

Sui Zhong Fa [2020] No. 34

Notice on Issuing the Revised *Several Provisions of Guangzhou Intermediate People's Court on Random and Automatic Assignment of Cases (for Trial Implementation)*

To all grass-roots courts and all departments of this court,

For the purpose of further optimizing business environment of our city, the *Interim Provisions of Guangzhou Intermediate People's Court on the Assignment of Cases*(Sui Zhong Fa [2015] No. 125) have been revised and have been discussed and adopted at the 2nd meeting of the Judicial Committee of our court in 2020, and are hereby issued to you. Please implement it in light of real situation.

Guangzhou Intermediate People's Court
February 26, 2020

Several Provisions of Guangzhou Intermediate People's Court on Random and Automatic Assignment of Cases (for Trial Implementation)

For the purpose of further improving the quality and effectiveness of the trial, enhancing the credibility of the judiciary, optimizing the regional business environment, and fully implementing the work requirements of the Supreme People's Court on the random and automatic assignment of civil or commercial cases, in accordance with the *Several Opinions of the Supreme People's Court on Improving the Judicial Accountability System*, the *Opinions of the Supreme People's Court's on Further Effectively Optimizing the Business Environment* and other regulations, in light of the actual trial work in this city, these Provisions are hereby formulated.

1. For the purpose of ensuring the justice of judiciary, enhancing the credibility of the judiciary, and strengthening the management of the assignment of cases in courts across the city, these Provisions are hereby formulated.

2. Random and automatic assignment of cases refers to a case assignment system in which the filing court, after filing a case, assigns the case to the presiding judge randomly, automatically and directly by computer through the court information management system according to certain rules regarding random assignment of cases.

Civil or commercial cases shall be randomly and automatically assigned by computer.

3. After the civil or commercial cases of first instance, civil special procedure cases, state compensation cases, bankruptcy and liquidation cases, enforcement cases, civil application retrials and criminal petition cases and retrial cases are filed by the case filing court, the business court shall be determined immediately on the same day according to the scope of cases received by each business court, and then the computer shall randomly and automatically schedule the presiding judges for the cases through the court information management system based on the number of judges in the business court, the handling coefficient, the cumulative number of cases received and the number of cases existing of each of the judges and the setting of the special collegiate panel, while other work shall be handled by the trial courts.

After a criminal case is filed by the filing court, it shall schedule the presiding judge for the case and shall also be responsible for serving the copy of the indictment, while other work shall be completed by the business court responsible for the trial of criminal cases.

4. The civil or commercial cases of second instance such as sales contract disputes, loan contract disputes, financial loan contract disputes, entrusted contract disputes, project contracting contract disputes shall be filed within 7 days by the filing court after receiving the appeal materials transferred by the courts at the grass-roots level, and then it shall randomly and automatically designate the presiding judge and the members of the collegial panel, the clerk, determine the date of the first hearing or the inquiry, and the venue for the first hearing for each of such cases. Except for special circumstances such as case announcements, applications made by the party concerned, and business court consent, the time for the first hearing or inquiry scheduled by the filing court shall not be later than 30 days after the case is filed.

A case, which has been scheduled or designated as above, shall not be changed by the trial personnel without authorization. If it is indeed necessary to make a change, it shall be reported to the department for approval.

5. If a case is filed on the spot, the party concerned and its agent shall be informed on the spot of the presiding judge determined by the random and automatic assignment of cases and

the contact information. If the case is not filed on the spot, the party concerned shall be informed of the presiding judge determined by the random and automatic assignment of cases and the contact information through SMS 12368 and other means.

6. After determining the presiding judge by the random and automatic assignment of cases, the case shall be transferred to the presiding judge in a timely manner, who shall receive such case promptly and shall not refuse to accept such case for any reason.

7. For a case randomly and automatically assigned, if the business court considers it beyond its duties, it shall present a written statement within two working days after receiving the case file in accordance with the relevant provisions, and the filing court shall ask the relevant trial divisions to make a decision. If they cannot reach agreement, the filing court shall submit the case to the leader of the court according to the approval process to determine the trial department of the case.

8. Under any of the following circumstances, the presiding judge may apply for the change of the presiding judge in the case assignment system, and state the reasons for applying for the change in detail. After review by the principal of the department, a decision on whether to approve the change shall be made.

8.1. The presiding judge needs to withdraw due to legal withdrawal;

8.2. The case undertaken is a series of cases involving the same plaintiff or the same defendant as that of other related cases;

8.3. The case is big, difficult, complicated or has caused a great attention of public opinions and etc;

8.4. If the presiding judge needs to be off duty for more than 30 days due to such reasons as health, work and study in other places (the certificate of the Personnel Department shall be provided);

8.5. Other circumstances in which the presiding judge needs to be changed.

Without the prescribed procedures, the business court shall not change the presiding judge of the case without authorization.

Except for statutory reasons, the presiding judge may not be changed after the first hearing of the case.

9. For the case approved to change the presiding judge, except for the case that the presiding judge is directly appointed due to special reasons, it shall be returned to the case assignment system in a timely manner, and the filing court shall re-determine the presiding judge randomly, automatically and directly by the computer among other judges of the business court. The business court shall not directly determine the presiding judge on its own.

10. If the presiding judge of a case is changed, the case assignment system shall immediately notify the parties concerned of such change through SMS 12368 and other means, and accept the supervision of the parties concerned.

11. In principle, the filing court shall schedule half a day for civil and commercial cases of first instance, that is, two civil and commercial cases of first instance shall be held every day, and for civil and commercial cases of second instance shall be held for 1/4 of the day, which means that four civil and commercial cases of second instance shall be held every day.

12. The hearing time for presiding judge shall be not less than one day per week. The filing court may make timely adjustments based on the dynamics of the case acceptance of the whole court and the opinions of the various business courts.

If the above-mentioned person needs to suspend the assignment of cases due to vacation, study in other places and other reasons for suspending the assignment of cases, the filing court and the science and information division must be notified in writing.

13. In principle, the filing court shall set the venue for the hearing based on the regularly used courts of each trial business court, but the venue may be changed according to the

dynamic situation of the case acceptance by the whole court.

Each trial business court shall reasonably arrange the first instance hearing, re-hearing, inquire, hearing, sentencing and post judgment Q & A of various cases according to the use of the courts, and effectively make registration of the use of courts in the court information management system to avoid conflict.

14. The assignment of cases shall be carried out independently by the staff of the filing court, free from interference by other personnel. No other person shall interfere in the assignment of cases without performing duties or due process.

15. If there is a change in the personnel of the business court and their trial qualification, the Personnel Department of the Political Department shall notify the filing court in writing within 3 days after such change, and the filing court shall notify the information technology department to adjust their corresponding authority in the case assignment system.

16. The courts across the city shall improve the performance evaluation, reward and punishment mechanism, strengthen the judge performance evaluation such as the numbers of cases received and closed by the judges, reporting the closed cases in time, and the rate of change, and encourage the judges to handle more cases, handle cases faster and better to create a good atmosphere of striving for excellence, and avoid problems, such as slow case closing, less case closing and untimely reporting of closed cases.

17. The disciplinary inspection and supervision department shall supervise the assignment of cases, and deal with disorderly conducts in the assignment process in accordance with these Provisions.

18. These Provisions shall be implemented as of the date of promulgation.