



Position Paper – The Multi-Field Judicial Officer
December 2010

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The Multi-Field Judicial Officer

**Presented by the International Union of Judicial Officers
December 2010**

Created in 1952, the purpose of the UIHJ is to represent its members to international organizations and ensure collaboration with national professional bodies. It works to improve national procedural law and international treaties and makes every effort to promote ideas, projects and initiatives which help to move forward and elevate the independent status of judicial officers.

Furthermore, the UIHJ takes part in the structural actions of judicial officers, notably via its involvement in the setting up and development of national professional organizations with a view to their becoming members of the UIHJ.

It participates in investigation missions in relation to governments and international bodies.

Lastly it promotes, wherever possible, the creation of a body of judicial officers made up of professionals and high-level legal officers fulfilling the task of the officer responsible both for the service of judicial and extra-judicial documents and the enforcement of orders.

Since 2006, during its international congress which took place in Washington DC (USA), the UIHJ launched a program aiming at promoting the multi-field activities of judicial officers. This program is based on the following double observation:

- Professional activities of judicial officers are very diverse worldwide, while meeting specific expectations from law makers, citizens and businesses
- It appears valuable for authorities and judicial officers from each state to be informed on the range of these activities.

This program serves two purposes:

- To offer states a choice of compatible competences of the profession of judicial officer, as they already exist in some countries
- To make of the profession of judicial officer the great profession of enforcement worldwide including all secondary activities compatible with their role, tending to safeguard and secure recognition of parties' rights and aimed at expediting the judicial process or reducing the workload of the courts.

The integration by a state of one or several items of this program will have as a result to reinforce the public service of justice, to reduce the number of cases at court and the workload of courts, and to give to citizens a wide panel of services relating to legal or judicial activities in many domains: enforcement of court decisions, service of judicial and extrajudicial documents, debt collecting, fight



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against counterfeiting, taking and keeping of evidence, public auctions of movable and immovable, mediation, sequestration, legal advice, representation of parties in the courts, dematerialization, etc.

The sixteen items of this program are attached to this presentation.

The multi-field judicial officer program appears as a source of inspiration at international level. Its principle is found in the Guide Lines prepared by the European Commission for the Efficiency of Justice (CEPEJ) and adopted on 17 December 2009 by the Committee of Ministers of the Council of Europe.

In this document, it is mentioned in items 33 and 34:

33. Enforcement agents, as defined by a country's law, should be responsible for the conduct of enforcement within their competences as defined by national law. Member states should consider giving enforcement agents sole competence for:

- enforcement of judicial decisions and other enforceable titles or documents, and
- implementation of all the enforcement procedures provided for by the law of the state in which they operate.

34. Enforcement agents may also be authorized to perform secondary activities compatible with their role, tending to safeguard and secure recognition of parties' rights and aimed at expediting the judicial process or reducing the workload of the courts. These may be, among others:

- debt recovery;
- voluntary sale of moveable or immoveable property at public auction;
- seizure of goods;
- recording and reporting of evidence;
- serving as court ushers;
- provision of legal advice;
- bankruptcy procedures;
- performing tasks assigned to them by the courts;
- representing parties in the courts;
- drawing up private deeds and documents;
- teaching.

Each of the 47 Member countries of the Council of Europe invited to implement this text has its own distinct judicial system, which confers to the Guide Lines an undeniable universal scope.

Coming from the Council of Europe, the Guide Lines are fully respectful of human rights. A non-member state of the Council of Europe could opportunely look upon them at the occasion of reforms.

The multi-field judicial officer also solely competent to enforce all legal decisions and ensure all enforcement measures appears like a coherent, efficient, secure and essential element in the legitimate search for an optimal and rationalized functioning of the public service of justice of any state.

The UIHJ stands ready to give its help and expertise to states in the framework of any action aiming at restructuring the profession, in particular around this multi-field program for judicial officers.



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I - Activities relating to enforcement and the service of documents

1. The optimisation of the enforcement of the court decisions
 - a. Access to information
 - b. Assistance to the judicial officer
2. The optimisation of the service of documents
 - a. Harmonised minimal standards
 - b. The security and the respect of the rights of the parties
3. Mediation in the distraint
4. The certificate of negative assets

II - Activities relating to the search, the constitution and conservation of evidence

5. Statements of facts
 - a. Public markets
 - b. Counterfeits
 - c. Brands, drawings and models
 - d. Copyright
6. The safe electronic deposit at a judicial officer
7. Prospects for extension in the field of official statements of facts
8. The security of private deeds of agreements by the judicial officer

III - Harmonised additional activities

9. Auction sales
10. Assistance to the good administration of justice: missions entrusted by the judge
11. Mediation
12. Sequestration

IV - Activities of service and counseling

13. International networks of judicial officers
 - a. Debt collecting
 - b. Transmission of cases
 - c. Exchanges of information
14. Counseling activities
 - a. Debt collecting
 - b. Credit management
 - c. Resolution of the litigations in pre judicial phase
 - d. Strategy of securities
 - e. Strategy of enforcement
15. Activities relating to the Internet and to communication technologies
16. Real Estates Management



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