

## Conclusions of the summary report on the courts' decision-drafting practices in criminal matters

In order to expand the jurisprudence-analysis carried out on the formal requirements to be met by decisions given in civil proceedings conducted under the scope of the Code of Civil Procedure, the President of the Curia decided to set up a jurisprudence-analysing working group to survey the courts' decision-drafting practices in criminal matters.

The jurisprudence-analysing working group comprised of four judges from the Curia's Criminal Department and four judges from other Curia Departments, as well as lower court judges, representatives of the Chief Public Prosecutor's Office and of the Hungarian Bar Association, and legal scholars.

The aim of the jurisprudence analysis was to survey the courts' decision-drafting practices and to make proposals to ensure that – while meeting the standards of professional correctness – decisions on the merits falling under the scope of the Act on Criminal Procedure are drafted according to uniform principles, are understandable for the public, are clearly structured, contain no language errors, and are written in readable style, in correct Hungarian language. The jurisprudence-analysing working group also examined the formal and structural requirements to be met in order to ensure that decisions can be entered into and processed in uniform IT databases, and reviewed the ways in which information technology can facilitate uniform decision-drafting.

The jurisprudence-analysing working group drafted its summary report in March 2015. The report was discussed and adopted at the July 2015 meeting of the Curia's Criminal Department.

The working group found that the decisions of the Curia were, in general, well-drafted. The structure of the decisions complied with the statutory requirements. Most decisions had a clearly and easily understandable structure, were written in clear and understandable language, and were reasonably well-reasoned.

However, in addition to the uniform elements, differences were also found, mainly in the reasoning parts of the decisions, which revealed and attested to different drafting practices. The working group made recommendations to ensure that the reasoning parts are drafted in a uniform manner, and to this end various sample decisions were annexed to the report.

Based on the findings of the analysis, several critical remarks were made on the lower courts' drafting practices. In order to eliminate the perceived errors, deficiencies and shortcomings, the working group annexed to its report a *Guideline for Drafting First Instance Court Decisions in a Uniform Manner*.

The jurisprudence-analysing working group also recommended to provide appropriate information technology support to facilitate uniform decision-drafting (e.g. intelligent document-drafting software).