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A Judicial fairy tale, that makes you smile first and then think about the grey zones of judicial independence and accountability

The principality of Ursulaholm and its Judiciary

Ursulaholm is a very large island in the neighbourhood of Kalinigrad in the Gulf of Bothnia.

It has a long history of fierce independence and is inhabited by around 600.000 people. Most of them farmers and fishermen.

It has a princely house that descends from the latest adopted son of the Viking Kings, who was a French Napoleonic general. He brought the ideals of the French Revolution to the island and a written constitution.

There is a sizable German Protestant minority on the Island.

The majority of the Ursulaholmers is Roman Catholic and is governed by the Polish Archbishop for the historic reason that at one time in its history Ursulaholm was part of a commonwealth with the Kingdom of Poland, before Poland disappeared from the maps in 1795.

Civil Society is mainly organized along religious lines.

After the Russian Revolution in 1917 Ursulaholm has escaped Russian occupation by a policy of strict "Finlandisation".

Ursulaholm is a democracy under the Rule of Law, but after the last years elections there is a populist party called "Sunrise Again" that has 30% of the vote and thus 30 % of the seats in Parliament.

Ursulaholm is a proud member of EU since 2000 and has been a member of the Council of Europe since the start in 1949. It recognises the individual complaining right of its citizens at the ECtHR.

Ursulaholm has a Court of Justice that combines the tasks of Court of Appeal and Supreme Court. Its president is Mr. Machtaunas.

It has no Constitutional Court, but all judges are ex officio obliged to constitutional review the laws and the acts of government.

There are three first instance courts who always sit in one person formation.

Ursulaholm has no Council for the Judiciary.

Judges are selected by the Judiciary and the Ministry of Justice and Safety together, but the Minister signs the decrees appointing judges at the end of a three year education. One year of that education is spent at the Court of Justice and after that two years at the first instance courts. The judges who are being educated are vetted every year by a special commission comprising of a vice-president of the Court of Justice, a president of a Court of first instance and a leading professor of Law of Ursulaholm University.

For years the budget of the Judiciary has been a substantial part of the budget of the Ministry of Justice and Safety. The president of the Supreme Court is responsible under the law for the Judiciary for making an annual report, which always has been approved by parliament without comment. The backlog of the Judiciary has been growing lately from one year work to two years work. In the budget for the Judiciary there is a fixed amount of money for the education of new judges. They are called JTB's or Judges To Be.

Mr. Havitalski is president of a First instance Court. He is also the head of the training organization of new judges.

In this climate three young students start their education to become a judge, Marine, Victor and Donald.

After the new government has been installed, the new Minister of Justice and Safety Ms. Radiana from "Sunrise Again" sees many opportunities to improve the Judiciary and the education of judges.

She wants to start with reforming the budget of the Judiciary and to change it from a nominal sum of money into a system of output financing, which means that the Judiciary gets paid a fixed price per given judgement.

Because parliament also wants more control over the Judiciary and at the same time wants the Judiciary to have a selfgoverning body, Parliament asks Ms. Radiana to start consultations with the Judiciary on this subject.

Ms. Radiana proposes to Mr. Machtaunas a deal in which the Judiciary accepts output financing for the whole Judiciary including the JTB's in exchange for higher salaries for the members of the Court of Justice and the Presidents of the Courts of First instance.

Furthermore Mr. Machtaunas and the three presidents of the lower courts will form a Council for the Judiciary together with the Minister of Justice, who will be the President of the Council for the Judiciary. The purpose of this Council is to control the spending of the budget of the Judiciary.

Given the current production of judgements in Ursulaholm and the proposed fixed price per judgement, output financing will result in a budget for the Judiciary of 2/3 of what it was before.

Both Mr. Machtaunas and Ms. Radiana think that with more efficiency the budget will soon be equal to what it was, while there will be a smaller backlog.

Mr. Machtaunas thinks this is a very good deal and signs it on behalf of the Judiciary.

Ms. Radiana presents the deal in Parliament as a victory of liberal government.

The majority of Parliament is flabbergasted. It asks the immediate dismissal of Mr. Machtaunas. This is granted at once by Ms. Radiana who names in his place her friend Ms. Servantska, an older judge from the court of Mr. Havitalski.

Prince Jeanmonnetta III of Ursulaholm keeps himself strictly to his constitutional ceremonial role as head of State.

When asked about this judicial reform by Polish Television the Polish Archbishop -knowing that Ms. Radianta is also a devout Roman Catholic- sends his blessings to all Roman Catholic members of Parliament and expresses the hope there will be a peaceful transition to this new Judicial system. At the same time the spokesman of the Protestant minority declares on UT (Uruslaholm TV) that he respects the separation between State and religion and does not want to comment on the situation.

A large number of judges is furious and starts an association for the Judiciary called "Sol Iustitia" under the presidency of Mr. Havitalski.

The JBT's start their own section of "Sol Iustitia" that is led by Marine, Viktor and Donald. They start their own TikTok channel called "Just in time" to inform civil society about the situation.

At the first general meeting of Sol Iustitia it is decided that the first real choice it has to make is whether it accepts the projected reform of the Judiciary as such.

What are the arguments pro and contra ?

What ways are open to the Association ?

In what way Mr. Haviltaski can use his influence as President of "Sol Iustitia", as President of the lower Court (of which Ms. Servantska is a member) and as the head of the training organisation of the JTB's ?

Mr. Machtaunas does not accept his immediate peremptory dismissal. What ways are open to him ?

The new president of the Court of Justice, Ms. Servantska, is asked by the Minister of Justice and Safety to forbid "Sol Iustitia" by special interim measure of the Court of Justice, which is the sole competent court for all matters regarding the Judiciary..

What can the lawyers of "Sol Iustitia" argue in the hearing before Mr. Servantska ?

Meanwhile the JBT section of "Sol Iustitia" wants to protest and with that aim to start a Justice boat parade through the canals of Jeanmonnetta, the Capital of Ursulaholm.

Ms. Radianta forbids the Canal Parade because judges are not allowed to protest. Does she have a point ?

Ms. Radianta also closes the TikTok channel "Just in Time". She threatens the three JBT's with a negative assessment for their next vetting if they persist in protesting and agitating the public.

What can Marine, Viktor and Donald do ?

The Association of Criminals in Jail (ACJ) starts a case about the bad conditions in prison. They think the situation will deteriorate under the new Minister of Justice and Safety. The case system allotted this case to Mr. Havitalski as first instance judge. Ms. Radianta does not want him on the case and sends an instruction to the Court manager to allot this case to another judge. What can the Court manager do and what can Mr. Havitalski do ?

Marine writes a flaming article about the situation, helped by her father who is a leading Socialist politician.

Viktor who has good contacts with the Helsinki Committee of Ursulaholm asks them for help with printing flyers and banners for the boat parade.

Donald, whose mother has a large shipping company, meanwhile takes care of the boats for the Canal parade. His mother will make the boats available for free. Donald in his turn rents out the boats to finance the boat parade.

The Court of Mr. Haviltaski decides to rent a boat for the Canal parade, so the Court as a whole can express its aversion of the reform of the Judiciary.

What do you think of these actions ? Are they allowed for JTB's , for the Court of mr. Haviltaski and may "Sol Iustitia" profit from these actions ?

Due to the all this extra work for the organisation of the Canal parade Viktor will not be able to write all his allotted cases and turns to mr. Havitalski for help. What can Viktor and mr. Havitalski do?

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