the Secretary General meets with the Deputy and Assistant Secretary Generals, i.e. select expert staff meetings.

Due to the constant increase in the number of new cases and due to the fact that all the open positions for legal advisors at the Constitutional Court are not yet filled, the Deputy and all three Assistant Secretary Generals must also work as legal advisors, often in the most demanding cases decided by the Constitutional Court, which places a significant burden on them. We are well aware that such organization is not the most appropriate, as devoting more of their time to only assisting the legal advisors in the drafting of the most demanding cases would perhaps be to the greater benefit of the Constitutional Court judges. Legal advisors may namely consult them on legal issues, they may provide advice before the legal advisor discusses such with the judge rapporteur, and they may provide assistance in drafting the most demanding decisions. Internal expert dialog at the staff level is indeed necessary in our work.

If we would like legal advisors to provide appropriate expert support to judicial work, we must primarily ensure appropriate conditions for their work. A pleasant work environment must be created and access to all data, expert literature, information technology, and anything needed for good and efficient work performance ensured. They must be ensured the possibility to pursue further education not only in the field of law, but also in other fields, especially in mastering foreign languages. The latter allows them to study foreign legal orders and legal literature, as well as other relevant information. Therefore, the Constitutional Court provides grants for post graduate studies in various legal fields, encourages participation at relevant legal seminars in

Slovenia as well as abroad, and organizes language courses (English, German, and French) at the Constitutional Court.

Facing a constant increase in the work load of legal advisors, there is not enough time for them to prepare time-consuming comparative analysis, to search data regarding the decisions of other constitutional courts as well as both European courts, or to study other relevant legal literature. Therefore, we have established a separate department, i.e. the Analysis and International Co-operation Department, which assists in formulating such analysis and collects relevant data and information needed for deciding in individual cases. The Department is also assigned other tasks (foremost maintaining a constitutional database, providing translation services, and facilitating international co-operation) which are, however, with regard to the powers of the Constitutional Court, of a secondary nature. Early on it became evident that the legal advisors in the Analysis and International Co-operation Department cannot formulate relevant and informative analysis if they only received a request what to prepare without having continuous discussions with and the guidance of the legal advisor who requested such. The legal advisor is namely the person who has studied the case most thoroughly, who is in constant contact with the judge rapporteur, and who can thus direct the collection of information and the preparation of the analysis by means of continuous instructions in a manner such that the prepared materials to the greatest extent possible aid in deciding the case. Also this aspect of the work of the Constitutional Court has proved that the coordinated operation of all the departments of the Secretariat of the Constitutional Court is absolutely necessary in order to provide maximum support to the Constitutional Court judges.

In recent years a great amount of effort has been invested in the standardization of repetitive tasks, which has allowed the secretaries of the Constitutional Court judges, who are also responsible for administrative work for legal advisors, to be entrusted, upon appropriate orders and under the supervision of the legal advisors, with certain simple legal tasks which had previously been carried out by legal advisors. The standardization should also assist legal advisors in their work. Furthermore, a great deal of attention was devoted to the computerization of the Constitutional Court operations, which had to be appropriately planned. Standardization is much easier achieved through the implementation of computer technology, and it is indeed true that computer technology requires such by its very nature. However, such cannot be carried out by external experts or by our, however excellent, computer experts; only persons who know the powers of the Constitutional Court very well, as well as the course of individual proceedings, and the contents of work, thus persons who work on individual cases, are competent enough to carry out such. As my colleagues have prepared a separate report on this important subject, I will not go more deeply into it here.

Moreover, managing and organizing the work necessarily requires constant supervision of the work. This is primarily the task of the Secretary General and the Deputy or Assistant Secretary Generals. Such supervision is necessary in order to ensure the highest possible efficiency, as well as to decide the cases within a reasonable time from the viewpoint of the Constitutional Court as a whole. Moreover, it is necessary from the individual point of view in order to rectify possible mistakes and to promote good work. Such supervision requires continuous monitoring of the work. While planning the computerization of the Constitutional Court we took into consideration that a well designed information system would be of great assistance concerning such supervision. In addition, an annual review of the work performed by each individual legal advisor is inspected, an assessment of the work carried out, and a meeting with each individual legal advisor regarding the results of their work conducted. Provided that the work is satisfactory, it is not difficult for the Secretary General to reason opinions on proposals to

promote individual legal advisors, which are subsequently decided by the Constitutional Court judges.

II. Advantages and Disadvantages of the Organization of the Work at the Constitutional Court of the Republic of Slovenia

We are well aware of the fact that each manner of organizing the work of legal advisors has advantages and disadvantages. The beneficial particularity of the present Slovene organization is undoubtedly the fact that legal advisors are assigned cases within their field of specialization. In a system in which the Constitutional Court judges are assigned cases automatically, the Constitutional Court judge can benefit from a legal advisor who knows their legal field very well and can provide the judge with highly competent answers to open legal question which regard that particular field. Furthermore, legal advisors need substantially less time to study individual relevant legal regulations in the event that they regularly work in a specific legal field regarding which they must continuously keep up to date, study, know the theoretical literature, as well as the relevant constitutional review cases. This enables them to be more efficient. The objection that a major premise of the constitutional work (i.e. the Constitution and foremost the provisions of international human rights instruments) is uniform does not outweigh this advantage, as a minor premise which in our work is of a normative nature – e.g. statutory provisions whose constitutionality is being reviewed - must also always be interpreted. Furthermore, the Slovene Constitutional Court has the additional power (unfortunately determined in the Constitution) to review the compliance of executive regulations with statute, which should be more a power of administrative courts.

A possible disadvantage of the present regulation is that in certain cases a fresh and perhaps unbiased perspective towards the individual question would be valuable. Another disadvantage can be that an individual legal advisor does not work particularly well with all the Constitutional Court judges. This may seem minor, but it nevertheless affects the final quality of the work. A legal advisor and a Constitutional Court judge are the closest work "team" in an individual case and their good collaboration sometimes significantly affects the quality of the constitutional court decision, particularly in more demanding cases. Moreover, one disadvantage may lie in the fact that if the work was organized in cabinets, a Constitutional Court judge could decide in which order the cases which were assigned to them would be drafted for deciding before the Constitutional Court, whereas in our system rather formal proceedings apply for determining the order of precedence of cases that legal advisors work on. The fact which judge is the judge rapporteur in a particular case does not at all affect such order. Consequently, a Constitutional Court judge who is assigned a certain case and who thinks that such case should be decided must occasionally in fact wait for a legal advisor to prepare another case for another judge rapporteur which according to the order of precedence has priority over that case.

We consider the introduction of the Deputy and Assistant Secretary Generals with their present tasks to be a good organizational solution. Prior to that, the Secretary General managed and organized the work of all legal advisors and was present not only at plenary sessions but also at sessions of all three panels. As the amount of the work was not as substantial and as there were only ten legal advisors, all the above-mentioned was possible. The Secretary General indeed had a Deputy, whose duty was only to substitute for the Secretary General while he or she was absent; otherwise the Deputy was a legal advisor at the Constitutional Court. Faced with a continuous increase in the amount of work and in the number of newly employed court personnel, it became evident that also managing and organizational tasks had to be distributed among several persons.

Throughout the recent years in which the amount of work grew constantly, we devoted a great deal of attention to organizational measures by which the efficiency of the work could be improved. The right to adjudication within a reasonable time must also be guaranteed in proceedings before the Constitutional Court. Thus, we have throughout strived to ensure that all cases older than two years be concluded, however, up to the present we have not yet reached this goal.

We are well aware that planning and introducing new organizational solutions is a continuous task and that certain improvements are always possible. It must be ensured that new organizational solutions contribute to greater efficiency, while their introduction must not hinder the steady pace of the work. The decision to not introduce a cabinet organization of the work of legal advisors was adopted a long time ago, and in the event that we decided to do so now, it would cause just that – a substantial hindrance in the work. Therefore, for the time being we are not considering such a change. However, we are considering how to relieve the Deputy and Assistant Secretary Generals of the duty to work on too many cases in order to allow them to dedicate more time to their coordinating tasks, how to additionally, by means of some kind of triage method, separate the important from the less important cases, and whether any additional organizational measures could further assist the Constitutional Court judges in being even more efficient.

Despite the reinforcement of the personnel in the Legal Advisors' Department and various organizational measures, we have reached a point at which the Constitutional Court judges are overburdened to such an extent that they permanently lack the time to participate in drafting decisions for cases in which they are judge rapporteurs and to review other cases which are prepared to the extent that they could be discussed at plenary or panel sessions. Therefore, amendments of the statutory regulation regarding proceedings before the Constitutional Court in the direction of a certain rationalization of the operation are necessary in order to allow Constitutional Court judges to devote their time to demanding constitutional issues which should be their priority task in a constitutional democracy, and not the necessity to deal with countless petty cases which only consume their energy and precious time.

III. Conclusion

In order to carry out their tasks properly and with a high degree of competence, Constitutional Court judges foremost need appropriate expert support. Highly trained legal advisors with substantial legal knowledge are one of the most important elements of such support. If the Constitutional Court decides a large number of cases and consequently needs an extensive Legal Advisors' Department, its quality and efficiency is also affected by its organization. Individual organizational solutions depend on the mode of work principally implemented at the court. They depend on the facts whether the Constitutional Court judges draft decisions themselves, whether the work is organized in cabinets, on the nature of the role of the Secretary General regarding the substantive work of the Constitutional Court, and other matters.

The first composition of the Constitutional Court of the Republic of Slovenia after 1991, which completed pioneering work in the establishment of the foundations of modern constitutional review in a democratic state governed by the rule of law, did in principle establish the organization of the work of the Legal Advisors' Department. These principles later served as the foundation for numerous organizational measures as we strived for the highest quality and greatest efficiency of the work of legal advisors possible in order to provide the best support to the Constitutional Court judges. We can confidently state that these measures have shown definite results, nonetheless, we can never be completely satisfied with the existing situation,

and we continuously search for new solutions. However, the fact is that in circumstances in which there is an annual increase rate of 30% in the cases received by the Constitutional Court, no matter how carefully measures are planned and implemented they gradually cease to have any effect, or can even become an aberratio ictus. In such a situation alternative solutions to ensure the efficient constitutional function must be considered. The organization of work implemented in a certain institution naturally cannot serve as a recipe that can be equally successfully applied in all other institutions. However, we may gain invaluable insight knowing of them, or they may at least serve as useful suggestions on how such work could be undertaken.