

## Court's Precious Time: Transparency, Honor and Judicial Scarce Resources

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### Abstract

While many judicial systems in the Western World are coping with a shortage of judges, the public is not always aware of the overload and its reasons. Our claim is that the reason for this, is the fact that the judicial system preferred to preserve an ideal image of the judiciary and control all information about it, rather than to publicize the judicial overload problem. In this paper, we aim to show that until recently, the issue of *judicial overload* was hidden from the public eye. We deal with the importance and advantageous of presenting the relevant facts to the public. We shall empirically show, that the judicial system has begun to legitimize the exposure of judicial overload to the public.

### Key words

Judges; judiciary; transparency; honor; scarce resources

### Resumen

Si bien es cierto que muchos sistemas judiciales del mundo occidental están lidiando con la escasez de jueces, también lo es que el público no siempre es consciente de la sobrecarga de trabajo y de sus razones. Nosotros afirmamos que la razón de ello es que el sistema judicial ha preferido preservar una imagen ideal de la judicatura y controlar toda la información acerca de ella antes que hacer público el problema de la sobrecarga de trabajo de los jueces. En este artículo, pretendemos mostrar que, hasta hace poco, la cuestión de la *sobrecarga de los jueces* ha permanecido oculta a ojos del público. Tratamos el tema de la importancia y la ventaja que supone presentar los hechos relevantes al público, y demostraremos empíricamente que el

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sistema judicial ha comenzado a aprobar la exposición de la sobrecarga judicial al público.

**Palabras clave**

Jueces; judicatura; transparencia; honor; escasez de recursos

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## 1. Introduction

Many Judicial systems in the Western World are coping with a shortage of judges. This shortage is one of the main causes of judicial overload (Green 2017, Wallace *et al.* 2017), which in turn encourages the judges as well as the judicial system as a whole, to develop solutions to the overload problem. Some of these solutions handle the shortage of judges and the ensuing overload directly and comprehensively: for example, by appointing additional judges, by optimizing judicial workforce (Grunis 2005, Opeskin 2017), or by lowering the demand for judicial decisions. Other solutions provide a direct albeit local solution to the judicial overload problem: for example, when a judge limits the length of court documents, or the length of cross examinations.

However, the *consumers* of the judiciary, the public, are not always aware of the overload and its reasons, while they are aware of its consequences. Although a litigant may wait a long time for judicial hearing and judgments, she is not necessarily aware of the overload the judges are experiencing. As she is unaware of this overload, she may assume the delays are the result of laziness, inefficiency or possibly even by corruption. Indeed, procrastination and delays amount to 35% of all complaints to the Ombudsman of the Israeli Judiciary (2016). Without knowing the facts related to the overload, the public certainly cannot sympathize with overworked judges, nor apply pressure towards increasing the number of judges.

Our claim is that until recent years, the judicial system preferred to preserve an ideal image of the judiciary and control all information about it, rather than to publicize the judicial overload problem (or, for that matter, any other problems within the system). The attempt to preserve a perfect image has advantages – it preserves the respect for, and independence of, the court. But media exposure also has benefits. In the case of judicial overload, exposing the shortage issue to the public may encourage the implementation of practical steps; enable the judges and the judicial system to express their feelings and distress thus enabling the judges to better cope with their frustration; and facilitate public understanding of the reasons for delay in judicial proceedings, thus influencing the image of the judicial system. Public exposure might enable the public to identify with the judges, and could placate public opinion with regards to the reasons for the many delays in the judicial process. Such legitimization could lead to the development of local initiatives to increase the efficiency of the process, which could eventually affect the entire system; it could also improve the judges' well-being as they could share their feelings with the public; and it could bring about a change in public opinion regarding the factors leading to judicial overload thus improving the image of the courts and the judges in the eyes of the public, and maybe even increasing public resources allocated to the courts.

This method of coping with judicial overload involves exposure of the overload problem to non-judges. This is the focus of our research. That is to say, we do not deal with the judicial shortage *per se*, nor do we deal with the overload which is the result of that shortage. We deal with the importance of presenting the relevant facts to the public.

In this article, we aim to show that until recently, the issue of judicial overload was hidden from the public eye. Newspaper articles dealing with this issue were rare. Court judgments also lacked any reference to this matter. However, in recent years, the picture has changed. As we shall empirically show, the judicial system has begun to legitimize the exposure of judicial overload to the public. This legitimization has permeated from the Judicial Authority down to the individual judge. As our empirical data suggests, this transformation is unrelated to the judicial overwork itself, but rather to the fact that nowadays even individual judges in lower courts feel legitimized to express their feelings and thoughts about their workload (at least in their decisions), and act in creative ways to alleviate the load.

In our opinion, this is a welcome change. Today, it is inadvisable, and indeed impossible, to try and preserve a semblance of a perfect, problem-less judicial system. Rather, the judiciary should publicly acknowledge the problems it is facing. Exposing the overload problem to the public will help the public understand the judges' stress and will cause the public to respect the judicial system for its efforts to solve the problem, rather than to pull away because of the unsatisfactory result. Moreover, in addition to the systemic efforts to deal with the overload issue, the judiciary should continue to encourage individual judges to express themselves on this issue – by acknowledging the rhetoric expressing the stress as well as by allowing for judicial actions that deal with this overload.

Our argument is constructed as follows: In the second chapter, we look at the pros and cons of public discussion of the judicial overload and at means of legitimizing judges' discussion of it. The third chapter will look into media coverage and public discussion of the issue. The fourth chapter will present an empirical study of the ways judges refer to judicial overload in their judgments. In chapter five we shall present our conclusions.

## **2. Transparency and the importance of a public discussion of judicial overload**

The focus of this article is, on the one hand, the extent to which an open and public discussion of the problems and difficulties faced by judges, helps the judges and promotes the general public's understanding of - and faith in - the judicial system; and on the other hand, the costs of such a discussion. In other words: should the judicial system expose its blemishes or should it mask them behind an artificially perfect façade. Both sides wish to maintain the public's faith in the judiciary.<sup>1</sup> However, there is disagreement about the means of maintaining such faith.

Underlying the opponents of exposing the judicial system to the public is the desire to impart to the public a sense that the judicial process is not the personal activity of an individual judge, but an impartial action taken by an even-handed system. The façade serves to maintain the dignity of the courts as an objective and independent body, free of political, personal or other biases (Similar arguments can be found in the US (Davis 1994): "The Court must pursue a policy of image-making directed at public perceptions in order to secure its objectives of public deference and compliance. If the Court fails to do so, others will shape the Court's image for it" (p. 53). Therefore, the judicial system, both the courts as an institution and the judges as individuals, spurn media attention and are generally disinclined to justify their decisions to the public (compare with Marder 2016, Segall 2016). As part of this resistance to media attention they also do not discuss the pressures and problems brought on by judicial overload.

For many years the courts remained aloof as a means of maintaining their status. One of the main tools used by the system to maintain this status was (and still is) an absolute ban on Judges' participation in any activity which might result in the exposure of the judicial authority, ranging from press interviews to participation in surveys and filling of questionnaires relating to the judicial role (Kling 2014, Rule 34, 39-40, 18 of the Judicial Ethics Rules 2014). A case challenging this rule was brought before the Supreme Court by a doctoral student who wished to interview judges. The court rejected the appeal saying: "Just as there is no room for a judge's personal sentiments within the judicial process, so there cannot be room for the publication of a judge's personal opinions for whatever reason. It makes no difference whether the judge is named or anonymous. The expression of personal attitudes is inconsistent with the nature of a judge's position – which is founded on applying objective criteria.

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<sup>1</sup> "The independence of the judiciary also serves to bolster and inspire public trust in the judiciary. Public confidence is founded on the feeling that a judicial ruling is carried out honestly, with objectivity and without bias" (Israeli Judicial Authority n.d.).

This exposure may materially harm the judicial system and thus damage an essential public interest" (*Ben-Ari v. Judge Arbel* 2002).

This ban is so diligently applied that the Director of the Courts even lodged a complaint with the Israeli Bar, against a lawyer who, in spite of being denied permission by the Judicial Authority, sent questionnaires to judges in the course of a research project (Anon. 1993). Until recently, judges perceived this principle as so fundamental that even most retired judges adhered to it, even though it does not apply to them. Thus, while the Israeli Judiciary is usually diligent in pursuing the ideal of 'public trial' (Courts Law, Consolidated Version 1984, sections 68 and 70) and publishes almost all court rulings (Bogoch *et al.* 2011); it has remained insular in all other respects and disdains any public exposure of itself, of its judges, or of interpretations of judgments.<sup>2</sup>

Prof. Yuval Elbasha, whose research focuses on the influence of certain judges on Israeli society, has shown that certain jurists – mostly Supreme Court Judges – were glorified to the public as super-human giants. The desired result was: "a wall that allowed the court system to impart to its judges an aura of holiness: uncannily just, even-handed and fair. To present itself as different from other branches of government – a system whose every action is a paradigm of undoubtable temperance, justice and reason. This image allowed the courts to make the implicit claim that even if the general public does not always understand the courts' judgments, they are good and reasonable; and beyond the need for justification" (Elbasha 2009, p. 150).

Prof. Issi Rosen-Zvi, whose work centers on the construction of the judge's professional image in the context of recusal, claims that: "for a long time, the courts have attempted to maintain public confidence through concealment of the effects of judges' personality, traits and social background on their decisions" (Rosen-Zvi 2005, p. 117).

Supporters of greater transparency claim increasing public faith in the judiciary as their goal as well. According to them, public trust in the governing institutions as a whole is in decline, and the courts are no exception (Hadar 2009). Kravitz (2015) claims that although the courts are generally deemed to be fair and free of corruption, the public is still losing faith in them. She also examined the negative (biased) coverage in the media against the criminal justice system (courts, state attorney, and police). According to Kravitz, the public perception of the judiciary is influenced by the miscommunication between the judicial system and the media: prosecutors do not explain their actions to the media, whereas defense lawyers do so extensively. She suggests educating the public about the importance of just criminal procedure to replace the biased knowledge acquired from the media.

The attempt to maintain the dignity of the courts and thus public faith in them by keeping aloof may backfire and lead to a loss of public faith.<sup>3</sup> Elbasha (2009) has claimed that over the years, the judges have fallen from their Olympian heights and have undergone a personification and de-glorification that, in concert with the insularity of the court system, have damaged their public demeanor. Elbasha (2009, p. 152) supports allowing the system to "expose the truth about itself" thus reinstating the prestige the courts enjoyed in the past.

Likewise, Rosen-Zvi (2005, p.117) has claimed that the attempt to artificially portray the judges as impartial professionals has not succeeded: "This practice has no place in a Post-Realistic world".

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<sup>2</sup> Compare: "This stems from the cultural heritage of the Latin American court systems, which have historically considered it not appropriate to provide explanations regarding their rulings or give interviews to journalists" (Herrero and López 2010).

<sup>3</sup> Compare: "In this context, the implementation of transparency and access to information reforms attempts to contribute to reversing the generalized lack of trust in the judicial institutions, promoting a greater closeness between citizens and the justice system" (*Idem*, note 2).

We too are convinced that while maintaining the Court's dignity through isolation may have been a viable strategy in the past; in light of the changes in the media environment and in society as a whole, this approach would likely damage public faith today.<sup>4</sup> In today's media climate it is impossible (and therefore undesirable to even attempt) to maintain a perfect façade. Transparency would serve the justice system better, expose the problems with which it is contending, and allow access to information regarding itself – including the issue of judicial overload.

Exposure has additional benefits: The media can allow judges to defend decisions that the lay public finds strange or unjust. The judges can find professional empowerment if they describe their (overloaded) work-schedule. In this way they stand to gain public sympathy or at least, public understanding for the long delays typical of the Israeli court system. Another advantage of openness would be the ability to let judges *vent*. Israeli Judges are subject to ever increasing scrutiny (*State of Israel v. De-Marker* 2014, paras. 34-49 of Justice Arbel's opinion). The Ombudsman's Office of the Israeli Judiciary, founded in 2003, regulates and checks judges' performance and has influence over their promotions. Furthermore, the press has become aggressively critical toward the courts (Peleg 2012). Various interest groups have founded websites, blogs and Facebook pages dedicated to criticizing judges and their rulings. Even the Israel Bar Association publishes a review of judges based on a member survey (Salzberger 2001). Taken together, all these have created a public atmosphere hostile to the judges and the courts, and the judges are denied the possibility to defend themselves, to explain, or even to discuss their personal or professional life (except in rare interviews in professional journals).

We have learned from various sources that the judges would like to speak and explain more about their work, including about judicial overload. For instance, questionnaires were sent to sitting judges as part of a study of long-winded court decisions. Some judges, in consideration of the importance of the subject, participated in the study – in spite of the aforementioned policy (Bar-Niv and Lachman 2008). A study conducted by us with another colleague (Ben Noon *et al.* 2015) received the unprecedented approval of the chief justice and the Judicial Authority. In that study we surveyed judges regarding their handling of lawyers' undesirable behavior. The response rate was 21%, a remarkably high rate for surveys of professionals. It is important to note that many of the judges did not confine themselves to answering the questions but also expanded their answers with additional comments that included suggestions, anecdotes, and accounts of frustration at being caught between the lawyers and the Ombudsman. One of the judges commented: "I agree that the issue should be addressed, and glad that feedback was solicited on such an important topic". Indeed, it seems that many Israeli judges today speak to the media, and answer questionnaires, as long as their identities are kept secret (Peleg and Bogoch 2010).

Indeed, it seems that the arguments for greater openness have begun to change the Judiciary's approach to the matter. Starting in 2006, the Courts Administration began publishing an annual report that includes, among other things, data pertaining to judicial overload. But openness only goes so far: in 2009, claiming that the publication of the information would harm the public faith in the judges, the Court's Administration refused to release data regarding the number of cases handled by each judge. In a further twist, the decision of the Administration (itself headed by a district court judge) was not supported by the courts themselves. When the newspaper that requested the information appealed the Administration's decision, both the district and supreme courts ruled that the information should be made available. In their Judgments the courts stated that shielding the numbers would not

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<sup>4</sup> Compare to the U.S. Court in the media age: "In order to avoid isolation, the Court historically has shown adeptness at accommodating its time-honored customs to the requirements of a new age" (Davis 1994, p. 159); Davis (2011, p. 21) claims that in recent years there have been changes regarding the public appearance of Justices, due to: "(...) judicial selection process (...); high public interest, decisions (...); changes in journalism; the celebrity culture in American society; and the role of television".

increase public faith in the system but rather diminish it. (*State of Israel v. De-Marker* 2014, 22.9.14). This dramatic shift did not develop in a vacuum; it reflects a growing tendency among the judges to speak publicly, particularly about this subject. We shall present this trend and then a quantitative study of judges' public references to judicial overload in their Judgments.

### 3. The internal and public discussion of judicial overload.

From the appointment of Israel's first judges in 1948, Israel's leaders have been worried by the burden placed on the judicial system (see also Katvan 2013). However, as shown by archival documents, the subject usually remained an internal issue discussed within the Courts Administration. One of the documents describes a shortage of prosecutors and of secretaries (not judges):

Since my appointment as Director of the Courts, I have made it a central goal to get rid of the backlog of cases. I have enlisted in this matter all of the chief judges ...; and all are doing their best to eliminate this affliction from the courts. This important work is being hampered by many obstacles. Chief among them is the lack of secretaries and state's attorneys. I receive notes from the various courts that many trials are postponed – causing judges, lawyers, litigants and witnesses to waste precious time – all because the overworked clerks did not properly prepare the required materials. Every day that goes by without addressing this issue is a sin. This situation must come to the attention of those entrusted with hiring workers. Keeping the system at this level of manpower will disrupt the judicial process and may lead to harsh and unforeseeable consequences (Eisenberg 1952).<sup>5</sup>

Further evidence that this issue presented (and continues to present) a significant challenge to the Israeli courts can be seen in the formation of various committees that were charged with correcting the problem: The Committee for Examining the Courts' Structure and Authorities (1980), the Commission for Examining the Structure of the Regular Israeli Courts (1997),<sup>6</sup> and the Commission for Improving the Efficiency of Legal Procedures (2008).

While the court system was busy considering judicial overload, very little attention was paid to the subject outside the system (at least until the beginning of the 21<sup>st</sup> century). A search for "Judicial Time" or "Judicial Overload" or "Overloaded Courts" in a Hebrew-language newspaper database returns sparse results, at least until the 1990s. The few references to the problem appear alongside possible solutions, as if the court system would allow the problem to become visible only when there were solutions at hand to be offered. However, the same solutions were offered again and again, suggesting that no new solutions could be found.

Most of the media references are from the 1950s - the formative years of the judicial system, in which the system's desire to avoid public view, and the need to maintain its honor, were only beginning to develop. At that time, as the nascent Israeli judiciary was finding its feet, it also found itself under-staffed, particularly with judges. The first reference in the press appeared in 1952, lamented the problem of protracted deliberations, mentioned lawyers as a cause, and suggested raising the court fees (Heruth 1952).

Between 1952 and 1958, while the young state doubled its population (mostly due to immigration) it also doubled the number of its judges. At that time an attempt was made to move certain issues to arbitration before a "settlement expert" before they even reach the court (Davar 1958). This experiment was presented as quite successful, but it is unclear if the trend continued.

The issue of traffic violations came up in 1955 (Vinitzki 1959). The courts were backlogged by such cases and a suggestion was floated to appoint additional judges as well as to broaden the range of ticketed violations that would obviate court

<sup>5</sup> We wish to thank Yair Sagi and Guy Lorie for this reference.

<sup>6</sup> See also Shani 2006.



hearings (Maariv 1955). Almost 30 years later, the press again reports that Traffic Court is run like "a drumhead court martial" due to the overwhelming case load (Davar 1983).

Some 1950s articles suggest that the press refrains from dealing with the judicial overload problem (Ben Ze'ev 1959), and that the court administration tried to hide the lack of judicial personnel from the press (Sinai 1959). Interestingly, most of the references to the problem were made in the revisionist oppositional *Heruth* newspaper.

We found almost no references from the 1960s; possibly because the system stabilized during that period. During the 1970s there is another peak in the references to judicial overwork and the lag in the system. The Minister of Justice reported in 1973 that the courts were overloaded because of increasing crime and economic growth. His suggestion was to streamline civil procedure (Bloch 1973, Got 1974). In 1975 the Minister agreed in an interview that the overload on the system causes material delays in legal proceedings. He went on to list the remedies he had instituted: appointing additional judges, broadening the authority of the Magistrates Court, passing the no-fault compensation law for traffic accidents, rules regarding running continuous hearings, and more (Davar 1975).

Tax cases were also overburdening the system. A report from 1979 claimed that thousands of tax cases are being closed due to the courts' inability to handle the strain (Feldman 1979). The solution came in 1987 when the law substituted most tax criminal case with fines (Maariv 1987).

All in all, until the 1990s, there was little newspaper coverage of the case-burden on the courts. However, the burden was real and the judicial system repeatedly suggested solutions. From this we glean that the judicial overload was an ongoing problem that occupied the system, but was kept out of the public eye. The issue did not figure in the press again until the 1990s.

The judges themselves, as individuals, did not venture to publicize the problem of judicial overload. One unusual statement, the exception that proves the rule, is a speech given in 1962 by Supreme Court Justice Landau at the founding ceremony of the Israel Bar Association. In the talk, titled *Efficiency and Justice*, Justice Landau (1962) spoke of the "sluggishness of the judicial process" which, in turn, erodes the public confidence in the judicial system. He went on to list the steps that could ameliorate the situation:

- That the legislature not pass more laws "that needlessly occupy the judges" (for example: the requirement that three judges sit on every criminal appeal).
- That Judges, in their efforts to set precedent in Israel's relatively new justice system,<sup>7</sup> not write over-long judgments.<sup>8</sup> Justice, he claimed, would be better served if judges were to improve their "judicial statistics," better allocate their resources, and put in more effort.
- Likewise, the attorneys should strive to be concise both in their examinations and in their arguments. "A concise lawyer not only conserves the court's time (which is the public's time) but also better serves his client."

Justice Landau also offered some measures for easing judges' workload. It should be noted that Landau spoke in public; yet still it was in a professional setting to actual or potential litigants – not to the general public.

<sup>7</sup> Compare Israel State Archives 1953, Yoram Shachar *et al.* 1996, Marin K. Levy 2013, Government Protocol 1952: the Minister of Justice reports that the number of cases is rising "with the growth of population", but the number of judges remains the same (Government Protocol 1952, p. 8). He explains that the judges write long judgments in order to lay the foundations for an Israeli Jurisdiction (Government Protocol 1952, p. 20).

<sup>8</sup> Compare Bar-Niv and Lachman 2008.

Israeli judges have almost always kept their difficulties out of the public eye. To the best of our knowledge, they have only gone on strike once (in 1978). That strike was very short, probably due to the anger the strike engendered among the senior judges and in the Judiciary as a whole. The strike centered on judges' pay, and the press did connect it with judicial overload (Tadmor 1978).

Yet all along, the judges had another avenue to vent their frustration and complain of their workload: their rulings. The question then is: did the judges, in spite of their reticence to air their grievances in public, use this platform to do just that? Did they use the "Judicial Time" argument in their judgments?

The term "judicial time" is not new, and is probably the term most commonly used when dealing with the claim of judicial overload, the claim "that the court's time is the public's time", and the associated demand for the appointment of more judges (Grunis 2005). During the 1950s there were only few references to judicial time in Judgments, but since then more and more Judgments use the judicial time argument. One of the more prominent opinions in this regard is *Biazi v. Levi* (1988). In this case, the two litigants agreed to submit to a polygraph test, which results' regarding certain factual issues would be binding. The court approved the arrangement and praised it as a means of conserving the court's time in a period when the court is especially overloaded. In that decision the court referred to the load on the courts as "an emergency", "a national calamity", and as a threat to public faith in the judiciary. For these reasons, the court was essentially willing to allow the polygraph to determine the facts, instead of doing so itself. Granted, this allowance was limited to civil cases only, and the court reserved the right to check the results if it deemed necessary; but the fact remains that the court was outsourcing its prerogative to verify the facts of the case because of, among other things, judicial overload.

Since then, the load on the courts has only grown. Many more laws were added to the law-books (increasing also the number of grounds for lawsuits), jurisprudence – as reflected in the ever-increasing volume of legal scholarship - has grown apace. The population too has grown while its desire for litigation has not diminished. The number of lawyers in Israel is setting international records and those lawyers have not become any less verbose (if they are not limited by the bench). Judgments too have grown longer and longer (Committee for Examining the Courts' Structure and Authorities 1980, Katvan 2012).

Alongside the increased burden, steps have been taken to help the judges cope. The number of judges have risen apace with population growth (though without taking the other factors mentioned into account). Processes have been streamlined: statistics of open cases are being kept; legislative reforms have been made in order to optimize judicial proceedings; a bill to transfer whole types of cases to arbitration has been put forward; judges are offered courses and lectures aimed at improving their efficiency; judges have far better administrative and logistical support which takes on tasks that are not strictly judicial; the computerization of the court system; and more (Grunis 2005).

Concurrently, since the 1990s the public has gained access to much more information regarding the judicial system. This can be attributed to the Freedom of Information Act, to technological innovations (chiefly the internet), to social changes such as greater openness on the part of judges, and to the public demand for transparency. All these have led to greater media coverage of the inner workings of the courts, both in traditional media and on the internet. Moreover, retired judges have become a conduit for sitting judges to let their thoughts be known.<sup>9</sup> They have begun giving

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<sup>9</sup> Even the Supreme Court uses retired judges to present a rhetoric of an untenable workload. At a conference at The Center for Democracy retired Supreme Court judges illustrated the workload they were forced to contend with. Daliah Dorner said: "We're the Supreme Court of small claims. I sat in hearings from 8:00 am to 9:00 pm, on Fridays until the Sabbath, for eleven years. It is an unsupportable structure." Retired Judge Matza said: "It is slavery. It does not allow one time to write proper opinions or suitably look into the facts. The judge must over-rely on interns and assistants. He simply cannot check every book

interviews – some defending the system, others also critical of it. Even active judges talk to the press off the record (Peleg 2012).

Still, most of the references to “judicial time” and related search terms on the Web come from court decisions in which the judges themselves refer to it. A search of legal databases shows that the past decade has seen a rise in the number of references to the over-burdened legal system in Judgments and court decisions.

Rulings dealing with judicial time or judicial efficiency are necessarily tied to judicial procedure and the court’s authority to conduct the litigation. For example the Criminal Procedure Act demands that hearings be held continuously. In most cases this rule is not followed. In fact it is usually only enforced in high-profile multi-witness cases in which the judges decide to devote most of their time (between three and five days a week) to hearing the case for weeks or months consecutively. Defense attorneys find it hard to devote all their time to one case, and therefore petition the court to postpone hearings – and are denied by the court on the grounds of efficiency and conservation of judicial time (the abuse of which leads to a miscarriage of justice). “There is no need to study how procedural rules have come to be so neglected. Some will surely argue that judicial overload has brought the courts to ignore the successive hearings rule. However the opposite claim can be made too: that the disregard for the rules of procedure is a central factor in the creation of judicial overload.” (*Feldman v. Tel-Aviv District Court* 2009, para. 8). Likewise, many decisions delineate the court’s authority to limit cross examination, to limit closing arguments and more – all in the name of efficiency. Many decisions regard a confession as cause of leniency as it saves the court some precious time.<sup>10</sup> Other decisions invoke Article 514 of the Civil Procedure Regulations (1984) in levying expenses on unnecessarily long-winded litigants, and more.

While judges are forbidden from publicly complaining about their workload and the ensuing pressure; they clearly find license to do so within the confines of their Judgments. The increase in the number of references to the subject in court decisions, together with the ever increasing online availability of court decisions (even from lower courts) have together served to raise the public awareness of the problem. The question we now turn to is whether the increase in references to judicial overload in court documents is due to a more indulgent approach by the court system, or to an actual increase in judges’ workloads? To answer this question we conducted a quantitative study looking at the use of the term “judicial time” in court decisions in Israel during the 2000s.

#### 4. The Judicial Engagement with Overload – A Quantitative Analysis

##### 4.1. Introduction

In this research we aim to examine the prevalence of judicial decisions in which judges mention their overload. Our first objective was to determine the scope of this phenomenon over the years. Our second objective was to determine whether or not there was a relationship between the prevalence of cases in which judicial overload was mentioned and the number of cases handled by the system and the objective judicial overload. Our hypothesis was that there will be positive correlation between

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by himself. It is an impossible reality”. Matza goes on: “When I arrived at the Supreme Court in 1989, a bench would receive five or six appeals per day. When I left, the number was up to 13-15. Every appeal is a ‘mega-appeal’. Even if there is little substance, the paperwork is staggering. It is oppressive” (Baum 2011).

<sup>10</sup> See e.g.: *Toledo v. A.G.* 1958, *A.G. v. Ferber* 1959, *A.G. v. Halpert* 1960, *Shalev v. A.G.* 1960. However see Dov Levin (1993) who objects to this approach. Levin (who was a Supreme Court justice) insists that saving the court’s time should not be a consideration. An accused has a right to his day in court: “Even if precious time is taken, time that could be used to hear other cases. The efficiency of the procedure should have no bearing, overt or implied, on sentencing”.

judges' workload and the number of cases in the system on the one hand, and the frequency of judicial overload references in Judgments.

In addition, we wanted to examine whether the frequency of judges' references to judicial workload was related to the legitimization judges feel about expressing themselves regarding the overload. We could not find a way to measure this directly; notwithstanding, we assumed that if we find correlation between judges' expressions about the overload in different courts throughout the country – that is to say, that statements about judicial overload appear simultaneously across the country – it will suggest that judges are interested in expressing themselves about their overload but they do so only if they feel that the system legitimizes such expressions. If judges see other judges expressing themselves on this matter, they feel legitimized to do so themselves, and will therefore join in. Our hypothesis was that there will be a correlation between the frequencies of references to judicial overload in the different courts.

#### 4.2. Methodology

In order to examine judicial overload references in court Judgments we selected one of the most common phrases judges use when referring to this issue: "Judicial Time" (hereinafter: JT). We used the Nevo database, which according to previous research includes, at least since 2005, almost all judicial decisions in Israel.<sup>11</sup> We sampled all judicial decisions (excluding decisions from family court<sup>12</sup> and Traffic Court) which include this phrase. For each appearance, we looked at the year it was used, the court (Supreme, District, or Magistrate) and the district (North, South, Center, Jerusalem, Tel-Aviv, Haifa).

We also ran our analyses on a larger data set and using more phrases. In these analyses the dataset included all judicial decisions, including family court and transportation court which were excluded from the first analysis. This analysis related to "judicial burden", "court's time" and "court's precious time", in addition to "JT". The additional phrases, even taken together, were quite rare compared to the commonly used phrase of "JT". Moreover, the results of this second analysis were very similar to the results of our first analysis, and therefore we chose in this paper to present the results of the first analysis.

Analysis of the correlations between the judicial references to "JT" and the actual workload carried by the judges has necessitated a breakdown of the number of cases assigned each judge at each court.<sup>13</sup> Since the data regarding the number of judges in each court and the number of cases decided by each court exists only from 2007, this analysis was done only from 2007. Because the Supreme Court hears a small number of cases and uses a different reporting method; we've decided to exclude it from our study.

Freedom of Information Reports list both the number of judicial posts and the number of judges actually on the bench, since 2008. The 2007 Report gives only the number of posts. Since the difference between the number of posts and the number of actual sitting judges was consistently negligible, we've ignored it. To get the number of cases we used the number of Judgments handed down in every court and district. For this data we used the courts' Freedom of Information Reports. Due to inconsistencies in the reporting methodology we have had to adjust the data to make it uniform: First – starting in 2009 the records do not list the number of cases by district, only the total number of cases and their percentage by district. From this data we calculated the number of cases in each district and court. Comparing the

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<sup>11</sup> Until 2005, the digital databases include only a small minority of all decisions, especially in lower courts.

<sup>12</sup> Most of the family court decisions are not published in any way (Bogoch *et al.* 2011).

<sup>13</sup> Our data was gathered from the yearly reports published by the judicial authority since 2007 (Israeli Judicial Authority 2008-2016), and the *Freedom of Information Reports* published since 2006 (Israeli Judicial Authority 2007-2016).

data from 2006-2008 we found an average deviation of 0.02% and a maximum deviation of 0.05% between the actual number and the number arrived at through calculating the percentage. Thus, we felt safe using the numbers we calculated.

We calculated the judges' workloads by dividing the number of cases decided in a given district of a given court in a given year, by the number of judges in the same year in the same district and court. This number reflects the average number of cases each judge dealt with at each instance.

We arrived at the prevalence of references to JT as the number of times the term "JT" appeared in decisions made by a given court in a given district in a given year. Since the number of JT references is affected by the total number of cases in the system, we preferred to use the frequency of JT references per case, rather than the raw number of JT references when analyzing the factors related to the number of references. Therefore we divided the number of JT references by the number of overall cases in the same year and court, to create the JT Relative Frequency variable. This number reflects the percentage of decisions in which the judges chose to mention the subject.

In order to investigate the relations between references to judicial overload in the different courts we calculated the correlations between the frequencies of the use of the term JT in all of the Israeli courts (including the Supreme Court) through the years with the frequency. As there are thirteen courts in the sample (Supreme Court, six District Courts and six regional Magistrates' Courts). Comparing each court to twelve others results in a chart containing 72 possible comparisons. We assumed that if we found high percentage of positive correlations it would indicate that judges are highly influenced by other judges' inclusion of the JT issue in their decisions.

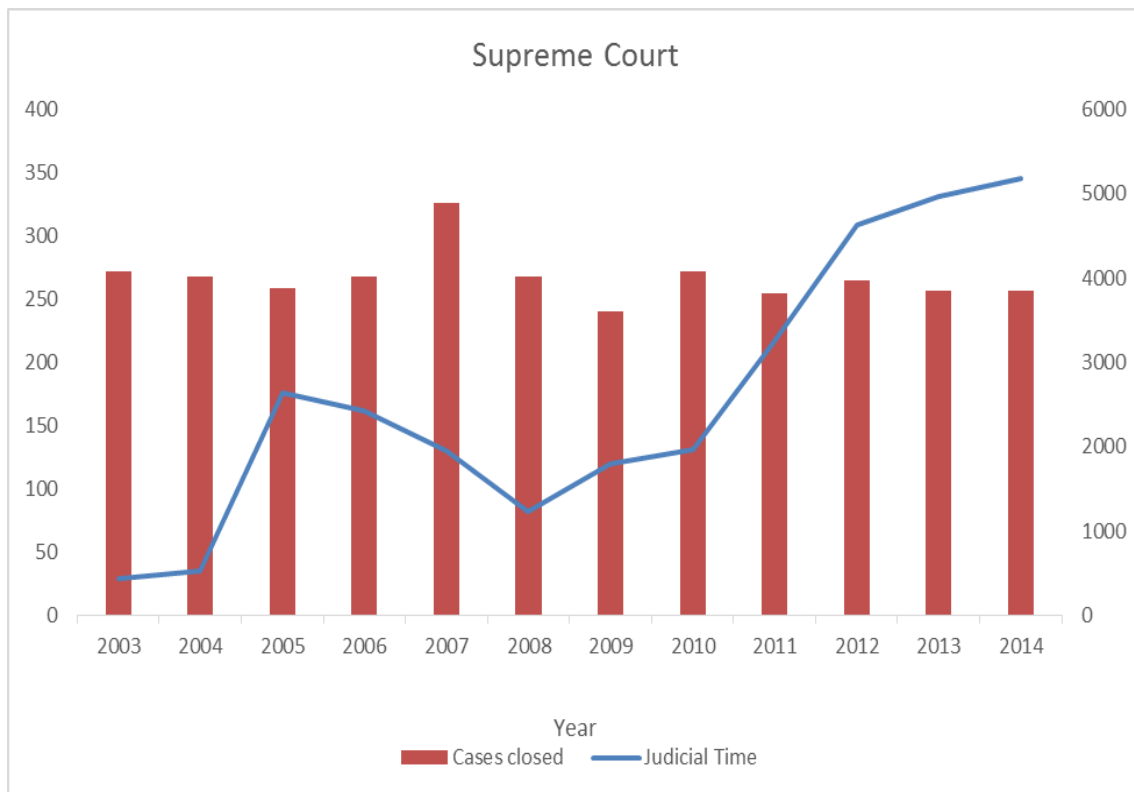
As it turns out, in the years 2010-2011 a research was conducted in all the courts by the Research Center of the Judicial Authority, examining the judges' time management. That research (re)introduced judges to the term "judicial time" in reference to the judges' work, and it probably influenced the frequency with which judges used the term.

#### *4.3. Results*

In general, JT has been used more and more over the years, and although in the past it was very rarely used (a comparative sample from 1995 resulted in very few references), it is not so rare today.

As graph 1 shows, while the number of closed cases in the Supreme Court is stable, there is fluctuation in the use of the term "judicial time" with a trend since 2008 of a rise in the frequency of such references

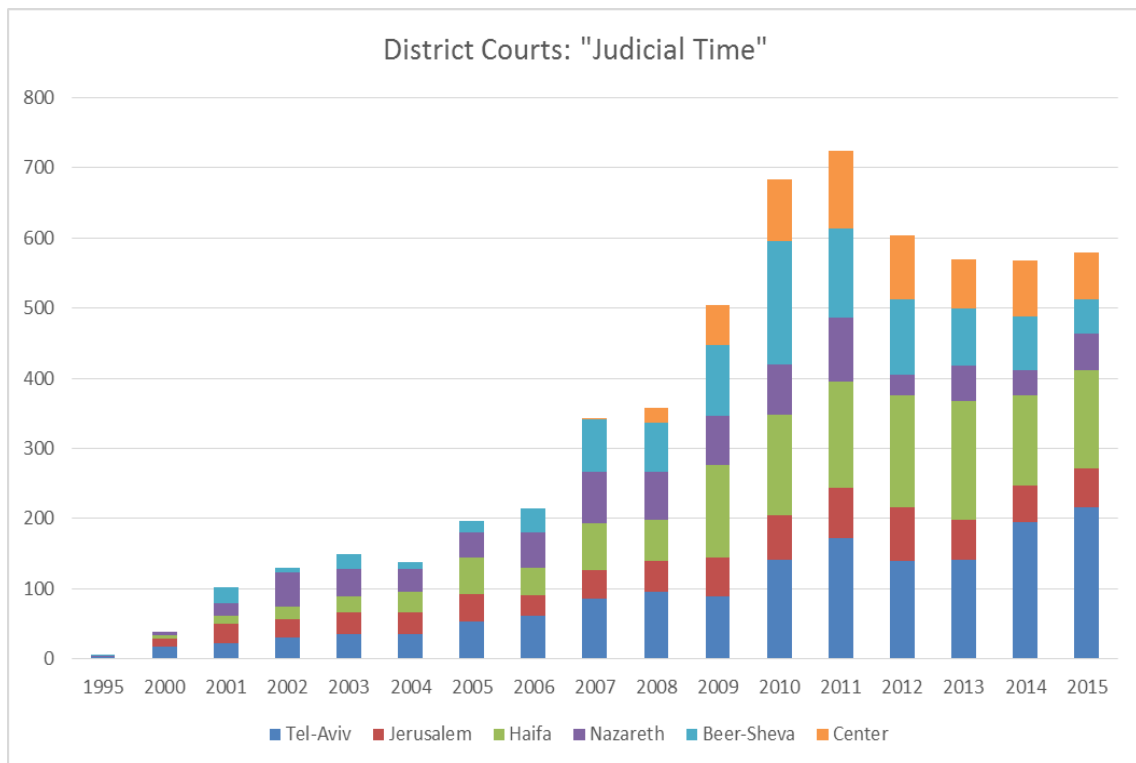
GRAPH 1



**Graph 1. The number of cases and references to judicial time in the Supreme Court.**

As Graph 2 shows, the data from District Court is generally similar - showing a gradual increase in the number of JT references. The graph also reveals a peak in the years 2010-2011, after which the numbers stabilize on a lower number (still higher than the number in previous years). However, this peak is probably related to the Judicial Authority research about judicial time, and not to a true change in judges' feelings towards their workload.

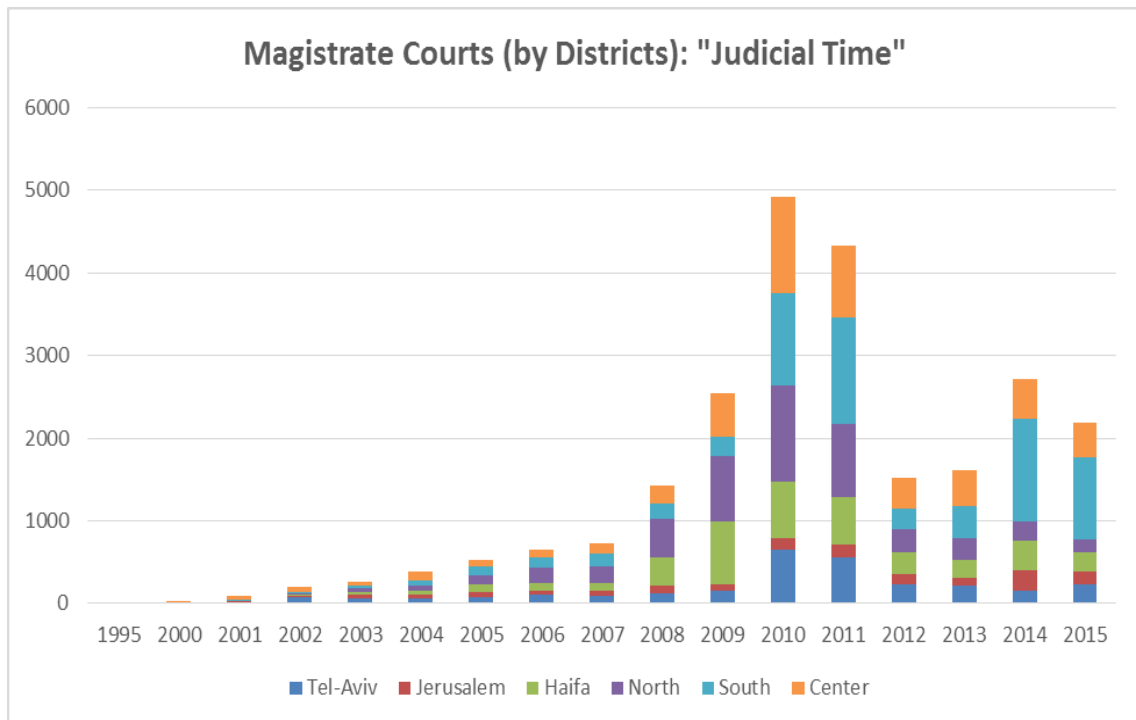
GRAPH 2



Graph 2. The number of references to judicial time in the district court.

Similar results were found in the Magistrate's Court, as Graph 3 shows.

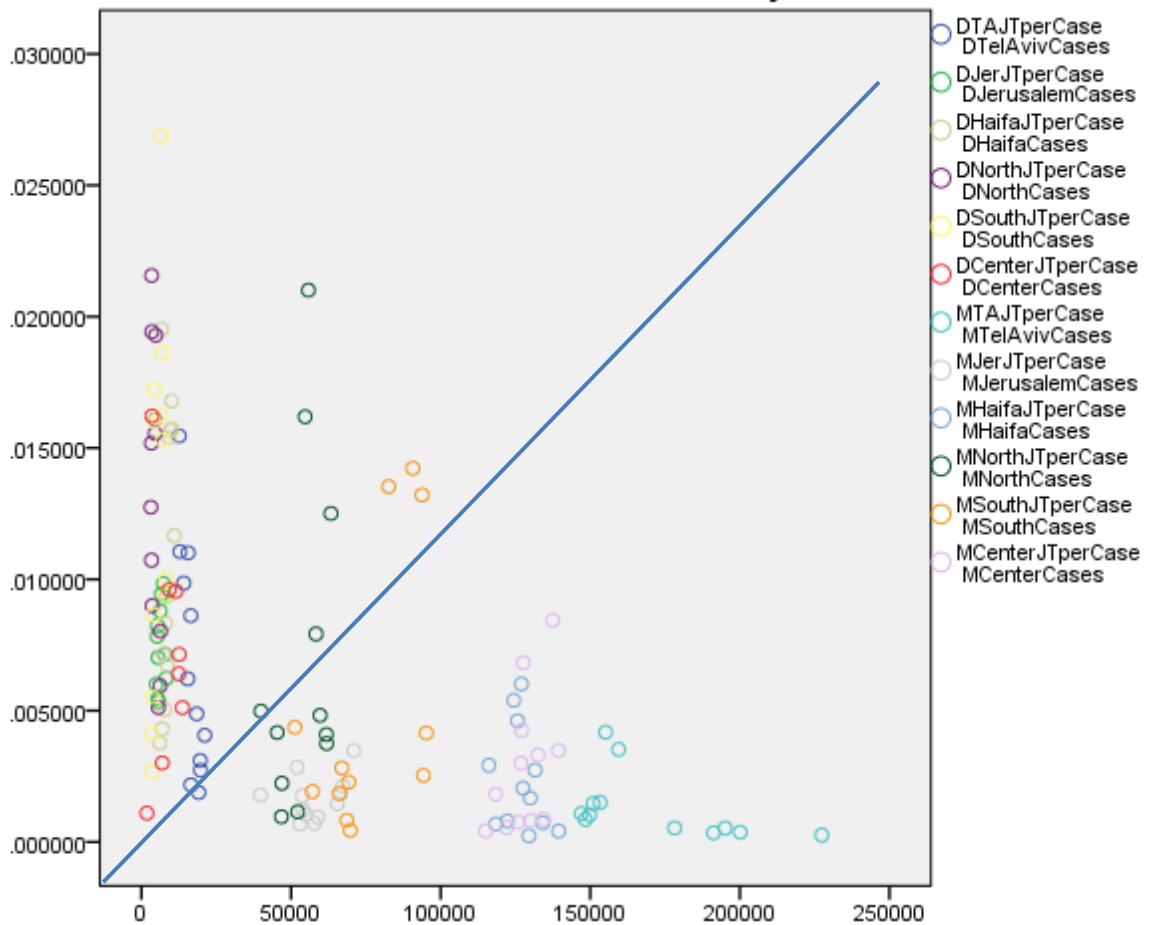
GRAPH 3



Graph 3. The number of references to judicial time in the magistrate court.

Contrary to our hypothesis, as Graphs 4 and 5 show, no positive correlation was found between JT Relative Frequency and the total number of cases with which the court dealt, or between JT Relative Frequency and the judicial actual workload. Adversely, a negative correlation was found between JT Relative Frequency in the Tel Aviv District Court and the number of cases and the judicial overload in this court, and between JT Relative Frequency in the North District Court and the judicial overload at this court. Notwithstanding, considering the fact that this finding relates to two districts out of six and to only one judicial instance out of two, it is doubtful whether this finding is meaningful.

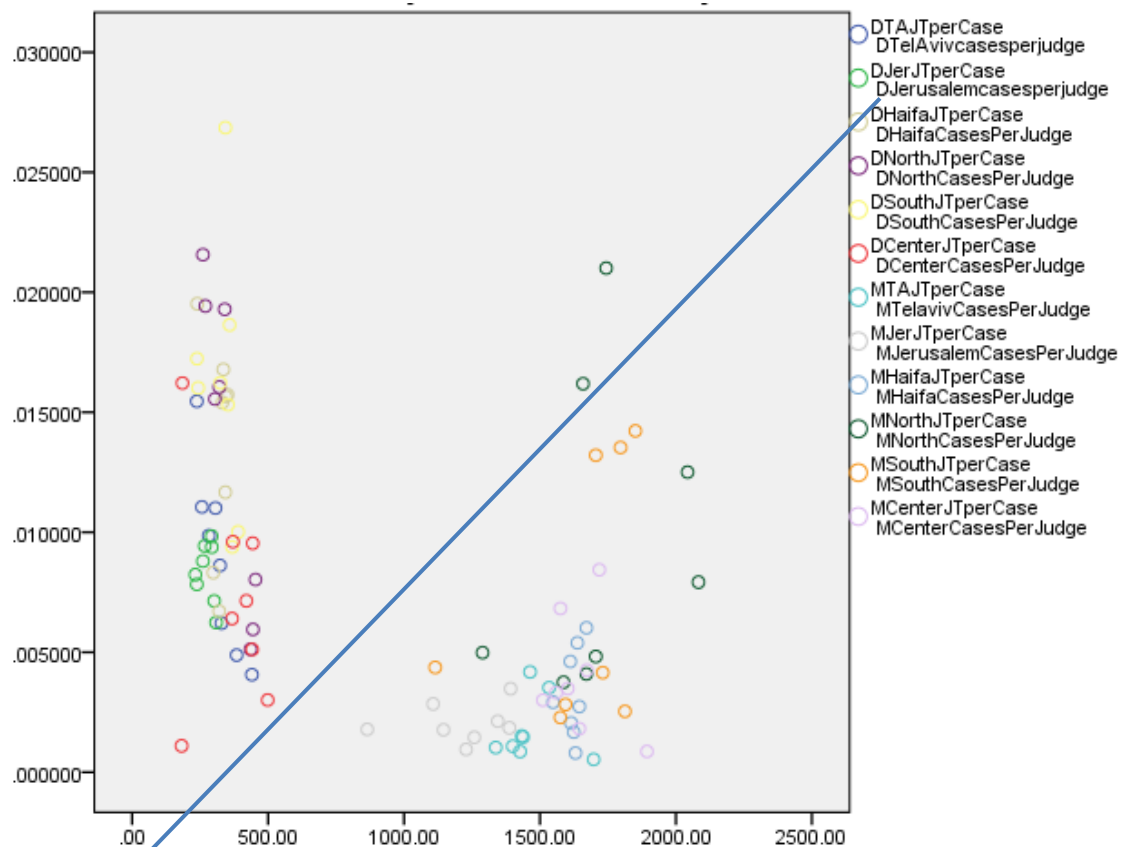
GRAPH 4



Graph 4. Relation between number of cases and JT references.



GRAPH 5



Graph 5. Relation between judicial overwork and JT references

As mentioned above, during the years 2010-2011 a research project, introducing the term "Judicial Time" was performed in Israeli courts. Thus, during those years judges in all instances were exposed to this phrase. In order to neutralize this effect, we analyzed all the correlations once again, excluding the data about those years from the database. The results of this analysis were similar: No positive correlations were found between JT Relative Frequency and the total number of cases with which the judges were dealing, and no positive correlation was found between JT Relative Frequency and the judicial overload. Significant negative correlations were found between JT Relative Frequency in the Tel Aviv District Court and the North District Court and the number of cases and judicial overload in those courts.

As mentioned, we also examined the correlations between JT Relative Frequencies across the different courts. The result was a correlation table with 72 possible correlations: Each court was correlated to all the other 12 courts (all together we examined 13 courts: the Supreme Courts, six District Courts and six Magistrate Courts). In accordance with our hypothesis we found significant positive correlations in 50 out of 72 possible correlations (69.4%). On the other hand, we found one negative correlation between JT Relative Frequencies at the North District Court and the JT Relative Frequencies at the Supreme Court.

Again, we ran the same analysis without the years 2010-2011. Although in this new analysis we lowered the number of observations by a quarter (from eight annual observations for each court to only six observations), the number of significant positive correlations between JT Relative Frequencies in the different courts remained relatively high - 34 out of 72 (47.22%). Similar to our previous results, we found one negative correlation between JT Relative Frequencies at the North District Court and the JT Relative Frequencies at the Supreme Court.

## 5. Discussion

The data found shows a rise in the frequency of the use of the term "JT" in court decisions since the 2000s. This rise is possibly related to two developments that increased public scrutiny of judges. First, the post of Ombudsman for the courts was created in 2002 to handle, among other things, complaints of delays in scheduling hearings and in handing down Judgments. Second, the Israel Bar Association began publicizing a review of judges based on a survey among its members (a move that was met with anger and consternation among judges). Judges might have begun (possibly even unconsciously) mentioning the load under which they strain as an alibi against criticism by the ombudsman, or as an indirect response to the survey they were barred from openly responding to.

An additional factor was a revolution in media coverage of the courts during this period. Traditional media and of course the internet exposed the caseload under which judge's work. It could be that this forced-openness also influenced the judges own conduct.

The peak in the use of the term JT during 2010-2011, might have been the result of the Judicial Authority's own research of judicial time. The peak might also have been the result of the crisis brought on by the suicide of Judge Moris Ben-Attar. From a letter left by Ben-Attar it appeared the stress brought on by judicial overload was a major factor in his suicide (Matza 2011). It may be that this event drove judges to reflect on the issue (Sharvit 2011, Yaakov 2011), but barred by the Judicial Authority from openly speaking about it in the media (according to some claims), they found an outlet in their judgments.

The absence of positive correlations between JT Relative Frequency on the one hand and the number of cases and judicial overload on the other, indicates that judges' willingness and desire to publicly express the fact that they are under stress at work, is not related to their actual work load.

On the other hand, the relatively high percentage of positive correlations between JT Relative Frequencies across the different courts, suggests that judges are more willing to publicly address the issues of judicial overload in their Judgments the more they see such references by other judges, or in other words, the more they feel that there is public legitimization to such expression within the judicial community. This conclusion is strengthened by the fact that adding the years in which the judges received an institutional message dealing with judicial time to the analysis, results in an even higher percentage of positive correlations.

## 6. Conclusion

Hidden phenomena cannot influence public opinion (compare to Bogoch *et al.* 2011). Thus, if judicial overload and the ensuing stress on the judges are not publicized outside the court system, then the public is unaware of the problem but only of its negative consequences: delays in the legal process. Under these conditions, the public may not only lack sympathy for the judges; it may lose faith in them and in the legal system as a whole.

Up until the 21st century, the court system attempted to camouflage the problem of judicial overload and to present to the public a façade of a smooth-functioning system. Media attention to judicial overload and the increasing public scrutiny of judges made that approach untenable. Almost immediately, judges began mentioning the issue in their Judgments – Judgments that, thanks to online databases, are almost always accessible by the public. Moreover, these references sometimes receive media coverage and so a new ethos was created. Rather than close ranks to protect the courts' dignity (including silencing complaints of judicial overload), the courts have opened up, intriguingly, through *grassroots* protests in the judges' Judgments. From a conservative approach that finds virtue in maintaining a façade, the courts have moved to a more transparent attitude that takes the media

reality into account. This approach enables judges to engender public sympathy and find a new path to promoting the dignity of the court (for a similar approach regarding lawyers, see Zer-Gutman *et al.* 2017).<sup>14</sup> The Judicial Authority has begun to open up as well and started publishing related statistics including the number of pending cases, of cases closed, and of all cases before every court. This change seems to have been completed in 2014 when the Supreme Court ruled in favor of a petition to publicize the number of pending cases for individual judges. The decision acknowledged the importance of transparency and the fact that in this age, judges are subject to public scrutiny that cannot be suppressed (*State of Israel v. De-Marker* 2014).

Our conclusion is that criticism over delayed justice is best handled by a justice system openly presenting its problem of judicial overload. Such an approach allows the judges to better handle their burden and encourages public confidence and sympathy in the system as a whole. As we have shown in the empirical chapter, this goal can be achieved, legitimizing judges to write freely about their workload and the ensuing burden, if only in their rulings.

## References

- A.G. v. Ferber* [1959]. CrA 301/58, PD 13 55, 56.
- A.G. v. Halpert* [1960]. Pet. 38/60, PD 14 617, 618.
- Anon., 1993. Inappropriate behavior and respect for the Court: Sending questionnaires to judges. *Legal Ethics* [etika Miktzoi't] 30, p. 6.
- Bar-Niv, M. and Lachman, R., 2008. Do Judges Act Against their Own Judgment? (in Hebrew). *Hapraklit*, 50, p. 71.
- Baum, I., 2011. The most overburdened supreme court in the world implores for relief (in Hebrew). *The Marker* [online], 9 February. Available from <http://www.themarker.com/law/1.595161> [Accessed 14 September 2017].
- Ben Noon, C., Shnoor, B. and Katvan, E., 2015. Judges 'Perception of Lawyers' Behavior in Court (in Hebrew). *Hamishpat* 21, p. 11.
- Ben Ze'ev, B.C., 1959. Painful Issue: "foot dragging" in hearing legal claims (in Hebrew). *Heruth*, 14 August, p. 6.
- Ben-Ari v. Judge Arbel* [2002] (in Hebrew). HCJ 2491/02.
- Biazi v. Levi* [1988]. CA 61/84, PD 42 (1) 446.
- Bloch, D., 1973. Past events inflaming the parliament (in Hebrew). *Davar*, 11 July.
- Bogoch, B., Halperin-Kaddari, R. and Katvan, E., 2011. Family law in the age of computerized databases: The impact of legal databases on the practice of family law in Israel (in Hebrew). *Iyunei Mishpat (Tel-Aviv University Law Review)*, 34, p. 603.
- Civil Procedure Regulations (Takanot Seder Hadin Ha'ezrahi), 1984.
- Commission for Examining the Structure of the Regular Israeli Courts, 1997. *Report* (or Committee) (in Hebrew).
- Commission for Improving the Efficiency of Legal Procedures, 2008. Report (in Hebrew). Ministry of Justice, Ronen Committee.
- Committee for Examining the Courts' Structure and Authorities, 1980. Report (in Hebrew). Landau's Committee.

<sup>14</sup> In a different place we (with Limor Zer-Gutman) suggest a similar step in regard to lawyers. Lawyers used to keep the professional honor by distancing themselves from the "ordinary people", while in recent years they use different approach (Zer-Gutman *et al.* 2017).

- Courts Law, Consolidated Version (Hok Batei-Hamishpat), 1984.
- Davar, 1958. 15 Traffic Court Judges Will be Nominated Soon (in Hebrew). *Davar*, 23 September.
- Davar, 1975. How to Avoid Delay of Justice (in Hebrew). *Davar*, 6 June.
- Davar, 1983. Court's overload doesn't justify civil rights infringement (in Hebrew). *Davar*, 25 October.
- Davis R., ed. 2011. *Justices and Journalists: The U.S. Supreme Court and the Media*. Cambridge University Press.
- Davis, R., 1994. *Decisions and Images: The Supreme Court and the Press*. Englewood Cliffs, NJ: Prentice Hall.
- Eisenberg, 1952. Letter to the Minister of Justice. 25 November. Israel State Archives G-5728/10.
- Elbashan, Y., 2009. From court house to house of judges? Personification of the judges as part of the privatization of the Judicial system in Israel (in Hebrew). *Alei Mishpat*, 7, p. 147.
- Feldman v. Tel-Aviv District Court* [2009] (in Hebrew) CrA 4865/09.
- Feldman, Y., 1979. Offence without Punishment (in Hebrew). *Davar*, 2 November.
- Got, E., 1974. Magistrate Court Authority (in Hebrew). *Maariv*, 4 September.
- Government Protocol, 1952. 30 November.
- Green, B., 2017. The Price of Judicial Economy in the US. *Oñati Socio-Legal Series* [online], 7 (4). Available from: <https://ssrn.com/abstract=3035295> [Accessed 20 September 2017].
- Grunis, A., 2005. Overcrowded courts: A problem and its solution (in Hebrew). *She'arim LaMishpat*, 1, p. 47.
- Hadar, Y., 2009. Israeli Public's Trust of Governmental Authorities in the Last Decade (in Hebrew). *Parliament 63* [online]. Available from: <https://www.idi.org.il/parliaments/3467/8205/> [Accessed 6 August 2017].
- Herrero, A. and López, G., 2010. *Access to Information and Transparency in the Judiciary*. Governance Working Paper Series. Washington DC: World Bank Institute.
- Heruth, 1952. Changes in Court's Structure (in Hebrew). *Heruth* [online], 13 October. Available from: <http://web.nli.org.il/sites/JPress/English/Pages/default.aspx> [Accessed 14 September 2017].
- Israeli Judicial Authority, 2007-2016. *Freedom of Information Reports 2006-2015* (in Hebrew) [online]. Available from: <http://elyon1.court.gov.il/heb/haba/dochot/main.htm> [Accessed 6 August, 2017].
- Israeli Judicial Authority, 2008-2016. *Yearly Reports 2007-2015* (in Hebrew) [online]. Available from: <http://elyon1.court.gov.il/heb/haba/dochot/main.htm> [Accessed 6 August, 2017].
- Israeli Judicial Authority, n.d. Public Confidence. In: *General* [online]. Available from: <http://elyon1.court.gov.il/eng/system/index.html> [Accessed 6 August 2017]
- Israeli State Archives, 1953. GL-2391/30, *Report on Court Hearings in District Courts*. Jerusalem: Israeli State Archives.
- Judicial Ethics Rules (Klalei Etica l'shoftim), 2014.

- Katvan, E., 2012. The 'overcrowding the profession' argument and the professional melting pot. *International Journal of the Legal Profession*, 19 (2-3), pp. 301-319.
- Katvan, E., 2013. The Entry and Integration of Women into Judicial Positions in Israel. In: U. Schultz and G. Shaw, eds. *Gender and Judging*. Oxford: Hart.
- Kling, G., 2014. *Judicial Ethics* (in Hebrew). Tel Aviv: Israeli Bar Press.
- Kravitz, O., 2015. *The coverage of the Israel criminal system and the decline of public trust* (in Hebrew). PhD thesis, Tel-Aviv University.
- Landau, M., 1962. *Efficiency and Justice* (in Hebrew).
- Levin, D., 1993. Judgments (in Hebrew). *Hamishpat* 1, 185.
- Levy, M.K., 2013. Judicial Attention as a Scarce Resource: A Preliminary Defense of How Judges Allocate Time Across Cases in the Federal Courts of Appeals. *George Washington Law Review*, 81, 401-447.
- Maariv, 1955. Driving offenders punishments (in Hebrew). *Maariv*, 25 May.
- Maariv, 1987. Tax offences are administrative and not criminal offences from now on (in Hebrew). *Maariv*, 9 April.
- Marder, N.S., 2016. The Supreme Court's Transparency: Myth or Reality? *Georgia State University Law Review*, 32 (4), art. 2.
- Matza, E., 2011. The courts' overburden hurts the public (in Hebrew). *The Israel Democracy Institute Articles* [online], 22 February. Available from <https://www.idi.org.il/articles/9380> [Accessed 6 August, 2017].
- Ombudsman of the Israeli Judiciary, 2016. *2015 yearly report* (in Hebrew). Jerusalem.
- Opeskin, B., 2017. The Supply of Judicial Labour: Optimising a Scarce Resource in Australia. *Oñati Socio-Legal Series* [online], 7 (4). Available from: <https://ssrn.com/abstract=2928388> [Accessed 14 September 2017].
- Peleg, A. and Bogoch, B., 2010. The black robe and the yellow press: Perceptions of the media by Israeli judges (in Hebrew). *Media Frames: Israeli Journal of Communication*, 5, p. 13.
- Peleg, A., 2012. *Open court: the media effects on the legal Community* (in Hebrew). Tel-Aviv: Matar.
- Rosen-Zvi, I., 2005. Are Judges Human? The Construction of the Image of the Professional Judge in Light of Judicial Disqualification Rules (in Hebrew). *Mishpat Umimshal*, 8, p. 49.
- Salzberger, E., 2001. The Israeli Jurists Conspiracy – On the Israeli Bar and its Allies (in Hebrew). *Mishpatim* 32, p. 43.
- Segall, E.J., 2016. Invisible Justices: How Our Highest Court Hides from the American People. *Georgia State University Law Review*, 32 (4), art. 1.
- Shachar, Y., Harris, R. and Gross, M., 1996. Citation Practices of Israel's Supreme Court: Quantitative Analysis (in Hebrew). *Mishpatim*, 27 (2), p. 119.
- Shalev v. A.G.* [1960]. CrA. 69/60, PD 14 702, 703.
- Shani, G., 2006. Appeal by Leave: Descriptive and Normative Aspects of Interlocutory Appeals. *TAU Law Review*, 30 (1), 71.
- Sharvit, N., 2011. Collapsing under the pressure: Judges plan mutiny (in Hebrew). *NRG* [online], 16 February. Available from: <http://www.nrg.co.il/online/1/ART2/212/553.html> [Accessed 6 August 2017].

- Sinai, Y., 1959. Courts, Lawyers and Civilians (in Hebrew). *Heruth*, 16 January.
- State of Israel v. De-Marker* [2014] (in Hebrew) AAM 3908/11.
- Tadmor, J., 1978. I was devastated hearing about judges threatening to strike (in Hebrew). *Davar*, 3 March.
- Toledo v. A.G.* [1958]. CrA 90/58, PD 12 932, 933.
- Vinitzki, M., 1959. 102,000 reports against driving offenders in 6 months (in Hebrew). *Maariv*, 1 September.
- Wallace, A., Roach Anleu, S. and Mack, K., 2017. Judicial Work and AV Use: Perceptions from Australian Courts. *Oñati Socio-Legal Series* [online], 7 (4). Available from: <https://ssrn.com/abstract=3034200> [Accessed 14 September 2017].
- Yaakov, U., 2011. Judicial Lameness (in Hebrew). *Haaretz* [online], 12 December. Available from: <http://www.haaretz.co.il/opinions/1.1588976> [Accessed 6 August, 2017].
- Zer-Gutman, L., 2017. The effects of the shortage in Judges in Israel. *Oñati Socio-Legal Series* [online], 7 (4). Available from: <https://ssrn.com/abstract=3039979> [Accessed 20 September 2017].
- Zer-Gutman, L., Katvan, E. and Shnoor, B., forthcoming 2017. Lawyers' private and professional spheres and honor between them (in Hebrew). *Din Udvarim*, 10.