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- **The Australasian Institute of Judicial Administration (AIJA):** The AIJA is an independent institute that draws its membership from all levels of the Australian and New Zealand judiciary, legal profession, court administrators, court librarians, and legal academics. The Institute's principal objectives are research and education focusing on court administration and judicial systems. <http://www.aija.org.au>
- **The Federal Judicial Center:** Established on the recommendation of the Judicial Conference of the United States, the Federal Judicial Center is the research and education organisation for the federal judicial system of the United States. The Center conducts and promotes research of judicial procedures and court operations and provides orientation and continuing education and training for federal judges and court employees. <http://www.fjc.gov>
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- **The Subordinate Courts of Singapore:** The Subordinate Courts have a broad jurisdiction that encompasses civil and criminal matters, family law, and juvenile justice. The Subordinate Courts have a long-standing commitment toward the reform of judicial administration, with particular emphasis on the international community and on the use of technology. <http://app.subcourts.gov.sg>

In addition, assistance in developing this *Framework* was provided by:

- **The European Commission for the Efficiency of Justice (CEPEJ):** Composed of experts from all of the member States of the Council of Europe, CEPEJ's tasks include identifying difficulties facing judicial systems in general, defining concrete ways of improving the functions of judicial systems, and evaluating their results for general consumption. <http://www.coe.int/cepej>
- **Spring Singapore:** Spring Singapore is a public body concerned with the betterment of enterprise of all kinds. The organisation focuses on quality and the enhancement of productivity in both the private and public sectors. <http://www.spring.gov.sg/Content/HomePage.aspx>
- **The World Bank:** The World Bank has 185 member countries. Within its broad mission of alleviating poverty worldwide, one significant area of interest is governance reform. Contributing to its work in this area is a multi-disciplinary staff that includes economists, public policy experts, and social scientists. <http://www.worldbank.org>

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## Purpose of the *Framework*

An International Consortium consisting of groups and organisations from Europe, Asia, Australia, and the United States developed this ***International Framework for Court Excellence***. **The goal of the Consortium's effort has been the development of a framework of values, concepts, and tools by which courts worldwide can voluntarily assess and improve the quality of justice and court administration they deliver.**

**The *Framework* represents a resource for assessing a court's performance against seven detailed areas of court excellence and provides clear guidance for courts intending to improve their performance.** It provides a model methodology for continuous evaluation and improvement that is specifically designed for use by courts. It builds upon a range of recognized organisational improvement methodologies while reflecting the special needs and issues that courts face. The *Framework* incorporates guidance on standard performance measures, but more importantly it provides a path for improvement in the quality of court performance. Unlike many existing initiatives employed by courts throughout the world to measure or improve specific areas of a court's activities or services, the *Framework* takes a holistic approach to court performance. It represents a process for a whole-court approach to achieving court excellence rather than simply presenting a limited range of performance measures directed to limited aspects of court activity.

The absence of a court-specific framework and the inadequacy of existing benchmarking and performance measurement systems, at an international and national level, inspired the Consortium to develop this *Framework*. Although a broad understanding of key areas and standards for court performance does exist, courts need more than a collection of qualitative and quantitative performance measures. **The *Framework* represents the product of an international attempt to identify a process for achieving court excellence regardless of the location or size of a court or the resources or technology available to it.** It is designed to apply to all courts and to be equally effective for sophisticated large urban courts and smaller rural or remote courts.

**The *International Framework for Court Excellence* also incorporates case studies, court performance improvement processes and a range of available tools to measure court performance and development.** It is intended that the *Framework* will be regularly reviewed and modified to reflect new systems and initiatives directed to improving how courts deliver services. It serves also as a rich resource of information on the range of court improvement initiatives adopted throughout the world.

## Applying the *Framework* to Courts

**The name given to “courts” often differs from country to country. The structure, workload, and funding mechanisms of “courts” vary widely as well.** The *Framework* is not prescriptive and may be applied to bodies referred to as courts, tribunals, commissions, committees and similarly named bodies.

**Courts may have general, limited, or specialised jurisdiction and may be organized and funded in various ways.** Courts may be composed of professional or lay judges, or they may be composed of legal professionals acting in a judicial capacity on a case-by-case basis. Courts may be secular or religious. In one country, certain types of disputes may make up the core of a court’s workload, while in another country, the same kinds of disputes may not be resolved by the courts at all. The legal needs of the population as well as their preference for certain dispute resolution forums may also vary. Funding mechanisms differ widely with varying roles for the Ministry of Justice, the Judicial Council, the Supreme Court, the Ministry of Finance, the Parliament, or other municipal, state, and federal departments or authorities.

**Courts play a fundamental role in the day-to-day lives of citizens, enterprises, and governments.** Courts help establish and sustain a rule of law by which people can order their lives. When there is a departure from the law, courts provide a neutral and credible place where that departure can be remedied. They do this in three basic areas: criminal law, civil law, and various specialized courts.

**While criminal cases are defined differently in various countries throughout the world, the courts share similar responsibilities.** First and foremost, they adjudicate on whether a crime has been committed. They also help to deter criminal behaviour by imposing sentences and by contributing to the rehabilitation of the convicted.

**In the field of civil law, the courts adjudicate different types of disputes primarily involving citizens and businesses. Where administrative law is integrated into civil law, the courts also rule in disputes involving local, regional, or national governments.** Civil law most often includes family law cases, commercial law cases, labour law cases, and disputes between citizens and public authorities, including, for example, such entities as insurance funds. Specialised courts include administrative courts, tax courts, environment and planning courts, and commercial courts, to name only a few. **For the sake of simplicity and to capture all of these roles, the *International Framework for Court Excellence* uses the term “court” for all bodies that are part of a country’s formal court system.** The *Framework* also refers in a substantive sense to all other courts and tribunals whose function is to adjudicate matters impartially and fairly on the basis of rules of law and in a way that is binding for the parties involved.

**Adjudication is the core business of courts worldwide, but courts also have a supervisory or registry component.** They are often responsible for enforcing remedies involving breaches of civil law, bankruptcy, and the liquidation of companies and their assets. In some countries, courts supervise the maintenance and integrity of key legal records, such as information about corporations and land ownership. In some jurisdictions, courts are responsible for enforcing the payment of judgments for uncontested debt, or they may be asked to supervise therapeutic programs, sentences, and the collection of fines in criminal matters.

## **Applying the *Framework* to Courts** (continued)

**The *Framework* captures these non-adjudicative functions, including Alternative Dispute Resolution (ADR), where there is a sufficient link through court management or oversight.** It is a common trend around the world for courts to encourage or provide ADR through such vehicles as mediation, conciliation, or arbitration. One reason behind this trend is that ADR may reduce the workload of judges if conducted by non-judicial personnel within the court, and may reduce the workload of the courts overall if conducted outside the auspices of the courts. An example of this would be the utilization of private ADR firms. ADR may also provide the parties in dispute with more satisfactory outcomes including fuller participation and privacy. Regardless of the specific method (e.g., mediation, arbitration) employed, ADR can be a working part of the competencies of courts. If this is the case, the *Framework* covers these processes. On the other hand, private firms promoting ADR do not fall within the working sphere of the *Framework*.

The ***International Framework for Court Excellence*** applies to all courts irrespective of the legal culture (common law, civil law, religious law), level of specialisation, manner of financing, types of judicial officers (professional judges, lay-judges, legal professionals), and involvement of citizens in the judicial process (e.g. trial by jury). The *Framework* applies to Alternative Dispute Resolution as well, if provided or overseen by the court organisation.

## Benefits of Adopting the *Framework*

In developing the *Framework* the Consortium recognised the special role and functions shared by courts throughout the world, despite the significant diversity of political, economic, and legal systems. These include upholding the law, resolving legal disputes, enforcing obligations, determining the consequences for unlawful behaviour, and safeguarding legal rights. Inherent in these functions is the assurance that the structure and machinery of the courts are accessible to the citizens they serve. **Adoption of the *Framework* will help ensure courts are able to deliver the quality court services essential to fulfilling their critical role and functions in society.**

Fair, accessible, and efficient courts create positive relations among its citizens and between the individual citizen and the State. Public trust and confidence that a court will provide accessible, fair, and accountable proceedings is, in turn, naturally enhanced by an effective and efficient court system. Confidence within the business community and therefore in business investment are likewise heightened. **A sound justice system enables positive economic growth and healthy social development.**

**Courts should resolve disputes and decide on cases arising under law in a fair, accessible, effective and efficient manner within a reasonable time. It is the purpose of courts to interpret the law consistently, impartially and independently to protect the rights and liberties of those who the court serves.** The importance of the court's role in society cannot be overstated; however, the courts cannot rely upon their constitutional status to guarantee respect for their role, nor can this status ensure public confidence in their decisions. To maximize their effectiveness, the courts require the respect and support of the community, and they must do everything in their power to earn it. If the court conducts itself with impartiality and fairness, the people will embrace its role in the community and accept its decisions. Courts that are open and accountable to the community

will naturally retain the high opinion of the people. However, this rather fragile community confidence can easily be shaken by the lack of procedural fairness, poor administration, lack of accessibility, and unnecessary delays in resolving judicial matters. **The *Framework* provides guidance to courts keen to ensure a high level of community confidence in their courts.**

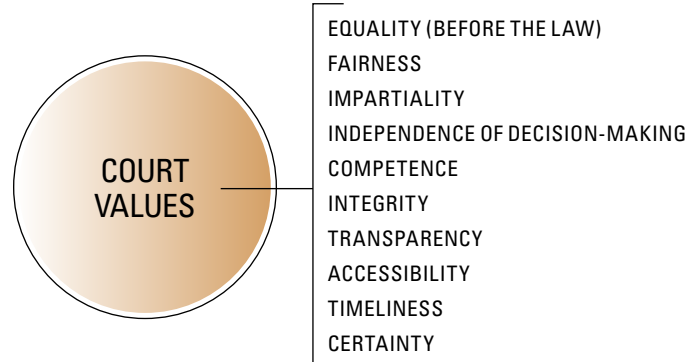
Courts are accountable to the community as a whole. In this regard, it is absolutely vital that the public feels confident that court decisions are not tainted by undue influence. **Adopting the *Framework* helps establish independence and accountability — the key factors in establishing a court's legal and organisational boundaries in monitoring and controlling its operations, and in accounting publicly for its performance.**

When it comes to issues of oversight and scrutiny, courts are in many ways unique compared to most other important public institutions. Most legal systems provide constitutional or legislative requirements and political conventions to give the courts a degree of freedom from scrutiny that other public institutions do not have. It is therefore necessary for the courts to strive for continuous improvement in the quality and efficiency of their administration and decision-making. **Reviewing court procedures, administration, and performance on a regular basis, as contemplated by the *Framework*, is a necessary part of the court providing self-oversight.**

## Court Values

Commercial and government organisations generally record and publish sophisticated standards of performance and regularly implement quality improvement methodologies. **A unique understanding of the judiciary's distinctive roles and values is required before the criteria and processes used in the private sector and other segments of the public sector can be effectively adapted for the courts.**

**The Consortium recognizes broad international agreement regarding the core values that the courts apply in carrying out their role.** Among those most important values to the successful functioning of the courts are: equality before the law, fairness, impartiality, independence of decision-making, competence, integrity, transparency, accessibility, timeliness, and certainty.



## Court Values Embodied in the *Framework*

**These core values guarantee due process and equal protection of the law to all those who have business before the courts.** They also provide direction to courts and provide a paradigm of principles for a proper functioning court.

Values such as fairness and impartiality set the standards by which courts conduct themselves. The values of independence and competence are primarily related to the ability of the judge to make decisions based solely on a thorough understanding of the applicable law and the facts of the case. Integrity includes the transparency and propriety of the process, the decision, and the decision maker. Justice must not only be done but be seen to be done. Accessibility incorporates the ease of: gaining entry to the legal process (including reasonable filing fees and other costs, access to counsel and, if needed, an interpreter) using court facilities effectively, and obtaining accurate, complete information about the judicial process and the results of individual cases. Timeliness reflects a balance between the time required to properly obtain, present, and weigh the evidence, law, and arguments, and unreasonable delay due to inefficient processes and insufficient resources. No less important is the guarantee of certainty; that a decision will at some point be considered 'final' whether at first instance or through an appeal process.

## Court Values (continued)

**In general, values and the protection of citizens in court proceedings are directly related. In certain countries, underlying court values can be found in specific provisions of the law of the country.** In other countries, these values may have derived from international treaties. Values also define the quality of the proceedings and the role of the judge and the court in the decision making process, including in criminal cases through the application of the principle of “innocent until proven guilty.” Examples of values in international law and treaties can be found in the UN Universal Declaration of Human Rights (articles 10 and 11) the European Convention on Human Rights (article 6), the ASEAN Charter (chapter 1), and the Bangalore Principles of Judicial Conduct. Whether or not a particular country applies international conventions on the issue of human rights, **it is important from a citizen’s perspective that core values for courts and judicial proceedings are made explicit and public.**

**The *Framework* has been developed with particular recognition of the importance of promotion and adherence to these core values to the proper functioning of courts.**

**A shared understanding of (organisational) values gives meaning to an organisation in general and provides a direction.** Shared values, such as fairness, impartiality, independence, transparency, timeliness and competence, endorsed and promoted by the judges and court staff are a reflection of the dominant organisational culture of a court. Of course the definition and priority of these values can vary from one court to another one and from one country to the other.

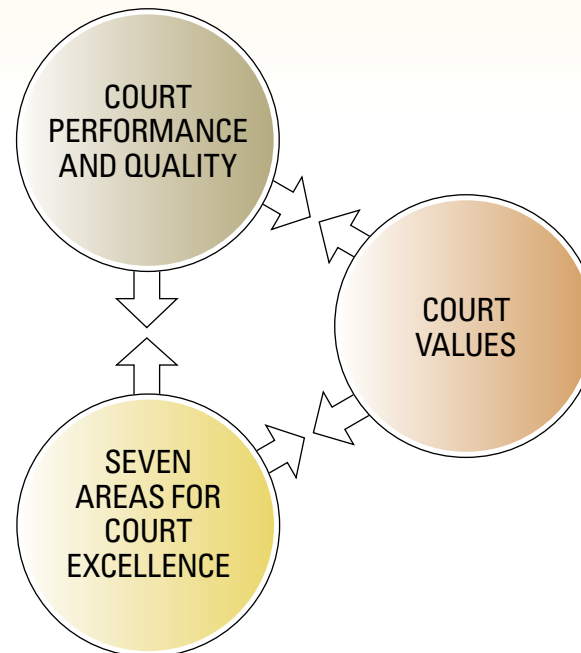
**These shared values are imbedded in the individual areas of measurement specified in the *Framework*.** For example, one of the most important tasks of the management of courts and effective leadership (the first area of excellence) is the promotion of shared values. It is the responsibility of the presiding judicial officer of the court, the heads of departments and other managers of the courts to encourage understanding of and adherence to common values, such as independence, integrity and timeliness. This can be influenced by different forms of internal and external communication and the way in which the courts are managed. Common court values can also be promoted via the implementation of specific court policies (the second area of excellence). Examples include the creation of a training and education policy to enhance the competence of judges and court staff or the development of a mission statement which reflects all the shared values of the court.

## Court Values (continued)

A journey towards court excellence is also a journey towards the strengthening of the common court values and — as a result of that — to an improvement of the court performance and quality. **The Framework makes these values more concrete and provides signposts to measure progress on the journey.** To illustrate, using the court value ‘accessibility’ as an example, ‘affordable and accessible court services’ is included as an area of excellence together with a set of suggested approaches for achieving

excellence by minimizing financial, physical and ‘virtual’ barriers to access. Thus, a court that has policies that promote access and that has taken such steps as installing clear signs for court visitors, providing comfortable waiting and public areas in the courts, maintaining websites with practical court information, establishing moderate fees and waiver of fees provisions, and offering linguistic or special facilities for disabled persons demonstrably reflects adherence to the value of accessibility.

## Framework for Court Excellence



## Court Excellence

**The Framework is based on two concepts that are key for court excellence: management and measurement.** To become an excellent court, proactive management and leadership are required at all levels, not only at the top, and performance targets have to be determined and attained. Well-informed decision-making requires sound measurement of key performance areas and reliable data. These measurements, coupled with the appropriate data, indicate the court's current standing in terms of performance, suggest how much progress is being made toward targeted goals, and also identify areas for improvement.

**Performance in this sense captures the quality of the court's management and leadership, indicates how well the supply side of justice is doing (court organisation, judicial services, court policies), and how effectively the demand side for justice (external environment and court users) is being met.** The latter is the ultimate litmus test for performance. The data generated by these measurements will create feedback into matters regarding internal court organisation and judicial services as well as the formulation of court policies. The application of the performance measures will produce information regarding the external environment surrounding the courts and establish dialogue with court users and the public in general.

**The Framework identifies Seven Areas for Court Excellence.** Each area conveniently captures an important focus for a court in its pursuit of excellence. Each area has a critical impact on the ability of the court to adhere to its core values and to deliver excellent court performance. These Seven Areas for Court Excellence, described in greater detail below, are linked to the core values identified earlier.

**A court can begin its journey towards excellence by addressing each of the Seven Areas** both in terms of performance results and public confidence in the quality of services delivered by the court. The journey is one of continuous improvement towards excellence achieved through optimal internal organisation of the courts, emphasizing strong leadership, clear court policies, quality resource management, effective and efficient court operations, and a high level of quality and reliability of court (performance) data. The relationship between the key performance areas are shown on the following figure:

## Seven Areas of Court Excellence



### 1. Court Management and Leadership

**Proactive management and inspiring leadership in an organisation are crucial for court success and excellence.** This is true for all levels in the organisation. They are key in moving beyond the status quo by improving quality, effectiveness, and efficiency of services. Due to the specific character of courts as professional organisations, the heads of courts and the court managers must develop a vision of what the court can be, promote core-values that are important for an optimal functioning of their organisation, and take into account the needs and wishes of the court users through two-way communication.

Indeed, strong leadership implies that the court is not operating in 'isolation' without any relationship to society and external partners. **An excellent court organisation with outstanding performance results can only be realized**

**by co-operation with other organisations and partners that influence the work of the court** such as public prosecution agencies, governmental agencies, the local bar, the police, and enforcement agents.

**Strong leadership also requires the creation of a highly professional management capability within the courts as well as a focus on innovation within the courts and the anticipation of changes in society (which can lead to changes in demands for judicial services).** In most countries the head of courts are judges with a high level of judicial expertise. This does not automatically guarantee that they are also the best managers for courts. Excellent courts may also engage non-judge court administrators who are professionally trained in financial and organizational management and may encourage them, as well as the judges in leadership roles, to take part in courses to improve their management skills. Innovation and flexibility of the court organisations are important because societal change is a fact of life: for example, the growing

## Seven Areas of Court Excellence (continued)

mobility of citizens, internationalization, changes in economic climate, variation in the level of crime rates in countries, and modifications of laws. Excellent court managers recognize change early on. They actively involve staff and judges not in leadership positions in identifying challenges and solutions. They try to modify work processes and organisational structures as well as to implement innovative solutions that lead to improved performance results and a high level of quality.

**Other measures of strong leadership include the ‘openness’ of the organisation and accountability.** This means that courts regularly publish their performance results and provide information on the level of quality to the public.

**Strong court leadership implies the promotion of the external orientation of courts, a proactive and professional management culture, accountability and openness, an eye for innovation and a proactive response to changes in society.**

### 2. Court Policies

Defining, implementing, and assessing court policies are key tools for effective management and strong leadership. It implies that the courts systematically collect information about their performance, the changes in society, and the needs and wishes of court users and external partners of the courts. This obviously requires a proper management information system to register and process performance data relevant for analysis. **Excellent courts use a system of policies and plans to realize the objectives that have been formulated in terms of court performance and quality.**

Based on empirical data, excellent courts actively use judicial policies to improve services. **Judicial policies may focus on strengthening specific values or the realization of well-defined goals.** A policy, for example, can aim at strengthening the unity of law by introducing guidelines for certain types of cases. In civil proceedings, a policy can encourage judges to take an active role in utilizing and enforcing standards for submitting documents or new evidence. In criminal proceedings, a policy can be used to help reduce the number of postponements of court sessions.

**Excellent courts formulate, implement and assess clear policies and strategies** for achieving performance objectives for efficiency and quality they have set at an earlier stage.

### 3. Court Proceedings

**Fair, effective and efficient court proceedings are indicators of court excellence.** Inefficient parts of court proceedings can be identified and proposals for improvement developed based on an analysis and description of work processes in the courts. Timeliness and foresight are crucial. Duration of the litigation process must be constantly monitored as well as pending cases that have been in the process for an excessive period. Appropriate measures must be taken in situations where the duration exceeds the norms. The standard operating procedures of an excellent court comprise important elements such as agreed upon time standards, establishment of case schedules in individual cases, the active role of the judge with respect to time management, limitations in the postponement of court sessions, effective scheduling methods for court sessions, and the use of differentiated case management and, if applicable, alternative dispute resolution techniques.

## Seven Areas of Court Excellence (continued)

**Efficient and effective court proceedings also require a sound division of labour between judges and court staff.** Judges should focus on adjudication. Court staff should deal with minor judicial tasks and administrative aspects. In excellent courts the non-judicial functions of judges are limited (or may even be absent) and the judge tries to minimize the clerical tasks performed by the judge, while allowing for judges' participation in appropriate leadership, managerial, and policy work. Similarly, substantive legal and procedural decisions are not left to court staff.

**Excellent courts have fair, efficient, and effective court proceedings.** Much attention is given to assuring timeliness and eliminating or avoiding a backlog of cases. An efficient division of labour between judges and court staff is used and the number of administrative tasks addressed by the judge is limited as much as possible.

### *4. Public Trust and Confidence*

**In general, a high level of public trust and confidence in the judiciary is an indicator of the successful operation of courts.** Lack of corruption, high quality and understandability of judicial decisions, respect for the judges and timely court proceedings will increase the public trust in the judiciary. A high level of public trust will enhance voluntary compliance with court orders, strengthen respect for the rule of law, and increase support for the provision of resources to meet court needs. Excellent court organisations systematically measure the level of public trust and confidence in the judiciary and court staff and compare the results with the public trust in other governmental organisations.

### *5. User Satisfaction*

Research has consistently shown that the perceptions of those using the courts are influenced more by how they are treated and whether the process appears fair, than whether they received a favourable or unfavourable result. Thus, **one of the important aspects of the quality approach and the 'search for excellence' is that it takes the needs and perceptions of court users into account.** Court users include but may not be limited to members of the public and businesses making use of the services of the courts (e.g., litigants, witnesses, crime victims, those seeking information or assistance from court staff, etc.) and professional partners (lawyers, public prosecutors, enforcement agents, legal representatives of governmental agencies, court experts, and court interpreters). Accordingly, measures must address not only the level of satisfaction with the outcome of the court proceeding, but also the level of satisfaction with how the parties, witnesses, and lawyers were treated by the judges and the court staff; the (perceived) expertise of the judges and staff; and the fairness and understandability of court procedures and decisions.

**Excellent courts systematically evaluate the perceptions and needs of court users.** The information will be used to improve the quality and processes provided by the courts.

## Seven Areas of Court Excellence (continued)

### *6. Court Resources (Human, Material and Financial)*

**Excellent courts manage all available resources properly, effectively and proactively.** They define priorities, and take into account developments in society and the changing wishes and needs of court users and external partners.

**The most important resources of the courts are its personnel, the judges and court staff.** Excellent courts use up-to-date information on the workload of judges and staff. Excellent courts apply and continue to improve objective workload models, which describe the relationship between court case categories and the average time needed by a judge and court staff to prepare and finalize a case. In combination with the anticipated number of incoming cases and pending cases, this information is used to predict the number of personnel needed.

Since courts are professional organisations (like universities and academic hospitals) **excellent courts respect the professional values that are related to the function of a judge and stimulate knowledge sharing and improvement of relevant knowledge.** In excellent court organisations there is a good working climate and the level of satisfaction of personnel, both judges and staff, is high. There is also a system for continuing training and professional education.

**Excellent court organisations have sufficient material resources to fulfill their objectives and carefully manage and maintain these resources.** Poor quality of courtrooms, inadequate buildings, a lack of office space for judges, court staff, and court records, inadequate office material and equipment, including computers, will have a negative effect on the court's performance and the quality of the services delivered.

**The sound and proactive management of financial resources implies effective budgeting and fiscal management.** This normally includes regular outside audits. For example, at the end of the budget year the accounts of the courts are controlled and inspected by independent accountants.

**The human, material and financial resources of courts are managed adequately and proactively.** Excellent courts nurture the professional values of judges and court staff. They stimulate continuous training and education. The working climate in the court is positive and well appreciated by the personnel. Excellent courts possess adequate court facilities, appropriate office space for judges, staff and court records, and where appropriate up-to-date computer equipment with all the software applications necessary for a proper functioning of a court. The budget process of an excellent court is based on documented needs and an efficient process, and the spending of the budget is independently audited.

## Seven Areas of Court Excellence (continued)

### 7. Affordable and Accessible Court Services

**Excellent courts are affordable and easily accessible for litigants.** Court fees do not prevent members of the public from accessing the judicial process, cumbersome procedures and requirements do not drive up litigation expenses, and forms and comprehensible basic information about court processes are readily available at low or no cost.

**Physical access is easy and comfortable.** Court users can easily reach the public visitors area of courtrooms, directions in the courts are clearly displayed, and a central information point guides court users through the court. Safety is guaranteed, but excessive safety measures do not prevent litigants from feeling comfortable.

**Excellent courts do not only provide easy physical access, but when feasible and appropriate, also have a high level of 'virtual' accessibility,** for example, through a court website with information enabling self-represented court users to navigate the courts (general information on the court, court proceedings, and court fees), electronic filing, and use of videoconferencing. Court users should be able to keep themselves informed about the progress of a case and/or should be able to download, register and transfer electronically documents to the courts and retrieve information back as well.

In addition, **excellent courts offer linguistic access for those not fluent in the language(s) used in judicial proceedings and for those with disabilities that affect hearing and/or vision.** Competent interpreters are available both in the courtroom and at the registry counter who are knowledgeable about legal terms and processes in both the prevailing and the foreign language involved and understand the ethical responsibilities and constraints of court interpretation. Basic information about court processes is available in the languages commonly spoken in the community served by the court.

**Excellent courts limit financial barriers to the judicial process** by setting fees at a reasonable level, permitting waiver of fees for persons who are indigent, and working with relevant agencies and organisations to ensure that legal services are affordable and that legal assistance is available.

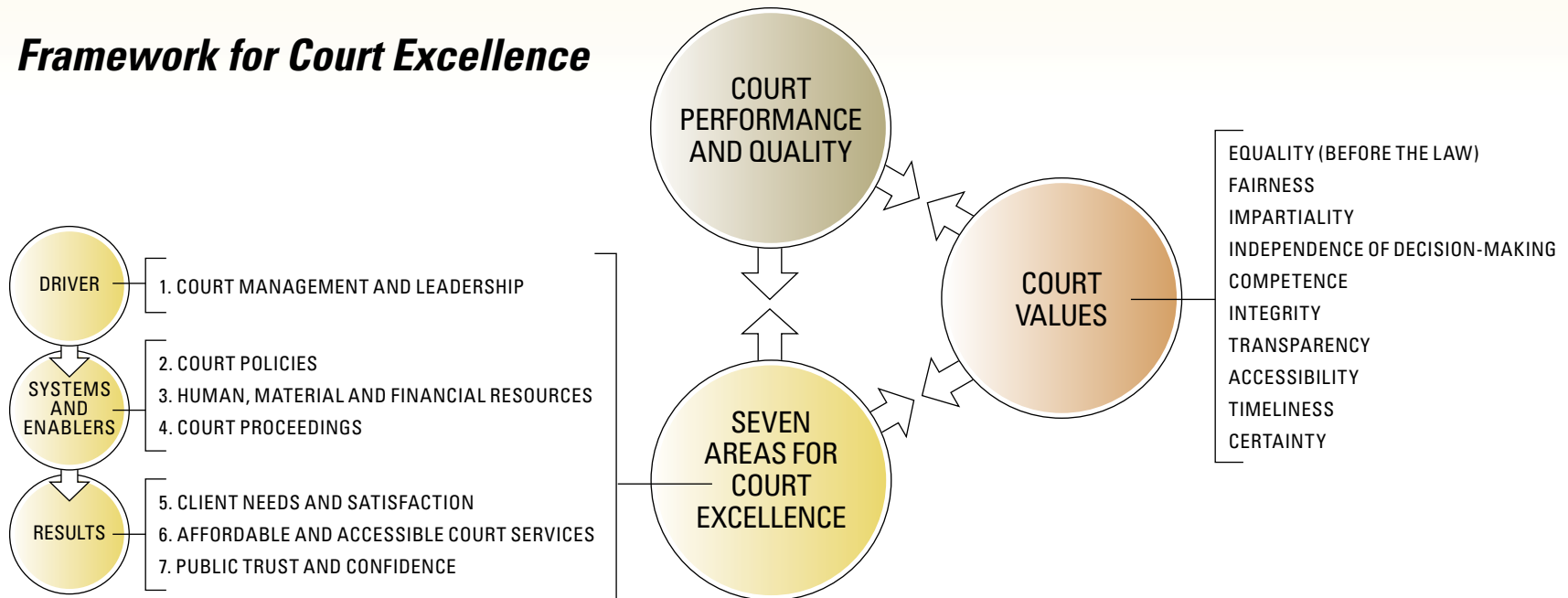
**Access to justice** is facilitated by adhering to universal physical access standards, providing court interpreters and offering information in the languages spoken in the community served by the court, setting court at affordable levels, and working with agencies and the legal community to ensure that legal assistance is available to those financially unable to retain a lawyer. When feasible, excellent courts make access and information available electronically via the Internet as well as at the courthouse.

**Link between Court Values and Seven Areas for Court Excellence**

It is important for courts to not only publicise the values which guide court performance, but also to ensure those values are built into the court's processes and practices. The *Framework* provides a clear method for courts to assess whether the values they have identified as being important are in fact guiding the court's role and functions. Each value should be reflected in at least one of the areas of court excellence and, through the *Framework* process of assessment and improvement, a court can be aware of how well it is promoting and adhering to the values it espouses.

The tables on the following pages list, by way of a few examples, how a court may wish to link its values to the areas of performance and the measures by which adherence to those values may be tested.

**Framework for Court Excellence**



Mapping Court Values and Court Performance Systems to the *Framework*

**INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE**

	COURT MANAGEMENT AND LEADERSHIP	COURT POLICIES	COURT PROCEEDINGS	PUBLIC TRUST AND CONFIDENCE	CLIENT NEEDS AND SATISFACTION	HUMAN, MATERIAL AND FINANCIAL RESOURCES	AFFORDABLE AND ACCESSIBLE COURT SERVICES
<b>COURT VALUES</b>							
EQUALITY (BEFORE THE LAW)		•	•	•	•	•	•
FAIRNESS		•	•	•	•		
IMPARTIALITY	•	•	•	•	•	•	
INDEPENDENCE OF DECISION-MAKING	•	•		•	•	•	
COMPETENCE	•	•	•	•	•		
INTEGRITY	•	•	•	•	•	•	
TRANSPARENCY	•	•	•	•	•	•	•
ACCESSIBILITY			•	•	•	•	•
TIMELINESS		•	•	•	•	•	•
CERTAINTY		•	•	•	•		

**COURTOOLS (UNITED STATES OF AMERICA)**

MEASURE 1 — ACCESS & FAIRNESS SURVEY			•	•	•	•	•
MEASURE 2 — CLEARANCE RATES			•	•	•		•
MEASURE 3 — TIME TO DISPOSITION	•	•	•	•	•		•
MEASURE 4 — AGE OF ACTING PENDING CASELOAD			•	•	•		•
MEASURE 5 — TRIAL DATE CERTAINTY			•	•	•		•
MEASURE 6 — RELIABILITY & INTEGRITY OF CASE FILES	•	•	•	•	•	•	•
MEASURE 7 — COLLECTION OF FEES AND FINES	•	•	•	•	•		
MEASURE 8 — EFFECTIVE USE OF JURORS					•		
MEASURE 9 — COURT EMPLOYEE SATISFACTION	•	•	•	•		•	
MEASURE 10 — COST PER CASE	•	•	•	•		•	•

Mapping Court Values and Court Performance Systems to the **Framework** (continued)

<b>INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE</b>	<b>COURT MANAGEMENT AND LEADERSHIP</b>	<b>COURT POLICIES</b>	<b>COURT PROCEEDINGS</b>	<b>PUBLIC TRUST AND CONFIDENCE</b>	<b>CLIENT NEEDS AND SATISFACTION</b>	<b>HUMAN, MATERIAL AND FINANCIAL RESOURCES</b>	<b>AFFORDABLE AND ACCESSIBLE COURT SERVICES</b>
<b>OUTCOMES/OUTPUTS FRAMEWORK (AUSTRALIA)</b>							
Backlog – percentage of cases older than nominated timeframes (ROGS)		•					•
Case finalisation times – percentage of cases finalised within nominated timeframes (Internal/Annual Reports)			•				•
Clearance Ratio (ROGS)	•	•	•				
Complaints per 100,000 lodgments (Internal Reports)				•	•		
Cost Recovery- civil court fees collected as a proportion of civil expenditure (ROGS)	•					•	
Customer Satisfaction (Annual Surveys)				•	•		
Employee Satisfaction (Survey)	•		•				
Judicial Officers (FTE) per 100,000 people (ROGS)						•	
Net cost per finalisation (ROGS%)	•	•				•	
Number of Finalisations per Judicial Officer (ROGS)						•	
Percentage of Cases Referred to Court Provided Mediation (Internal/Annual Reports)							•
Percentage of Court Hearings With Uniformed Sheriff Officers Present (Internal Reports)				•			
Staff Sick Leave (Monthly internal reporting)	•						
Staff Turnover (Monthly internal reporting)	•						
Surveys of Average Civil Court Fees Collected per Lodgment (ROGS)							•

% ROGS – Report on Government Services (Annual) + Internal/Annual Report – varies from court to court

**Mapping Court Values and Court Performance Systems to the *Framework*** (continued)

<b>INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE</b>	<b>COURT MANAGEMENT AND LEADERSHIP</b>	<b>COURT POLICIES</b>	<b>COURT PROCEEDINGS</b>	<b>PUBLIC TRUST AND CONFIDENCE</b>	<b>CLIENT NEEDS AND SATISFACTION</b>	<b>HUMAN, MATERIAL AND FINANCIAL RESOURCES</b>	<b>AFFORDABLE AND ACCESSIBLE COURT SERVICES</b>
<b>RECHTSPRAAQ (THE NETHERLANDS)</b>							
Quality review by an independent committee (every 4 years)	•	•	•	•	•	•	•
Court employee satisfaction survey (every 4 years)		•					
Court employee survey						•	
Court user satisfaction survey							
Internal review of the progress and implementation of quality improvement measures (every 2 years)	•	•					
Measurement system for judicial operations		•	•	•	•		•
Objective financing for model courts						•	
Peer review system judges		•					
Permanent education system		•					
Quality statutes (for the court and the court departments)	•						
Uniform complaint procedures				•			
<b>QUALITY MODEL ROVANIEMI COURT (FINLAND)</b>							
Court Statistics			•			•	
Evaluation by experts	•	•	•			•	•
Self-evaluation by judges of their court's operations	•	•					
Survey of (lay judges) judges, courts, court personnel			•				
Surveys of lawyers, prosecutors and parties and sometimes media representatives				•	•		•



Mapping Court Values and Court Performance Systems to the *Framework* (continued)

**INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE**

**COURT MANAGEMENT AND LEADERSHIP**

**COURT POLICIES**

**COURT PROCEEDINGS**

**PUBLIC TRUST AND CONFIDENCE**

**CLIENT NEEDS AND SATISFACTION**

**HUMAN, MATERIAL AND FINANCIAL RESOURCES**

**AFFORDABLE AND ACCESSIBLE COURT SERVICES**

**QUALITY AWARD FRAMEWORK USED BY THE SINGAPORE SUBORDINATE COURTS (SINGAPORE)**

Organisation's leadership system, purpose, vision, values, and its responsibilities to the community and the environment	•						
Planning process		•					
How all key performance requirements are integrated into the organisation's plans		•					
The deployment of the plans		•					
How performance is tracked		•					
The key processes the organisation uses to pursue its objectives and goals, including: innovation processes, key processes in the administration of justice and, the management of suppliers and partners			•				
Results from local survey of public confidence and International rankings of the judicial systems				•			
How the organisation determines customer and market requirements, builds relationships with customers, and determines their satisfaction					•		
Organisation's management, of information (including knowledge) and the use of comparative and benchmarking information to support decision-making at all levels of the organisation						•	
How the organisation taps the full potential of its workforce to create a high performance organisation							•

## Assessment of Court Excellence

**The *Framework* envisions a continuous and steady journey that is court-driven, improvement-focused, and participatory.** Outlined below is a description of how a court might start this process and its journey toward excellence.

**The first step in the journey towards court excellence involves an assessment of how the court is currently performing.** Undertaking a self-assessment as the first step allows the court to identify those areas where attention may be required and to set a benchmark against which the court itself can measure its subsequent progress. The *Framework* incorporates a self-assessment tool, which allows a court to undertake its own assessment of its performance measured against the Seven Areas for Court Excellence.

A court may wish to engage professional assistance in undertaking the assessment, but this is not necessary. **The Self-Assessment Questionnaire is designed to enable the assessment to be easily undertaken by the court itself.**

The *Framework* envisages a process that is participatory: **judges, administrators, and other court employees all have a role to play in evaluating court services and in developing and implementing improvements.** It can and should be a win/win situation for all involved.

**In addition, the *Framework* calls for active involvement of the court's other professional partners,** including the bar, public prosecutors, law enforcement agencies, and other governmental and non-governmental agencies. The court should actively seek the views of these various groups in evaluating relevant aspects of court services and in the process of identifying areas of improvement. Maintaining open lines of communications with these professional partners can only enhance the process.

**The court's path to excellence will also be advanced by open communication regarding its strategies, policies and procedures** with court users and the public in general. Seeking the input of those individuals and businesses that use the court as well as the public-at-large can help in making for a better functioning court system. Indeed, outside feedback about the court's integrity and its competence may often be the most accurate barometer of the court's quality.

## Assessment of Court Excellence (continued)

**In its quest for excellence, the court should keep in mind the age-old adage: “No one is perfect.”** Some court leaders and employees may be hesitant to use the *Framework* because they fear the consequences of personal and court-related evaluations. It is likely that those familiar with the court are already aware of many of the problems that are more fully documented after initiating the *Framework* process. Taking the initiative to address these suspected shortcomings more often enhances reputations and evaluations than diminishes them.

Court leaders may also see the process as a means of documenting previously unrealized goals, goals the court may in fact have set for itself. **The *Framework* is meant to aid courts in finding the appropriate means for meeting its goals.** A self-initiated and transparent court review may, for example, lend credibility in the court’s legislative request for appropriate funds to update buildings and to engage additional judges. In all cases, the focus of the *Framework* is improvement in court services, and a process of self-examination that is transparent and allows the court to propose improvements based on objective information will lend credibility to that goal, including legitimate requests for additional resources.

In addition, court employees may resist using the *Framework* because they fear reprisal for poor performance. For example, a court employee responsible for monitoring the court’s budget may resist an independent audit because he or she knows the accounting procedures currently being used in the court are substandard. Court leadership can help allay such fears by emphasizing that **the purpose of the evaluation is not to lay blame for problems. Rather the goal is to bring such deficiencies to light and correct them.** Court leadership can further allay these fears by underscoring the court’s need for employee involvement in reaching this goal. In this example, the audit and the improvements that may result from it should not be viewed as an end in and of itself but rather a means to build and maintain public trust and confidence in the court system.

## Court Excellence Self-Assessment Questionnaire

The Self-Assessment Questionnaire is a necessary first step to developing a plan to close the gaps between ‘what is’ and ‘what can be’. **It will assist in determining which issues can and must be addressed in the short-term and those that necessitate more intermediate or long-term planning.**

### **The Self-Assessment Questionnaire reflects the Seven Areas for Court Excellence.**

Under each of the Seven Areas for Court Excellence, the Consortium has listed what are considered to be the key activities, which if performed at the highest quality level represent excellence in judicial/court administration. A court is required to consider each of these activities and to assess whether it has addressed the issue and if so the extent to which its approach has been successful and effectively delivered results.

### **Although it is essential that an initial self-assessment be conducted, it is a matter for the court itself as to when a follow-up assessment is undertaken.**

Periodic assessments, perhaps annually, allow a court to:

- Identify the areas in which the court needs to make further improvements,
- Determine the areas in which the court will focus its immediate and long-term efforts, and
- Assess the progress the court has made towards needed improvements.

The **Court Excellence Self-Assessment Questionnaire** asks users to:

- Rate their court’s current approach in each area on a six-point scale labeled: None, Reactive, Defined, Integrated, Refined, and Innovative;
- Specify the extent to which the approaches have been deployed on a six-point scale: None, Some Areas, Some Key Areas, Most Key Areas, All Key Areas, and All; and
- Describe their court’s results as: None, Limited, Fair, Good, Very Good, or Excellent.

It is comprised of two separate but related parts.

## Court Excellence Self-Assessment Questionnaire (continued)

### *Part 1 of the Questionnaire: Approach and Deployment*

**The first part of the Questionnaire helps assess whether the court has developed and deployed approaches in the seven key performance areas:**

- 1. Court Management and Leadership,
- 2. Court Policies,
- 3. Court Proceedings,
- 4. Public Trust and Confidence,
- 5. User Satisfaction
- 6. Court Resources (Human, Material, and Financial), and
- 7. Affordable and Accessible Court Services.

It asks users to rate their court's **approach** in each area: that is, the extent to which the court has addressed each of the issues listed under the performance area, whether it is consistently applied and refined, and whether it is integrated with other relevant court initiatives.

Factors used to evaluate the approach include the:

- Extent to which the approach supports policy and strategy.
- Degree to which the approach is systematic, integrated (linked with other approaches), consistently applied, and refined (gone through cycles of improvement).
- Evidence of innovation including significant and effective adaptations of approaches used in types of businesses.

In scoring, the **Approach** can be described in one of six ways:

- None — There is no approach at all.
- Reactive — Some form of the approach exists, but it is reactive and not systematic.
- Defined — The direction for a planned and prevention-based approach is set.
- Integrated — A sound effective approach is in place with evidence of prevention activities. The approach is aligned with basic organisational needs identified in other categories.
- Refined — A proven and well-defined approach with evidence of refinement through learning and improvement which is well integrated with organisational needs identified in other categories.
- Innovative — An exceptionally well-defined innovative approach, which is fully integrated with organisational needs identified in other categories.

## Court Excellence Self-Assessment Questionnaire (continued)

**Part 1 of the questionnaire also asks users to rate the extent to which the approaches have been deployed – that is the extent to which the initiative has been implemented and its extent of coverage and impact.** It seeks to assess whether the initiative is applied in all relevant key areas of the court (full coverage) and in all relevant interaction with users, clients and suppliers.

Factors used to evaluate deployment include the:

- Appropriate and effective use of the approach in key operational areas
- Appropriate and effective use of the approach in interactions with customers, employees, partners of goods and services, and the public.
- Appropriate and effective use of the approach to its full potential/capability.

In scoring, **Deployment** can be described as:

- None — There is no deployment at all.
- Some Areas — The approach is deployed in a few areas of the organisation.
- Some Key Areas — The approach is deployed in some key areas of the organisation.
- Most Key Areas — The approach is deployed in most key areas of the organisation.
- All Key Areas — The approach is deployed in all key areas of the organisation. Practiced consistently by all levels.
- All Areas — Approach is deployed in all areas within and outside the organisation and is practiced consistently by all levels.

## Court Excellence Self-Assessment Questionnaire (continued)

### *Part 2 of the Questionnaire: Results*

**The second part of the questionnaire helps assess whether the deployed approaches have achieved their desired effects.** The importance of measuring the results or outcomes of initiatives or actions taken cannot be underestimated. Actions may well be considered anecdotally to be working well, but only through measurement and feedback will the real impact be identified. The journey to court excellence requires a constant questioning of the effectiveness of the court's processes and actions. Unless actions or processes are evaluated and their impact measured the court may well be misdirecting its resources or worse still be unknowingly reducing the effectiveness of its performance. For example, a new procedure designed to provide more information on a court case may have the perverse effect of substantially delaying the disposition of the case.

**Court policies by themselves do not guarantee excellence in court performance.** What is important is how effective those policies are in meeting the court's core values and the needs of the community and court users.

The questionnaire asks users to describe their court's **results** as: None, Limited, Fair, Good, Very Good, or Excellent.

Factors used to evaluate results include the:

- Current performance levels (relative to targets set)
- Performance levels relative to appropriate comparisons and/or benchmarks
- Rate, breadth, and importance of performance improvements
- Linkages of results measures to key performance requirements (for customers, markets, and processes) identified in approach/ deployment items.

In scoring, achievement of **Results** can be described as:

- None — There are no results or the results show no improvement trends and have not met targets.
- Limited — Poor results; or good performance and/or improvement trends in a few key indicators; or results are not reported for most key indicators.
- Fair — Good performance and/or improvement trends in some key indicators; or early stages of obtaining comparative information; or results are reported for some key indicators.
- Good — Good performance levels and/or improvement trends in most key indicators; or there are favourable comparisons and/or benchmarks in some areas; or results are reported for most key indicators.
- Very Good — Current performance levels is good to excellent in most key indicators and/or improvement trends are sustained in most areas; or there are favourable comparisons or benchmarks in most areas; or results are reported for all key indicators.
- Excellent — Performance levels are excellent in most key indicators and/or there are exceptional improvement trends in most areas; or there are exceptional comparisons and benchmarks in most areas; or results are reported for all indicators.

## Court Excellence Self-Assessment Questionnaire (continued)

### SCORING GUIDELINES

SCORE	APPROACH	DEPLOYMENT	RESULTS
0	<b>None</b> — There is no the approach at all. The criteria is not addressed at all.	<b>None</b> — There is no deployment at all.	<b>None</b> — There are no results or the results show no improvement trends and have not met targets.
1	<b>Reactive</b> — Some form of approach exists, but it is reactive and not systematic.	<b>Some Areas</b> — The approach is deployed in a few areas of the organisation.	<b>Limited</b> — Poor results; or good performance and/or improvement trends in a few key indicators; or results are not reported for most key indicators.
2	<b>Defined</b> — The direction for a planned and prevention-based approach is set.	<b>Some Key Areas</b> — The approach is deployed in some key areas of the organisation.	<b>Fair</b> — Good performance and/or improvement trends in some key indicators; or early stages of obtaining comparative information; or results are reported for some key indicators.
3	<b>Integrated</b> — A sound effective approach is in place with evidence of prevention activities. The approach is aligned with basic organisational needs identified in other categories.	<b>Most Key Areas</b> — The approach is deployed in most key areas of the organisation.	<b>Good</b> — Good performance levels and/or improvement trends in most key indicators; or there are favourable comparisons and/or benchmarks in some areas; or results are reported for most key indicators.
4	<b>Refined</b> — A proven and well-defined approach with evidence of refinement through learning and improvement which is well integrated with organisational needs identified in other categories.	<b>All Key Areas</b> — The approach is deployed in all key areas of the organisation. Practiced consistently by all levels.	<b>Very Good</b> — Current performance levels is good to excellent in most key indicators and/or improvement trends are sustained in most areas; or there are favourable comparisons or benchmarks in most areas; or results are reported for all key indicators.
5	<b>Innovative</b> — An exceptionally well-defined innovative approach, which is fully integrated with organisational needs identified in other categories.	<b>All Areas</b> — The approach is deployed in all areas within and outside the organisation and is practiced consistently by all levels.	<b>Excellent</b> — Performance levels are excellent in most key indicators and/or there are exceptional improvement trends in most areas; or there are exceptional comparisons and benchmarks in most areas; or results are reported for all indicators.

## Guidance on Applying Rating System

A copy of the questionnaire should be given to each member of the court's self-assessment team. The self-assessment team will need to convene at least one planning session to determine the procedures and schedule for carrying out the self-assessment exercise. They will also need to review the questionnaire to identify the basic information that needs to be gathered to facilitate the process of self-assessment. **Based on the information gathered and their observations and judgment, each member of the self-assessment team should mark the appropriate score for each statement.**

After completing the individual assessment, the team members should meet to discuss the ratings they have given for each statement. **Where the ratings given by the team members for a particular statement are different, the team members should discuss and reach agreement on the appropriate rating, preferably by consensus.**

**The consensus score for each statement within an Area of Excellence should then be added to compute the overall score.** For example:

Area 6 (Court Resources) has 6 statements. The maximum possible total rating score under each of the sub-categories "Approach", "Deployment" and "Results" is therefore 30 (6 statements x the highest possible rating of 5 for each statement). If a court's self-assessment team gives one statement a rating of 3, 3 statements a rating of 4 and 2 statements a rating of 5 in the "Approach" sub-category, then the total rating score in Area 6 for "Approach" is 25 (3+12+10).

The final score can then be computed based on a weighted scoring system. **Each area of excellence has been assigned a "weight" based on its importance relative to the other areas.** This enables the more important areas for attention to be identified easily. Public Trust and Confidence carries the highest weighting as that value is the touchstone for court excellence.

The detailed weights for the 7 areas and each of the three sub-categories are as follows:

### WEIGHTS

AREAS	SCORE	APPROACH	DEPLOYMENT	RESULTS
1. Court Leadership & Management	120	40	40	40
2. Court Planning & Policies	100	33	33	33
3. Court Processes & Proceedings	100	33	33	33
4. Public Trust and Confidence	220	73	73	73
5. User Satisfaction	180	60	60	60
6. Court Resources - Human Resources - Material Resources - Financial Resources	100	33	33	33
7. Affordable & Accessible Court Services	180	60	60	60
<b>TOTAL SCORE</b>	<b>1,000</b>			

As can be seen from the table, the weighting for "Approach" under Area 6 is 33. The maximum total rating is 30. The score from our hypothetical example is 25. Hence the weighted score can be calculated as follows:  $25/30 \times 33 = 27.5$ .

## Guidance on Applying Rating System (continued)

Using the same approach, the weighted scores for “Deployment” and “Results” are calculated.

The process is then repeated for Areas 1 to 5 and 7 to obtain the weighted scores for “Approach”, “Deployment” and Results” for these respective areas.

The Total Score provides an overall indication of the court’s performance based on a maximum score of 1,000 points. This can be compared with the Banding Table which provides an objective benchmark against which the court may measure its performance.

For example, if the Total Score of the completed questionnaire is 798, then this would place it in Band 5 which shows that it has a proven and well-defined approach that is employed to all key areas with performance levels that are good to excellent. A court with such a score would be an extremely well-run court.

Courts may also find this numerical scoring system particularly useful in measuring relative progress over time.

### BANDING TABLE

BAND	SCORE	APPROACH	DEPLOYMENT	RESULTS
1	0	There is no approach at all.	There is no deployment.	There are no results, or results show no improvement trends, or have not met targets.
2	1-199	Some form of approach exists but it is reactive and not systematic.	Approach is deployed in a few areas of the organisation.	Poor results; or good performance and/or improvement trends in a few key indicators; or results are not reported for most key indicators.
3	200-399	The direction for a planned and prevention-based approach is set.	Approach is deployed in some key areas of the organisation.	Good performance and/or improvement trends in some key indicators; or early stages of obtaining comparative information; or results are reported for some key indicators.
4	400-599	A sound effective approach is in place with evidence of prevention activities. The approach is aligned with basic organisational needs identified in other categories.	Approach is deployed in most key areas of the organisation.	Good performance levels and/or improvement trends in most key indicators; or there are favourable comparisons and/or benchmarks in some areas; or results are reported for most key indicators.
5	600-799	A proven and well-defined approach with evidence of refinement through learning and improvement which is well integrated with organisational needs identified in other categories.	Approach is deployed in all key areas of the organisation and is practiced consistently by all levels.	Current performance levels is good to excellent in most key indicators and/or improvement trends are sustained in most areas; or there are favourable comparisons or benchmarks in most areas; or results are reported for all key indicators.
6	800-1000	An exceptionally well-defined innovative approach, which is fully integrated with organisational needs identified in other categories.	Approach is deployed in all areas within and outside the organisation, and is practiced consistently by all levels.	Performance levels are excellent in most key indicators and/or there are exceptional improvement trends in most areas; or there are exceptional comparisons and benchmarks in most areas; or results are reported for all indicators.

## Identifying Areas for Improvement

Having completed the Self-Assessment Questionnaire, the court will have identified the areas where improvement is required. Some courts may choose to concentrate their efforts in discrete areas while others may proceed with a full court review and reform. In either case, **prioritizing court issues is highly recommended. This will allow the reform process to focus on specific performance areas over a period of time.**

**It is essential for court leadership to ensure the process for planning for improvement provides ample opportunity for judicial officers, court employees, and the court's professional partners to be consulted and involved.** The assessment will have identified a range of issues for the court to address in developing an improvement or action plan, such as:

- **Does the court have a vision statement and/or a mission statement expressing the court's fundamental values and purposes?** If not, this is the place to start because implementation of the *Framework* depends upon the court having articulated values.
- **What are the deficiencies in the court's management, operations, and services** and why do they need to be improved?
- **What issues can and must be addressed quickly and in the short-term?** What issues call for more intermediate or long-term planning?
- **What changes in procedures or practices does the court plan to institute?**
- **Whose support and cooperation is most relevant in making these potential changes** (e.g., attorneys, prosecutor's office, other government agencies)?

- **What resources will be needed in order to successfully institute those changes** (e.g., funding for additional personnel or equipment; cooperation of attorneys who practice in the court; cooperation of the other judges in the court; effective communication with other components of the judicial system)? How will the court obtain those resources? What sources of support can the court draw on?
- **What resistance to the plan or obstacles may be encountered?** How might this resistance or these obstacles best be overcome?
- **What is the time schedule for instituting the changes?**
- **How will the court evaluate the success of the changes?** What information will the court need for this evaluation? Who will collect the information and how will it be analyzed? Will the assistance of an outside consultant be needed to develop measurement tools and analyze results?

## Collecting and Analyzing Information

### **Implementation requires collection of both quantitative and qualitative data.**

The nature and complexity of the data and data collection tools required by each individual court will vary according to the issues. Depending on their action plans, some courts will use many data collection tools while others may use only a limited number. In addition to obtaining data from its case management system, courts may use surveys of court employees, attorneys, and court users. A survey of the public at large may also be useful. Links to examples of these and other types of measurement tools are included later in this report ([Appendix B](#)).

A question of paramount importance to the courts is who will develop the measurement tools used in evaluating implementation of the court's plan and who will be charged with collecting and analyzing the data. This is particularly important because most courts do not have employees trained in research methods and analysis. **It may, therefore, be necessary to solicit help from a research consultant.** If monetary resources are a problem, the court might try to obtain the voluntary assistance of social scientists on staff at local schools, colleges, or universities.

### **Excellent courts systematically measure the quality as well as the efficiency and effectiveness of the services they deliver.**

For the evaluation of court performance, a set of key-indicators must be used. In addition to the quantitative performance indicators, excellent courts use quality indicators addressing such issues as access to the legal system; the presence or absence of physical, sound, and linguistic barriers in court facilities; the fairness of the proceedings and comprehensibility and clarity of decisions and orders; and whether courtesy and respect was shown by court staff. Data regarding these indicators can be based on structured observations, assessments of employee and court user satisfaction (through surveys), and expert review of forms, orders, and decisions.

### **Excellent courts use a set of key-performance indicators to measure the quality, efficiency, and effectiveness of their services.**

Courts should, at the very least, collect and use information on the duration of proceedings and other case-related data. Excellent courts aim at shifting their data focus from simple inputs and outputs to court customer satisfaction, quality of service, and quality of justice.

There is a world-wide tendency to measure court performance only in quantitative terms using indicators such as the duration of the litigation process, the caseload per judge, the costs' per case, or the number of pending cases. One of the classical views on the duration of the litigation process is the principle of 'justice delayed is justice denied'. Courts are said to perform poorly only if the proceedings are too lengthy. Speedy litigation processes, on the other hand, are viewed positively. Courts are considered efficient where the cost per case is low or where the clearance rates are high.

## Collecting and Analyzing Information (continued)

**However, court performance from a quantitative perspective tends to distort the full picture**, as in the example of “justice hurried” being in some cases “justice buried”. **It is therefore important to take qualitative aspects of the functioning of courts into account as well since aspects that are not measured are aspects that are rarely fixed.** The challenge is that it is easier to quantify efficiency than it is to measure the kind of quality justice that transcends pure efficiency. Measuring these quality aspects may require more innovative qualitative measurements, which may be more difficult and costly to obtain (such as surveys). The relative ease of measuring efficiency alone cannot be allowed to overcome the need for constant reflection on the broader quality of justice. The *Framework*, by taking a ‘whole of court’ approach seeks to ensure these broader justice issues are also captured by measuring the quality of the court as a whole.

**Excellent courts maintain a sound balance** between good quantitative performance results and the quality of judicial decisions and services of courts.




**It is important that data relied upon is of a high quality, reliable and the integrity of the data is guaranteed.** A successful and well-managed court requires data that focus not only on inputs, but also inform about outputs, outcomes, and the extent to which service delivery is actually achieved. Excellent courts should use court management information systems and case management systems that make it possible to monitor and evaluate the court performance regularly.

Excellent courts will use common definitions and standards for cases, duration of proceedings, backlog of cases, and other important performance information. The indicators should always strike a sound balance between quantity and quality measurements. As a result, it will be possible to compare the performance of a court over time to determine areas of progress and areas requiring additional effort. It also may be possible, at least in some instances, to make appropriate comparisons between the performance of one court and that of another.

## Communicating Performance Results and Improvements

A public relations campaign to positively promote the court's efforts is essential. **The court should communicate to the bar, public prosecutors, law enforcement, other governmental and non-governmental agencies, and the general public the results of its evaluations and its plans for improvement.**

The court should:

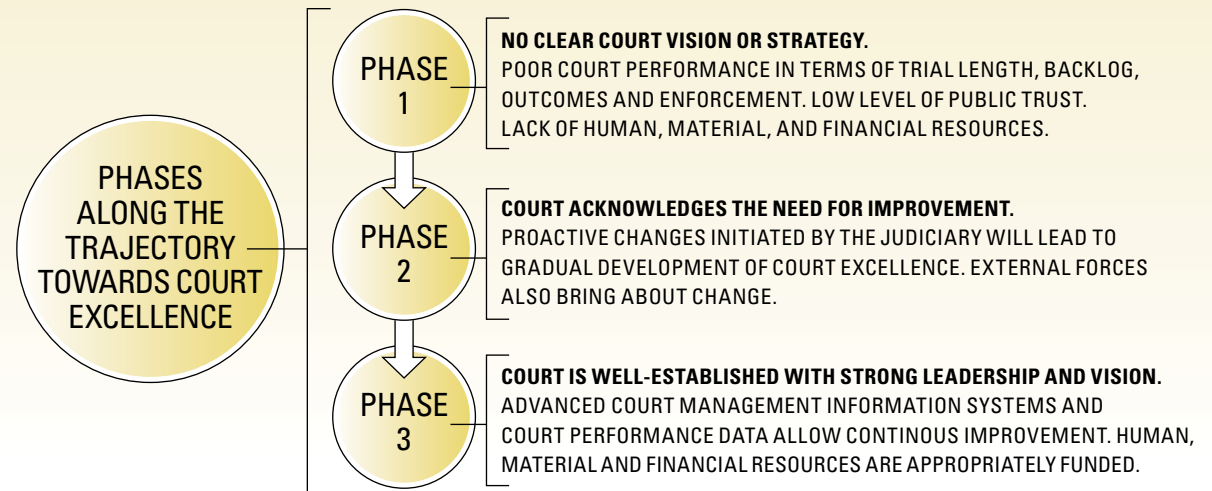
-  meet regularly with the bar and community groups,
-  issue press reports to local newspapers, television news shows, and public radio channels, and
-  disseminate the information in printed pamphlets and on its website.

In addition, it is often be useful to provide individualized briefings and written reports to certain governmental and non-governmental groups, including the legislature.

Accountability is the key. **Open communication about court performance — be it stellar, good, mediocre, or poor — builds public trust and confidence.** This is particularly true if a report includes a court's strategy for improving performance.

## Trajectories Towards Court Excellence: The Quality Curves

**The journey or trajectory towards court excellence is one of continuous improvement.** There is not a single trajectory towards court excellence. This *Framework* is sufficiently flexible to allow different courts to go different ways, to sequence reforms differently, to set different priorities, and to choose among the various available tools to achieve their goals. The *Framework* seeks to define a joint vision of excellence for courts to achieve. The hypothetical last phase of the trajectory towards court excellence shows what an ideal court should look like if it fulfills all the quality requirements necessary for optimal court performance and a high level of satisfaction of the court users of the court. Some courts have reached this stage already. Others are at the starting point from which courts begin the journey towards court excellence. Many are somewhere in between.



### Phase I

**In the first phase, the courts are struggling with a lack of human, material, and financial resources.** Under such conditions, many courts are not even able to perform their mission-critical functions. The court proceedings are inefficient; there is no clear management of the court; and there is no strategic vision.

**Division of labour between judges and court staff is undifferentiated.** Judges are responsible for administrative work as well as their judicial function, and in some instances, administrative staff make determinations that are more appropriately made by a judge.

**There is no court policy, vision, or strategy guiding the direction of the court** or anticipating the changing demands and needs from the court users. The court is internally oriented, and there is no relationship with civil society.

**The performance of the court is poor: that is it is characterized by a lengthy litigation process, high backlog of cases, unpredictable outcomes of judicial decisions, and lack of enforcement of decisions.** Judges and staff are underpaid and de-motivated. Instances of corruption might be present.

**The public trust in the judiciary is low.**

## Phase II

**In the second phase, there is an acknowledgement of the state of affairs and an internal or external stimulus for change in the courts.** Internally, a change in court leadership can provide the stimulus for a court to undertake the journey towards court excellence. This proactive change initiated by the courts themselves may provide ownership of the reform agenda and facilitate successful implementation through full participation of all stakeholders.

**External stimuli may force the courts into react mode.** A judicial crisis with high media attention; increased pressure from civil society and businesses; a legislative branch grappling with a fiscal crisis; and/or a proactive executive branch can provide a necessary stimulus for change, but will probably leave less room for the judiciary to design and implement its own reform agenda. However, there is reason to believe that if the judiciary does not develop ownership of the reform agenda, a trajectory towards court excellence is not very likely to materialize.

The subsequent development towards court excellence will be a gradual one and focus on different aspects at different times. Improvements are not likely to be linear and various aspects identified by the framework will evolve at a different pace. Partial setbacks are likely to be part of the reform process. The following are examples of different types of approaches and improvements on the journey towards court excellence:

- **The removal of certain procedural inconsistencies and obstacles can lead a court to improve the efficiency of court proceedings.** The initial introduction of basic management principles in the court can entail a better division of labour between judges and staff and generate initial performance data. These data might help the courts to make the case for additional financial resources to recruit more and/or better judges and court staff, to introduce basic computer equipment and to improve the working conditions in the courts. When courts have very limited

financial means, the first steps towards improving the efficiency of court proceedings might not be the introduction of basic management principles but the provision of basic resources needed to run the court.

- **Over time, creating a professional management team in the courts will lead to improved results and generate more data.** Initially, this data may focus on quantitative aspects of court performance such as incoming cases, judicial decisions, and pending cases.
- **Initially, budgetary concerns will be driven by quantitative considerations.** In time, this focus will include qualitative aspects as well.
- **Ultimately, improvements in management and better quality data will allow court management and leadership to define a clear vision on the future direction of the courts, anticipating future changes and needs.** Budget negotiations with the executive and legislative branches will be more evidence based. Far from being perfect yet, the court will need to pay constant attention to areas in need of improvement. The introduction of court users satisfaction surveys will contribute to overcoming the internal focus of the courts. The outcomes of these surveys will be used in combination with the quantitative court performance data to evaluate the work that is carried out.
- **Further improvements of court proceedings will be made by analyzing the work processes in the courts to identify bottlenecks in the flow of cases and to propose solutions to increase the efficiency and effectiveness.** Court policies will be developed, for example, in the area time standards, the granting of adjournments, and the periods during which parties may submit documents or new evidence to the courts. External partners will also become integral to optimizing the process.

## Phase III

In the hypothetical final phase of Court Excellence, **leadership and management are balanced**. The vision and objectives of the Court are understood by judges and all court staff and are reviewed and updated on a regular basis. By using effective court management information systems, court performance data of the various sections of the courts is available on a day-to-day basis. All relevant court performance data is available, including the duration of proceedings and the waiting time of cases. Court performance is evaluated by looking holistically at the quality of the services delivered by the courts using quality indicators and as well as quantitative performance data. Problems with a lack of resources are identified and addressed immediately. The court buildings and offices reflect the importance of the rule of law, provide a productive and pleasant work environment, and are easily accessible. Judges, lawyers, parties, court personnel, have ready access to case files and legal information. The public can easily obtain information about court processes and operations.

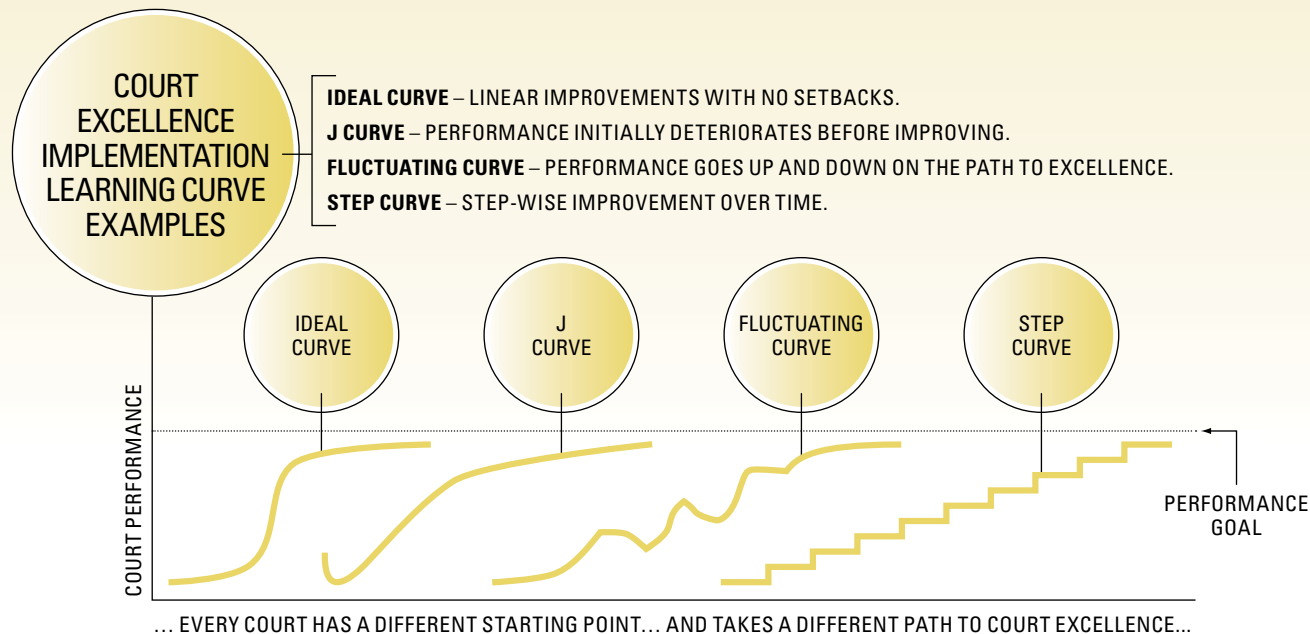
**Judges and court staff are highly motivated and regularly receive training and education to keep their professional knowledge up to date.** Court proceedings are efficient and effective. Delays are minimized.

**The external orientation of the court is high.** Court managers and judicial head of courts have regular meetings with the professional partners of the court to exchange information and to make the administrative interactions between the partners and the court as efficient and effective as possible.

**Achievement of the final hypothetical phase of Court Excellence is not limited to countries and courts with significant material resources. Courts with limited financial resources can achieve court excellence as well.** Not necessarily by investing in e-technology, but by making use of effective management approaches, efficient internal working methods, knowledgeable use of data, combined with a high level of external orientation towards court users and partners of the courts.

**In the following picture the development model of the stages towards Court Excellence is visualized.** This curve provides a vision of where a court might start in the process and where they will hopefully end up. It does not imply that the improvements are linear and that there will be no setbacks.

## Phase III (continued)



Experience with justice reform worldwide suggests that at the beginning of the reform process the performance might even deteriorate before catching up again (so-called J-curve). Other situations are also possible (for example a fluctuation in the performance or a stepwise improvement of the performance as the result of the implementation of measurements for quality enhancement).

### Performance Measurement Tools

There are several measurement instruments or tools that can be used by the courts in forging the path of Court Excellence. The type of tools that a court might select depends on the situation and the needs of the courts. Some courts will implement all the tools listed. Others will select and implement a limited number of tools. References and links to these tools are contained in [Appendix B](#).

## Conclusion

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**The quality improvement approach reflected in the *Framework* has been specifically developed to meet the special needs and unique roles and functions of courts.** The *Framework* reinforces those values and aspirations internationally recognized as critical to an effective and publicly respected court.

**Courts are encouraged to consider the *Framework* as a guide for the journey to court excellence.** However, courts should not hesitate to adapt the *Framework* to meet their own needs, where necessary.

It is critical for courts to ensure that all judicial officers and staff are included in the *Framework* approach. The best results in any organisation are achieved when everyone is focused on the same goals. **Creating a court culture that is supportive of reform and service improvement is a critical first step in moving towards court excellence.**

**Courts should also be open to engaging the services of quality improvement experts** to assist them in undertaking the assessment and in developing a quality improvement plan. There are experts capable of guiding courts through the process itself.

**Finally, courts should consider sharing their experiences with other courts.** As the *Framework* is intended to be a 'living' document suggestions for improvement would be most welcome.

## Appendix A: Court Excellence Self-Assessment Questionnaire

<i>International Framework for Court Excellence</i>		APPROACH						DEPLOYMENT						RESULTS					
		NONE	REACTIVE	DEFINED	INTEGRATED	REFINED	INNOVATIVE	NONE	SOME	SOME KEY	MOST KEY	ALL KEY	ALL	NONE	LIMITED	FAIR	GOOD	VERY GOOD	EXCELLENT
<b>AREA 1: COURT LEADERSHIP AND MANAGEMENT</b>		0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
<b>1.1</b>	Develop a visionary and aspirational mission statement setting forth the court's fundamental purposes and values including Accessibility, Expedition and Timeliness, Equality, Fairness and Integrity, Independence and Accountability, Propriety and Public Trust and Confidence.																		
<b>1.2</b>	Demonstrate external orientation of the court, by developing cooperative working relationships with legal professional and other partners (i.e., the bar, public prosecutors, law enforcement, government agencies).																		
<b>1.3</b>	Demonstrate external orientation of the court, by communicating the court's vision, goals, programs, and outcomes to court users, society, and legal professional and other partners.																		
<b>1.4</b>	Promote a professional management culture, including training and education in management skills.																		
<b>1.5</b>	Anticipate and identify challenges facing the court and formulate and adopt innovative policies and programs in response.																		
<b>1.6</b>	Actively involve all court employees in communicating and implementing the court vision, goals, programs, and outcomes and identifying challenges and solutions, through two-way communication.																		
<b>1.7</b>	Establish a case registration and management system that promotes efficiency and effectiveness and makes it possible to monitor and evaluate the court's performance with reliable quantitative data.																		
<b>1.8</b>	Establish a program of collecting reliable information pertaining to quality indicators (e.g., surveys of court staff, users, professional partners, and, the public).																		
<b>1.9</b>	Establish processes to regularly review and improve all seven areas of court excellence.																		
<b>AREA 1: COURT LEADERSHIP AND MANAGEMENT SUBTOTALS</b>																			

**Appendix A: Court Excellence Self-Assessment Questionnaire** (continued)

<b>International Framework for Court Excellence</b>		<b>APPROACH</b>						<b>DEPLOYMENT</b>						<b>RESULTS</b>					
		NONE	REACTIVE	DEFINED	INTEGRATED	REFINED	INNOVATIVE	NONE	SOME	SOME KEY	MOST KEY	ALL KEY	ALL	NONE	LIMITED	FAIR	GOOD	VERY GOOD	EXCELLENT
<b>AREA 2: COURT PLANNING AND POLICIES</b>		<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>2.1</b>	Establish short, medium and long term goals for the court in accordance with the court’s fundamental purposes/values, and develop strategies, policies and procedures for meeting those goals.																		
<b>2.2</b>	Establish a process to regularly review, and implement strategies to ensure the court is meeting its goals and that its adopted strategies, policies and procedures improve the efficiency and quality of court services and promote the core values of courts.*																		
<b>AREA 2: COURT PLANNING AND POLICIES SUBTOTALS</b>																			
<b>AREA 3: COURT PROCEEDINGS</b>		<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>3.1</b>	Ensure proceedings maintain a balance between timeliness, efficiency, and foreseeability, on the one hand, and the quality of court services and judicial decisions, on the other, so that they promote the core values of courts.*																		
<b>3.2</b>	Ensure an effective and efficient division of labour between judges and court staff.																		
<b>AREA 3: COURT PROCEEDINGS SUBTOTALS</b>																			
<b>AREA 4: PUBLIC TRUST AND CONFIDENCE</b>		<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>4.1</b>	Establish communication processes to ensure the community understands and is aware of the work of the court, its processes and decisions.																		
<b>4.2</b>	Make information on the court’s performance available regularly to the court users, society, and legal professional and other users.																		
<b>4.3</b>	Establish a process to ensure that court spending is subject to an independent audit process.																		
<b>AREA 4: PUBLIC TRUST AND CONFIDENCE SUBTOTALS</b>																			

\* The core values of courts are: Equality (before the law), Fairness, Impartiality, Independence of decision-making, Competence, Integrity, Accessibility, Transparency, and Certainty.

**Appendix A: Court Excellence Self-Assessment Questionnaire** (continued)

<b>International Framework for Court Excellence</b>		<b>APPROACH</b>						<b>DEPLOYMENT</b>						<b>RESULTS</b>					
		NONE	REACTIVE	DEFINED	INTEGRATED	REFINED	INNOVATIVE	NONE	SOME	SOME KEY	MOST KEY	ALL KEY	ALL	NONE	LIMITED	FAIR	GOOD	VERY GOOD	EXCELLENT
<b>AREA 5: USER SATISFACTION</b>		<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>5.1</b>	Gather and analyze information on the level of satisfaction of partners, with reference to the court’s mission statement.																		
<b>5.2</b>	Implement changes in response to evaluation results to enhance the quality of court services and promote the satisfaction of professional partners.																		
<b>5.3</b>	Gather and analyze information on the level of satisfaction of citizens and businesses who use the courts, with reference to the court’s mission statement.																		
<b>5.4</b>	Implement changes in response to evaluation results to enhance the quality of court services and promote the satisfaction of citizens and businesses who use the courts.																		
<b>AREA 5: USER SATISFACTION SUBTOTALS</b>																			
<b>AREA 6: COURT RESOURCES</b>		<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>6.1</b>	Manage human resources (judges and staff) properly and proactively, and use workload analyses to predict the personnel budget that is needed																		
<b>6.2</b>	Assure that the professional values related to the function of the judge can be maintained and are aligned with the core values of courts.*																		
<b>6.3</b>	Stimulate the sharing and acquisition of knowledge by judges and staff through initial and continuing education and training.																		
<b>6.4</b>	Have sufficient material resources (i.e., space, supplies, computer hardware and software, other equipment) to fulfill court objectives and manage those resources properly and proactively.																		
<b>6.5</b>	Use and maintain facilities that promote respect for the rule of law and create a healthy and proper working environment for judges and staff																		
<b>6.6</b>	Manage financial resources properly and proactively, through a cyclical, rationalized budget process.																		
<b>AREA 6: COURT RESOURCES SUBTOTALS</b>																			

\* The core values of courts are: Equality (before the law), Fairness, Impartiality, Independence of decision-making, Competence, Integrity, Accessibility, Transparency, and Certainty.

**Appendix A: Court Excellence Self-Assessment Questionnaire** (continued)

<i>International Framework for Court Excellence</i>		APPROACH						DEPLOYMENT						RESULTS					
		NONE	REACTIVE	DEFINED	INTEGRATED	REFINED	INNOVATIVE	NONE	SOME	SOME KEY	MOST KEY	ALL KEY	ALL	NONE	LIMITED	FAIR	GOOD	VERY GOOD	EXCELLENT
<b>AREA 7: AFFORDABLE AND ACCESSIBLE COURT SERVICES</b>		0	1	2	3	4	5	0	1	2	3	4	5	0	1	2	3	4	5
<b>7.1</b>	Establish processes and policies that promote affordable court proceedings.																		
<b>7.2</b>	Ensure easy physical (or virtual) access to court buildings and locations within them.																		
<b>7.3</b>	Ensure virtual access to the court (i.e., through Internet and electronic technology).																		
<b>AREA 7: AFFORDABLE AND ACCESSIBLE COURT SERVICES SUBTOTALS</b>																			

**SCORING GUIDELINES**

SCORE	APPROACH	DEPLOYMENT	RESULTS
0	<b>None</b> — There is no the approach at all. The criteria is not addressed at all.	<b>None</b> — There is no deployment at all.	<b>None</b> — There are no results or the results show no improvement trends and have not met targets.
1	<b>Reactive</b> — Some form of approach exists, but it is reactive and not systematic.	<b>Some Areas</b> — The approach is deployed in a few areas of the organisation.	<b>Limited</b> — Poor results; or good performance and/or improvement trends in a few key indicators; or results are not reported for most key indicators.
2	<b>Defined</b> —The direction for a planned and prevention-based approach is set.	<b>Some Key Areas</b> — The approach is deployed in some key areas of the organisation.	<b>Fair</b> — Good performance and/or improvement trends in some key indicators; or early stages of obtaining comparative information; or results are reported for some key indicators.
3	<b>Integrated</b> — A sound effective approach is in place with evidence of prevention activities. The approach is aligned with basic organisational needs identified in other categories.	<b>Most Key Areas</b> — The approach is deployed in most key areas of the organisation.	<b>Good</b> — Good performance levels and/or improvement trends in most key indicators; or there are favourable comparisons and/or benchmarks in some areas; or results are reported for most key indicators.
4	<b>Refined</b> — A proven and well-defined approach with evidence of refinement through learning and improvement which is well integrated with organisational needs identified in other categories.	<b>All Key Areas</b> — The approach is deployed in all key areas of the organisation. Practiced consistently by all levels.	<b>Very Good</b> — Current performance levels is good to excellent in most key indicators and/or improvement trends are sustained in most areas; or there are favourable comparisons or benchmarks in most areas; or results are reported for all key indicators.
5	<b>Innovative</b> — An exceptionally well-defined innovative approach, which is fully integrated with organisational needs identified in other categories.	<b>All Areas</b> — The approach is deployed in all areas within and outside the organisation and is practiced consistently by all levels.	<b>Excellent</b> — Performance levels are excellent in most key indicators and/or there are exceptional improvement trends in most areas; or there are exceptional comparisons and benchmarks in most areas; or results are reported for all indicators.

## Appendix B: Examples of Court Performance Measurement Tools

### Quantitative Measurement Tool

Quantitative court performance measurement tools are instruments to help courts to define their objectives and measure some elements of court performance. Examples of performance indicators are: duration of proceedings, average caseload per judge, clearance rate, age of pending cases, and labour productivity. Examples of practical tools are available at the website of the US National Center for State Courts 'CourTools': [http://www.ncsconline.org/D\\_Research/CourTools/tcmp\\_courttools.htm](http://www.ncsconline.org/D_Research/CourTools/tcmp_courttools.htm). Other useful resources on court performance evaluation can be found at the website of the World Bank: <http://www.worldbank.org/lji>. The Balanced Score Card Methodology is published at the following website: <http://www.balancedscorecard.org/basics/bsc1.html>.

### Court Users Satisfaction Survey Tool

A practical tool in developing an effective court users survey and the questions to be asked can be found at the website of the US National Center for State Courts under the subject 'CourTools'.

An example of the use of court users panel tools can be found at the Dutch Quality Agency for the Judiciary (PRISMA), which is using 'electronic boardroom' software to moderate discussions with court users of courts. See: <http://www.prismaweb.nl>.

### Court Policy and Leadership Audit Tool

The court policy tool is a list of subjects and background information that courts can use to draft new court policy or to change current policies. Examples are:

- The use of resources on Courtroom Technology.
- ADR. See: <http://www.fjc.gov>.
- Building effective teams for drug courts and other problem-solving courts court. See: [http://www.ncsconline.org/D\\_ICM/beta/freeresources/index.asp](http://www.ncsconline.org/D_ICM/beta/freeresources/index.asp).
- Reducing delay in the litigation process. See: <http://www.coe.int/cepej>.

## Appendix B: Examples of Court Performance Measurement Tools (continued)

### Court Information Audit Tool

A proper functioning of courts relies on high quality of data. To assess the quality and reliability of data and the use of information technology ‘information audit tools’ must be used. An example of such a tool can be found at: <http://www.praxiom.com/iso-90003-sample.pdf>.

### Court Peer-Review Tool

To assess the quality of courts, court policies, and court leadership, a system of peer-review can be used. In practice this means that colleagues from other courts visit the court and evaluate quality items of the court by making use of a set of standard evaluation instruments (for example: questionnaires to interview head of courts, judges, and court staff). A court audit may be a part of the peer-review process (see Court Audit tool). See: <http://www.rechtspraak.nl/Gerechten/RvdR/Kwaliteit+van+de+Rechtspraak.htm> for an example of a peer-review. Another example can be found at this link: <http://www.secretariat.uwa.edu.au/home/policies/reviews?f=154381>.

### Court Audit

A court audit can focus on various aspects of the functioning of court. Most court audits are oriented toward the financial aspects of the court. An example can be found at the following link: <http://www.utcourts.gov/courts/just/audit/InternalControlofCourtCollectedFunds.pdf>.

An audit can also be used to evaluate the quality of court leadership, the availability of strategic documents of the court, and court policies.

### Performance Measurement for Specialized Courts

Standards and tools have been designed to measure performance in specialized courts or in particular types of cases. Examples include problem-solving courts such as drug courts: See [http://www.ncsconline.org/D\\_Consult/StatewideTAs/StatewideTABulletin\\_2.pdf](http://www.ncsconline.org/D_Consult/StatewideTAs/StatewideTABulletin_2.pdf), and child protection matters: [www.ncsconline.org/wc/publications/res\\_ctpers\\_tcps\\_packgde4-04pub.pdf](http://www.ncsconline.org/wc/publications/res_ctpers_tcps_packgde4-04pub.pdf).

## Appendix C: Lessons Learned from International Experience

**The following examples summarize how courts in the Australia, Europe, and Singapore and the United States are succeeding in their journeys toward court excellence.**

### Australia

**Australia has taken a similar approach as New Zealand — and to some extent the UK<sup>1</sup> — toward the improvement of their courts.** The Australian courts are required to follow a government-wide performance data collection and reporting process that is largely based on an outcomes/outputs framework. Under this framework, desired outcomes or objectives are set, and the courts are responsible for developing outputs contributing positively to those outcomes. This is intended to provide a clearer understanding of what is being produced, why it is being produced and how well, and at what cost it is being produced. The focus in all instances is on results.

**Portfolio budget statements provide a public record of intentions of government bodies, which can then be compared against performance results reported in annual reports to Parliament.** This applies equally to the courts as to other government bodies. The outcomes/outputs framework for each of the federal courts is combined in the Attorney General's Portfolio Budget Statements.

One of the major challenges of this approach — apart from the potential issue of infringing on the independence of the courts — is that **“output” of the legal system is not easy to quantify, and it is equally difficult to balance “efficiency” against qualitative objectives such as “justice.”**

Various efforts have been made by the various Justice and Attorney General's Departments, the Productivity Commission, and the courts themselves to gauge their performance against their own standards or in comparison with other courts. The Productivity Commission issues an annual 'Report on Government Services' that compares court performance across Australia. The main indicators noted in the report are timeliness, cost per case finalized, and clearance rates.<sup>2</sup> In addition, public perception surveys are also conducted on the issue, but this often adds to the confusion.<sup>3</sup> As a result, measuring, comparing, and/or evaluating the courts is still as complex and subject to conflict in Australia as it is elsewhere.<sup>4</sup>

## Appendix C: Lessons Learned from International Experience (continued)

### Europe

Much progress has been made over the past few years in Europe. **Recently, the European Commission for the Efficiency of Justice (CEPEJ) supported an experimental survey to obtain comparable, objective quantitative and qualitative data from their member states.** The surveys included 123 questions grouped around Council of Europe Resolutions and Recommendations related to efficiency and fairness of justice. The questions also touched on matters of court budgets and court users. Not surprisingly, the survey showed that the nations across Europe use a range of performance measurement approaches. While all use some form of regular monitoring and reporting system, most collect quantitative court cases data. Only 23 countries collect a combination of other quantitative and qualitative information.<sup>5</sup>

**A number of European countries use the results of public opinion polls in evaluating court performance.** Some courts or justice ministries support these surveys themselves, while others rely on outside opinion polls such as the regular ‘Eurobarometer’ surveys. These broad public opinion surveys are, in actuality, difficult to interpret and give little indication of where the problems lie with regard to court performance or how to resolve them. Experiences with surveys conducted in such diverse places as the United States and Mongolia indicate that public opinion shifts along with the general perception of government performance and are highly influenced by the media, especially reporting about high profile cases.

**Surveys of court users, on the other hand, provide more detailed and potentially more useful information and are often better tailored to the information needs of the courts.** For example, data available from detailed surveys in Denmark proved to be useful in a controversy questioning the judgments of a particular appeal court. The president of that court responded by quoting court users survey data on user satisfaction with court services and satisfaction with judges’ explanatory statements. <http://www.domstol.dk> (Domstolenes brugerundersøgelse)

**A different, very interesting, and helpful approach to ongoing performance monitoring was applied in a local pilot scheme in Finland.** In 1999, in the District of the Rovaniemi Court of Appeal (which includes nine district courts), quality targets were set by a Quality Project Development Committee, whose members include judges, practicing lawyers, and prosecutors (<http://www.oikeus.fi/27670.htm>). The quality elements used included a broad range of legal and management issues, such as increased consistency in sentencing, improvements in the preparation of civil cases, enhanced leadership skills in the admission of evidence, improvement in the quality of written judgments, and increasing participation in judicial training. This pilot had such positive results that it was recommended for nationwide adoption and was awarded a European prize for “innovative practice contributing to the quality of civil justice.”<sup>6</sup> This approach may be one that is most helpful to the courts and its “court users” in actually achieving results.

## Appendix C: Lessons Learned from International Experience (continued)

### Rechtspraak the Netherlands

Since 2002 an integral quality system (defined as Rechtspraak) is used in the Dutch courts. The system is composed of three elements: a normative model, several measurement instruments, and other tools. The normative model includes 'quality statutes' and a 'measurement system judicial operations.' Quality statutes are guidelines for the management of courts to implement certain actions of improvements (for example: the creation of a policy to improve the expertise of the judges). The quality of the courts is measured with a 'measurement system' that system includes five areas: impartiality and integrity, expertise, treatment of the parties, unity of law and timeliness of proceedings.

Every two years, courts must conduct an assessment of court quality. On the basis of this assessment, the management of the courts develops a plan of action. Every four years, courts have to conduct a court user satisfaction survey, as well as a court staff satisfaction survey. The outcomes of both types of surveys are used for improvements in the courts as well. In addition, every four years, an independent 'visitation' commission visits all the courts in the Netherlands to assess the state of affairs at a national level concerning the quality of the Dutch judiciary. Also in 2002, a uniform complaint proceeding was introduced as well as a system of 'peer review' of judges (<http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/rechtspraakcompletereport.doc>).

## Appendix C: Lessons Learned from International Experience (continued)

### Singapore

**In the late 1990s, the Subordinate Courts initiated the Justice Scorecard<sup>7</sup> as a tool of performance measurement** used to translate clearly the programs and initiatives into clear measurable outcomes for purpose of monitoring and review.

**With the Justice Scorecard<sup>8</sup> the Subordinate Courts can:**

- Establish clearer linkages between vision, mission and actions
- Establish and maintain pro-active management
- Establish simple and concise measuring critical indicators
- Establish early warning alerts to areas which are likely to breach targets

**In September 2000, the Subordinate Courts launched the eJustice Scorecard System.** The Justice Scorecard comprises four perspectives (Community, Internal Processes, Learning and Growth and Financial). Each perspective contains a set of Key Performance Indicators, which are relevant for both the Legal and Corporate Services Divisions. Divisional Heads are responsible for monitoring these key performance indicators and to ensure that targets are met, and follow up actions are taken to rectify any missed targets. [http://app.subcourts.gov.sg/Data/Files/File/Publications/CaseStudy\\_SubCts.pdf](http://app.subcourts.gov.sg/Data/Files/File/Publications/CaseStudy_SubCts.pdf)

The Subordinate Courts also recognized that maximizing and developing human capital creates an environment that is responsive to changing stakeholders and court users' trends and also cultivates a culture of learning, innovation, and continual improvement. Thus, **Subordinate Courts established a People Developer Standard framework to encourage and enable continual learning.** Such a system identifies learning needs, maps learning and development needs, and monitors and implements learning plans. The program was developed in 1999 and was re-certified in 2002 and 2006. [http://app.subcourts.gov.sg/Data/Files/File/Publications/CaseStudy\\_SubCts.pdf](http://app.subcourts.gov.sg/Data/Files/File/Publications/CaseStudy_SubCts.pdf)

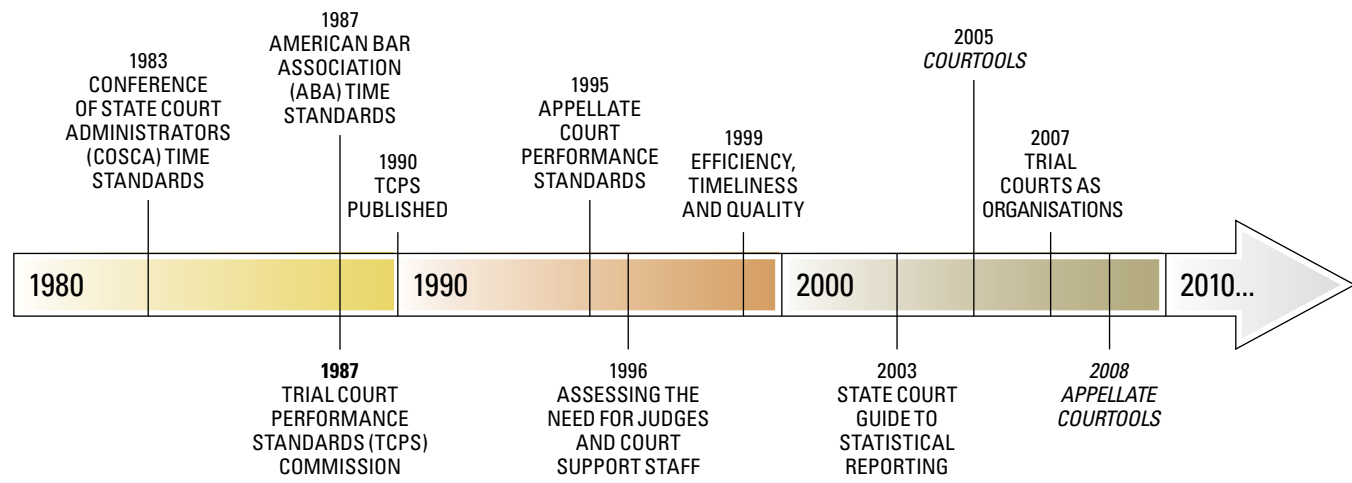
**Appendix C: Lessons Learned from International Experience** (continued)

**United States**

**Leaders of the state courts in the United States have focused on measuring court performance for more than three decades.** Over this time court management theory and techniques have evolved to provide more useful tools to the country’s trial courts. The encouragement of performance measurement is based on recognition that while courts require independence to render fair and impartial decisions, they also are accountable to the public and should demonstrate how well they are delivering judicial services. Such organisations as the Conference of Chief Justices (CCJ), the Conference of State Court Administrators (COSCA) and the National Association of Court Administrators (NACM) continue to urge vigorous initiatives in this area.<sup>9</sup>

The Figure below shows the timeline for the major milestones that the US court community has achieved in developing meaningful and practical ways to measure performance. In a broader sense this timeline represents how courts are beginning to define what it means to be a “high performance court”. **With the publication of case processing time standards by the Conference of State Court Administrators in 1983 and separately by the American Bar Association (ABA) in 1987,<sup>10</sup> courts recognized the need to be accountable and responsive to public demands for case management.**

**Through the publication of the Trial Court Performance Standards (TCPS) in 1990 a framework to measure court performance was established.** TCPS recognized that courts have multiple purposes and that a performance-measurement system must be tied to a court’s core values. This was followed by the development of Appellate Performance Standards in 1995, which recognized the need for performance measures that addressed the unique nature of the work in the appellate courts.



## Appendix C: Lessons Learned from International Experience (continued)

**Each milestone has provided a critical piece of the infrastructure necessary for an effective performance measurement system.** They also pointed out the need for a smaller set of practical and balanced performance measures tied to the values expressed in these keystone works. With the publication of the CourTools by NCSC in 2005, a set of ten measures was disseminated for use by the trial court community. [[http://www.ncsconline.org/D\\_Research/CourTools/tcmp\\_courttools.htm](http://www.ncsconline.org/D_Research/CourTools/tcmp_courttools.htm)] This represented a major step in the ability to implement performance systems. Currently, it is estimated that courts in approximately 25 states are implementing CourTools to some degree.

Experience has taught us that leadership and practical measures are not the only things necessary for a court to be considered a high performance court. Early on, legal culture was recognized as a significant factor in explaining and managing court delay.<sup>11</sup> **In 1999, further research by the NCSC on efficiency, timeliness, and quality indicated that well-performing courts should be expected to excel in terms of both timeliness and quality.**<sup>12</sup>

Finally, **the publication of Trial Courts as Organisations**, the seminal work on the organisational culture of courts, **showed that culture is linked to performance and provided tools for court managers to measure those cultural influences.**<sup>13</sup>

**Experience in the US has shown that in order to develop high performance courts a multi-dimensional framework is necessary** that incorporates effective leadership and practical performance measures and provides court managers with tools to assess and manage court culture.

For a more comprehensive look at the progress being made toward court excellence in Australia, Europe, Singapore and the United States, please see [Appendix D](#).

## Appendix D: Court Excellence Case Study I

### An Overview of Measuring Court Performance in Europe, Australia, and by International Bodies

International standards and principles for justice sector operations such as those established by the United Nations (UN) and the Council of Europe (CoE) along with national constitutions and legal frameworks provide high level goals and objectives for courts, even though this is not always explicitly stated.

For example, the Universal Declaration of Human Rights establishes the principles of equality before the law, of the presumption of innocence, and of the right to a fair and public hearing by a competent, independent, and impartial tribunal established by law. These are high-level goals that courts need to strive to achieve but are difficult to measure.

Similarly, the UN's Basic Principles on the Independence of the Judiciary<sup>14</sup> include a number of principles meant to ensure that judges can act independently and in an accountable manner.

The European Convention also outlines comparable benchmarks for high-quality justice by enshrining, among others, the right to a fair trial. These benchmarks also encourage easy access to the courts, observance of a defendant's rights, the right to a public hearing, access to an independent and impartial tribunal established by law, and the right to a decision within a reasonable amount of time.<sup>15</sup> The principles of the Convention also include the need for justice to be effective.<sup>16</sup>

These benchmarks, principles, and standards — in conjunction with national legislation — indicate to some extent what should be measured when evaluating court performance: the achievement of fairness, timeliness, and accessibility through an impartial, competent, and independent judiciary. The difficulty is that while these high-level goals are almost universally agreed upon, each can only be defined in terms of several indicators that may mean different things in different countries, and many of these indicators require data which are difficult to collect in a manner that is objective and not overly consuming in terms of resources.

### *International Indexes and Surveys*

Although a number of international “measurement tools” have been developed to assess court goals, they have been developed for different purposes. Some, like the Business Environment and Enterprise Performance Survey (BBEPS) conducted by the World Bank and European Bank for Reconstruction and Development, are designed to assess the courts' ability to support a positive business environment.<sup>17</sup> Others, like the ABA/CEELI's Judicial Reform Index (JRI)<sup>18</sup> or the Judicial Integrity Principles Index (JIP) developed by IFES, attempt to assess a cross-section of factors important to judicial reform in emerging democracies or to evaluate the level of compliance with select Judicial Integrity Principles respectively.<sup>19</sup>

All of these international measurement tools, as well designed as some of them are, share significant shortcomings:

## Appendix D: Court Excellence Case Study I (continued)

- They aim to measure select aspects of court performance related to broader, more nation-wide performance goals;
- They are based either on a limited survey samples, subjective assessment tools, or interview methods with too few participants or people who may or may not be representative of the universe of stakeholders (e.g., members of large law firms); and
- They require significant time and resources that are beyond what most courts — even well resourced courts — can afford.

Even though the aim of these tools is to collect information related to select “indicators” or “standards,” it is important to note that they may not reflect the diverse legal, economic, societal, and/or cultural context in which courts are operating.

Recognizing that judicial systems and local context vary significantly, one of the earliest World Bank surveys was based on the premise that several common themes emerge in most efforts to reform judicial systems: efficiency, quality, and fairness.<sup>20</sup> The focus on efficiency was carefully chosen as a first step, since other indicators, especially quality of court decisions and services, are so difficult to define and assess. Efficiency is also something that can be quantitatively measured using objective data instead of more subjective surveys, interviews, or observations. Reviewing data collected from commercial courts from 11 countries,<sup>21</sup> the main areas of comparison included:

- The number of cases filed, resolved, and pending per judge;
- The clearance and congestion rates;
- The time to resolve a case;
- The number of judges; and
- The cost of a case.

The data gathered for this study was obtained from the courts themselves or from national statistics offices. Not all the data was available for all the years in all countries. More importantly, data is not collected in the same manner in all locales. There is, for example, no universal definition of what constitutes a case, a case filed, a case resolved, or a case pending. Therefore, the data cannot actually be compared across countries. Where standard definitions and data collection protocols do not exist, it is not possible to make comparisons within one country or across years.

A parallel study aimed at collecting quantitative data was also conducted using survey questionnaires focusing on the efficiency of judiciaries in 10 developing and developed countries.<sup>22</sup> This study used a jurimetrics analysis (i.e., statistics applied to the description and analysis of a legal system) to measure how procedural times and clearance rates are affected by a variety of factors, ranging from budget-related variables to the managerial style of the judge. These factors were grouped into three main categories: procedural, administrative, and organisational. Survey questions were designed to analyze how judges allocate their working time and what they perceive to be the main factors that affect efficiency in the judicial process. These surveys carried other fundamental shortcomings — including efficiency standards gathered through a combination of statistics from different, not always verified resources. As interesting and attractive as this approach and other perception surveys are, they are influenced by many salient factors and very difficult to analyze.

## Appendix D: Court Excellence Case Study I (continued)

### *Country Specific Approaches*

Considering the relatively newness of performance measurement in the judicial sector, the cost involved, and the advantages some courts have when it comes to collecting and analyzing performance information, it is not surprising that most progress made so far is found in more affluent countries including the United States, Canada, The Netherlands, Finland, Singapore, and Australia. However, other nations are also embarking on the development of practical court performance measures. In Latin America, for example, CEJA, the Justice Studies Center of the Americas, has begun to develop standardized data collection schemes that could also provide information for regular performance measurement.<sup>23</sup> Countries beginning to explore the use of court performance measurement often borrow from those nations that have more experience. South Africa applies a similar performance indicator collection and reporting schemes as the one used in the UK.<sup>24</sup> The IFES index has been applied in a few Middle Eastern nations, such as Jordan and Egypt, and first efforts to develop court standards are also emerging there and elsewhere in the region, often as part of judicial sector reform project supported by international donors.

### *Experiences in Europe*

Much progress has been made over the past few years in Europe. The European Commission for the Efficiency of Justice (CEPEJ) supported an experimental survey to obtain comparable, objective quantitative and qualitative data from 40 of the member states. In 2005, the member states adopted an Action Plan to develop the capacities of the CEPEJ further to assist states in implementing evaluation schemes. The resulting reports of the evaluation round included information from the 45 countries. Implemented with the assistance of designated “national correspondents,” the surveys included 123 questions that are grouped around Council of Europe Resolutions and Recommendations related to efficiency and fairness of justice as well as on court budgets and court users. The survey questionnaire is accompanied by an explanatory “Users Guide” to support the collection of comparable data. Not surprisingly, the survey showed that the nations across Europe use a range of performance measurement approaches. All use some form of regular monitoring and reporting system, most collect quantitative court cases data, such as cases filed and concluded (all 46), and cases postponed (43), or the overall length of procedures was reported in (35) countries. Twenty-three European countries collect a combination of other quantitative and qualitative information.<sup>25</sup>

## Appendix D: Court Excellence Case Study I (continued)

A number of European countries use the results of public opinion polls in evaluating court performance. Some courts or justice ministries support these surveys themselves. Others use opinion polls conducted by others, such as the regular ‘Eurobarometer’ surveys of public opinion carried out by the European Union. These broad public opinion surveys are, in actuality, difficult to interpret and give little indication of where the problems lie or how to resolve them. Experiences with such surveys in the US and even countries like Mongolia indicate that public opinion will shift with general perception trends to government performance and are highly influenced by the media, especially reporting about high profile cases.

Surveys of court users, on the other hand, provide more detailed and potentially more useful information and are often better tailored to the information needs of the courts. For example, data available from detailed surveys in Denmark proved to be useful in a controversy following criticisms of the inadequate reasoning of appeal court judgments. The president of that court responded by quoting court users survey data on user satisfaction with court services and satisfaction with judges’ explanatory statements.

A different, very interesting and helpful approach to ongoing performance monitoring was applied in a local pilot scheme in Finland. In 1999 in the District of the Rovaniemi Court of Appeal (which includes nine district courts), quality targets were set by a Quality Project Development Committee whose members are judges, practicing lawyers, and prosecutors. Through a process that involved frequent communications among the various stakeholder groups, the formation of working groups, annual quality conferences, quality benchmarks were developed. The targets included a broad range of legal and management issues, such as increased consistency in sentencing, improvements in the preparation of civil cases, enhanced leadership skills in the admission of evidence, improvement in the quality of written judgments and increasing participation in judicial training. This pilot had such positive results, including a significant improvement in communication among stakeholders that it was recommended for nationwide adoption and was awarded a European prize for ‘innovative practice contributing to the quality of civil justice.’<sup>26</sup> This approach may be one that is most helpful to the courts and its “court users” in actually achieving results. However, it is resource intensive and requires the right local conditions to be successful.

## Appendix D: Court Excellence Case Study I (continued)

### *Experiences in Australia*

Australia has gone a similar way as New Zealand and to some extent the UK<sup>27</sup> — the courts are required to follow a government-wide performance data collection and reporting process that is largely based on an outcomes/outputs framework. Under this framework, desired outcomes or objectives are set, and courts, just like other government bodies, are responsible for developing outputs that will contribute to those outcomes. This is intended to provide a clearer understanding of what is being produced, why it is being produced and how well and at what cost it is being produced, with a focus on results. Portfolio budget statements provide a public record of intentions of government bodies, which can then be compared against performance reported in annual reports to Parliament. This applies equally to the courts as to other government bodies. The outcomes/outputs framework for each of the federal courts is combined in the Attorney General's Portfolio Budget Statements.

One of the major challenges of this approach — apart from the valid question of possibly infringing on the independence of the courts through this process — is that “output” of the legal system is not easy to quantify, and it is equally difficult to balance “efficiency” against qualitative objectives such as “justice.” Various efforts have been made by Justice or Attorney General's Departments, the Productivity Commission and the courts themselves to gauge their performance against their own standards or in comparison with other courts. The Productivity Commission issues an annual “Report on Government Services” that compares court performance across Australia. The main indicators it reports on are timeliness, cost per case finalized and clearance rates.<sup>28</sup> In addition, public perception surveys are conducted triggering similar difficulties in making the results meaningful.<sup>29</sup> As a result measuring, comparing or evaluating the courts is still as fraught with complexity and conflict in Australia as it is elsewhere.<sup>30</sup>

## Appendix E: Court Excellence Case Study II

### The Subordinate Courts of Singapore — A Journey of Excellence

The Judiciary of Singapore comprises both the Supreme Court and the Subordinate Courts.<sup>31</sup> The Senior District Judge has overall responsibility for the administration of the Subordinate Courts.<sup>32</sup> The Subordinate Courts handle more than 95% of the Judiciary's workload.<sup>33</sup> As such the Subordinate Courts are the public face of justice of Singapore.<sup>34</sup>

The 1990s marked the watershed in the history of the Subordinate Courts as it embarked on the journey toward judicial reforms.<sup>35</sup> At the helm of such change was the then Chief Justice Yong Pung How, and the Senior District Judge Richard Magnus of the Subordinate Courts. The paramount task then was to clear the backlog of cases and set in place a Court Charter with timelines for the completion or disposal of cases.<sup>36</sup> The step toward judicial reform occurred in tandem with Singapore's efforts to position itself as a commercial and IT hub in the Asia Pacific region.<sup>37</sup> The judiciary took a determined approach to modernize its justice system and maximize its resources by enhancing efficiency and productivity while preserving public trust and confidence in the administration of justice. When Chief Justice Chan Sek Keong took over in April 2006, he continued the judicial reforms of the 1990s to date.

The following is a discussion of the critical success factors of the reforms that took place during that all-important timeframe.

### *Visionary Leadership and Strategic Planning*<sup>38</sup>

Leadership and strategic planning are of particular importance as these are the drivers and determinants of initiatives, programs, and key performance requirements. They also influence how such key performance requirements are integrated, deployed and tracked.

The accomplishments of the Subordinate Courts' leadership<sup>39</sup> can best be summarized as follows:

- Its Vision: Primus Inter Pares (First Among Equals);
- Visible transformation of the Subordinate Courts from the 1990s;
- Formulation of the Nine Streams of Reforms to meet the change needs of the Subordinate Courts;
- The encapsulation of the Justice Statement as a timeless reference;
- The provision of additional and new Roles for Judges, such as Judge-Manager, Judge-Educator; Judge-Mediator, Judge-Reformer for a more effective approach to the administration of justice; Congruent with this approach is the employment of court administrators of diverse disciplines;
- Strategic Use of Infocom Technology to manage the processes;<sup>40</sup>
- Inculcating Innovation as a culture that is consistent with the values;<sup>41</sup>
- Engaging and strengthening the community involvement in aspects of the process;
- Strategic Partnership and networking to further enhance the quality of justice and associated programs.

## Appendix E: Court Excellence Case Study II (continued)

In terms of strategic planning, the Subordinate Courts took both short term and long-term approaches. The short-term approach utilizes yearly work plans, review, and monitor mechanisms. The long-term approach emphasizes scenario planning.<sup>42</sup>

### *Use of Information*

To translate clearly the programs and initiatives into clear measurable outcomes for purpose of monitoring and review, the Subordinate Courts initiated the Justice Scorecard<sup>43</sup> as a tool of performance measurement.

With the Justice Scorecard the Subordinate Courts can:

- Establish clearer linkages between vision, mission and actions;
- Establish and maintain pro-active management;
- Establish simple and concise measuring critical indicators; and
- Establish early warning alerts to areas that are likely to breach targets.

In September 2000, the Subordinate Courts launched the eJustice Scorecard System. The Justice Scorecard comprises four perspectives (Community, Internal Processes, Learning and Growth and Financial). Each perspective contains a set of Key Performance Indicators, which are relevant for both the Legal and Corporate Services Divisions. Divisional Heads are responsible for monitoring these key performance indicators and to ensure that targets are met, and follow up actions are taken to rectify any missed targets.

### *People — Human Capital*

The Subordinate Courts recognizes that maximizing and developing human capital creates an environment, not only responsive to changing stakeholders and court users' trends, but also cultivates a culture of learning, innovation and continual improvement. Thus, Subordinate Courts established a People Developer Standard framework to encourage and enable continual learning. Such a system identifies learning needs, maps learning and development needs, monitors and implements learning plans and transfer learning.

There is also a focus on the following areas:

- Human Resource Planning — by attaining the Singapore's quality standard on human resource development by attaining the People's Developer Standard<sup>44</sup> in 1999 and being recertified in 2002 and 2006;
- Employee Involvement and Commitment — by conducting regular surveys; Equal Treatment Benchmark; Code of Ethics for court administrators.
- Employee Education, Training and Development — by redefining the roles of the Judges to include that of Judge-Mediator, Judge-Reformer, Judge-Educator and Judge-Manager; By engaging court administrators of different disciplines to increase a culture of diversity and constructive approaches; Cross-fertilization of talents with selected organisations; provision of sponsorships, scholarships and attachments.
- Employee Health and Satisfaction — establishing workplace health programs; attaining national health awards for such directions.
- Employee Performance and Recognition — programs through staff welfare committee and Judiciary Recreation committee; Court Administrator of the Year Award; nomination for efficiency, public service awards; cross-sectional activities.

## Appendix E: Court Excellence Case Study II (continued)

### Processes

The key process is Case Administration. Technology is used to enhance the quality of court services through the collection of case information and e-filing. The initiatives are developed through an innovation process whereby the sources of feedback are filtered through mechanisms such as cross-functional groups, task forces, and feasibility studies.

This process resulted in some non-traditional initiatives aligned to the administration of justice,<sup>45</sup> including:

Court Dispute Resolution started in 1994: on a Voluntary, Consensual, basis with not only a facilitative approach but also with Early Neutral Evaluation and Court appointed Independent Expert;

- Mediation of Civil Disputes through e@DR<sup>46</sup>
- Criminal Mediation for Relational Disputes<sup>47</sup>
- Family Relations Centre<sup>48</sup>
- Debt Recovery Plans @SCT<sup>49</sup>
- Maintenance Mediation Chambers
- Differentiated Case Management
- Night Courts
- Specialist Courts
- Traffic Court
- Centralized Sentencing Court
- Commercial Trial Courts
- Filter/Holding Court
- Community Court<sup>50</sup>

- iCourt Lab — a Proof of Concept Lab where cutting edge technologies are to be experimented for potential practical uses in the Courts.<sup>51</sup>
- Electronic Filing for civil cases
- Atoms — Automated Traffic Offence Management system where offenders in regulatory matters could ‘plead guilty’ at kiosks or through internet without having to attend court;<sup>52</sup>
- Night Courts — introduced since 1992 for regulatory offences.<sup>53</sup>

### Court Users

The Subordinate Courts views its users in terms of the public at large (defined as the general public who benefit from and are protected by the Rule of Law) and direct users such as those who attend the Subordinate Courts for a variety of reasons. Included are institutional users, which include lawyers and prosecutors, who appear in the Courts on a regular basis.

Users’ requirements are identified through surveys/feedbacks, focus group discussions with industry partners and statistical reporting. A systematic process of listening and information gathering is put in place. The resultant effect of this is that the surveys show a consistent high public trust and confidence.<sup>54</sup>

- Initiatives implemented with such court users in mind include:
- Informative Website at: <http://www.subcourts.gov.sg>
- Court Concierges<sup>55</sup>
- Registry Officers for Service Excellence (ROSE)
- Courts Charter<sup>56</sup>
- Service Pledge

## Appendix E: Court Excellence Case Study II (continued)

### *Results*

The results indicate the continuance of quality justice and the preservation of public trust and confidence. The results are best understood and recognized through detailed statistical reporting and monitoring. Surveys are conducted by the Subordinate Courts. There are also assessments through agencies such as the World Bank, the Accenture Study on e-Government Leadership, Fraser Institute, Economic Intelligence Unit, the International Monetary Fund, Hong Kong-Based Political & Economic Risk Consultancy (PERC) and Swiss-Based International Institute for Management Development (IMD).

The statistical reports, survey results, and research are kept by CReST.<sup>57</sup>

### *Conclusion*

The reforms of the 1990s have paid dividends. By 1999, the World Bank had accorded the Subordinate Courts a world-class status and held them out as a role model for successful judicial modernization efforts to developing countries. By 2006, the Subordinate Courts had attained the Singapore Quality Award [SQA] and had garnered many other national and international awards. Additionally, surveys done by the World Bank, the Institute for Management Development, the Heritage Foundation and the Political and Economic Risk Consultancy (PERC), give high ratings to the Singapore judicial systems and their correlation in creating a safe business environment for potential investors, which have contributed to Singapore's growth as a financial hub.<sup>58</sup>

The Subordinate Courts have steadfastly maintained their quality of justice through all these years by continuously setting higher benchmarks in the pursuit of more accessible and affordable justice for the people. The attainment of the Singapore Quality Award<sup>59</sup> is but the latest manifestation of the all-round excellence in the Subordinate Courts in all their endeavors.<sup>60</sup> The Subordinate Courts in its continual monitoring and review, remain true to its mission contained in the Justice Statement of the Subordinate Courts — to administer Justice.<sup>61</sup>

The journey toward excellence has no destination. No organisation, let alone a Judiciary, can rest on a point of excellence. It is a continual journey underlined by persistence and perseverance and conscientiousness.

Continual improvement on its own is of great importance, but equally important is the need to review and re-examine the way we do things in relation to the changing environment around us. It also means having the boldness and courage to change where relevant or necessary and with the tenacity and determination in the implementation of ideas and plans.

Justice is too precious a value to be left to chance, especially when a Judiciary works in a world where its position and performance are judged by public opinion and the support and goodwill of its constituent communities. There is an expectation from the public and the general perception that the Judiciary should be always on the highest pedestal, remaining forever relevant and true even amidst continuous change. Change is inevitable, and justice being too precious a value to be left to chance, it is only proper and appropriate for a Judiciary to be transparent in its administration of justice and to be benchmarked in its performance.

Excellence is a continual journey.

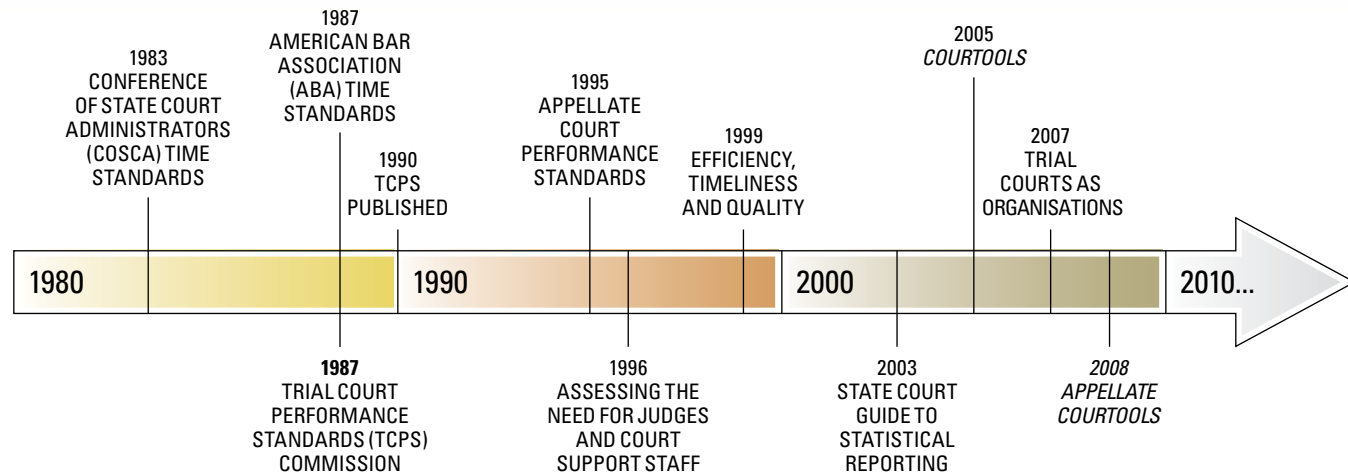
## Appendix F: Court Excellence Case Study III

### Three Decades of Court Performance Measurement in the United States

While courts require independence to render fair and impartial decisions, they also are accountable to the public and should demonstrate how well they are delivering judicial services. Leaders of the state courts in the United States have focused on measuring court performance for more than three decades. Over this time court management theory and techniques have

evolved to provide more useful tools to the country's trial courts. Such organisations as the Conference of Chief Justices (CCJ), the Conference of State Court Administrators (COSCA) and the National Association of Court Administrators (NACM) continue to urge vigorous initiatives in this area to enhance and broaden the use of performance measurement techniques.<sup>62</sup>

This timeline shows the major milestones that the US court community has achieved in developing meaningful and practical ways to measure performance.



## Appendix F: Court Excellence Case Study III (continued)

### *Three Decades of Court Performance Measurement*

In a broader sense this timeline represents how courts are beginning to define what it means to be a “high performance court”. With the publication of case processing time standards by the Conference of State Court Administrators in 1983 and separately by the American Bar Association (ABA) in 1987,<sup>63</sup> courts recognized the need to be accountable and responsive to public demands for case management.

Through the publication of the Trial Court Performance Standards (TCPS) in 1990 a framework to measure court performance was established. TCPS recognized that courts have multiple purposes and that a performance-measurement system must be tied to a court’s core values.

This was followed by the development of Appellate Performance Standards in 1995, which recognized the need for performance measures that addressed the unique nature of the work in the appellate courts. Each milestone has provided a critical piece of the infrastructure necessary for an effective performance measurement system. They also pointed out the need for a smaller set of practical and balanced performance measures tied to the values expressed in these keystone works. With the publication of the CourTools by NCSC in 2005, a set of ten measures was disseminated for use by the trial court community. This represented a major step in the ability to implement performance systems. Currently, it is estimated that courts approximately half the states are implementing CourTools to some degree.

Experience has taught that leadership and practical measures are not the only things necessary for a court to be considered a high performance court. Early on, legal culture was recognized as a significant factor in explaining and managing court delay.<sup>64</sup> In 1999, further research by the NCSC on efficiency, timeliness, and quality indicated that well-performing courts should be expected to excel in terms of both timeliness and quality.<sup>65</sup> And finally, the publication of Trial Courts as Organisations, the seminal work on the organisational culture of courts, showed that culture is linked to performance and provided tools for court managers to measure those cultural influences.<sup>66</sup>

Experience in the US has shown that in order to develop high performance courts a multi-dimensional framework is necessary that incorporates effective leadership and practical performance measures and provides court managers with tools to assess and manage court culture. Following is a discussion of these seminal products and how each has contributed to the experience and evolution of the development of high performance courts in the United States.

## Appendix F: Court Excellence Case Study III (continued)

### *Dispositional Time Standards*

In response to concerns about delay in the processing of civil and criminal cases the Conference of State Court Administrators developed time standards for specific case types in 1983. The ABA adopted similar case-type-specific time standards developed by the National Conference of State Trial Judges in 1984. These have had marked influence on state trial courts and are now standards most state courts. Assessing how courts measure up to these standards has been challenging. Examining Court Delay: The Pace of Litigation in 26 Urban Trial Courts 1987 was the largest national study ever performed regarding the pace of litigation in urban trial courts. Findings provided some optimistic news about reducing delay in the criminal arena but this was overshadowed by the failure of nearly all of 26 large urban trial courts to meet the dispositional standard that all civil cases be disposed within two years after the complaint is filed.<sup>67</sup>

Nevertheless, the study was instrumental in providing policy direction for reducing delay. Early court control and firm trial dates were characteristics of expeditious processing of both civil and felony cases. While developing a comprehensive delay reduction program requires coordination among courts, the private bar, prosecutors, law enforcement agencies the courts do have the ability to gain early control of the case, resolve motions early on, and have firm scheduling of trials.

Many state courts have initiated delay reduction programs but few have been sustained. Judicial turnover, changes in judicial leadership, varying levels of funding, and lack of good data have made it difficult to sustain measuring these systems. However, it is safe to say that nearly all courts in the US are familiar with the COSCA and ABA standards and a great many are endeavoring to meet these standards.

### *Trial Court Performance Standards*

In the early 1980s, the court community was attentive to problems of court delay.<sup>68</sup> This effort focused on improving the process of moving cases through the system. Yet the examination of delay quickly led to discussions about its consequences on court goals in general such as access to justice, fairness, and public confidence. At the same time a cadre of profession court managers charged explicitly with the task of examining the work of the court from an organisational perspectives realized that a broader perspective of court performance was needed. Environmental factors were beginning to push courts towards a more outcome-oriented approach.<sup>69</sup>

In 1987, initial discussion began among 12 members of the US state court community on the fundamental responsibilities of courts. The result of their discussion ultimately became the Trial Court Performance Standards (TCPS) that articulated the fundamental purposes of courts and offered the court community a way of communicating with each other and their constituents about the work of the courts.

The final version of the Trial Court Performance Standards was published in 1990 after thorough review and feedback from the court community.<sup>70</sup> The TCPS report was endorsed by CCJ, COSCA, NACM and the American Judges Association (AJA). They have also been incorporated into the National Probate Court Standards, encouraged the development of appellate court performance standards and influenced the recent publication of *CoufTools*. They have also been used widely in the international arena.

TCPS identifies 68 measures for 22 standards that fall into a framework of five areas which encompass the fundamental purposes and responsibilities of courts:

## Appendix F: Court Excellence Case Study III (continued)

- Access to Justice: trial courts should ensure that the structure and machinery of the courts are accessible to those they serve.
- Expedition and Timeliness: trial courts should meet their responsibilities in a timely and expeditious manner.
- Equality, Fairness and Integrity: trial courts should provide due process and equal protection of the law to all who have business before them.
- Independence and Accountability: Trial courts should establish their legal and organisational boundaries, monitor and control their operations, and account publicly for their performance.
- Public Trust and Confidence: Trial courts should work to instill public trust that courts are accessible, fair and account table.

The TCPS are designed to measure court performance, not judicial performance. In addition, the standards and measures are intended for internal evaluation, self-assessment and self-improvement. They were not originally intended as a basis for cross-court comparison. These standards and measures were tested in 12 courts in 4 states. Courts varied in size, organisation and state law. The resulting measurement system required the use of a variety of data collection methods:<sup>71</sup>

- Observations and Simulations;
- Structured Interviews and Focus Groups;
- Case and Administrative Record Reviews;
- Survey of Various Groups;
- Appellate Court Performance Standards

The Appellate Court Performance Standards, published in 1995, provided a performance measurement process for the state appellate courts, including intermediate courts of appeal and courts of last resort, typically referred to as supreme courts.

Similar to the TCPS, the Appellate Court Performance Standards identified performance areas that are unique to the functioning of appellate courts:

- Protecting the rule of law
- Promoting the rule of law
- Preserving public trust
- Using public resources effectively

The work of the Appellate Standard Commission was complementary with efforts begun by the ABA in the 1970's to set standards for the appellate courts.<sup>72</sup> The primary focus of the ABA's work was to focus on the internal administration of appellate courts. However, the Appellate Court Performance Standards focus primarily on basic functions of appellate courts that are linked to overarching goals of what appellate courts should be doing to serve the interest of litigants, the public, the bar, and policy makers. The work also offers suggested ways of measuring efficiency, timeliness, quality, clarity, and other critical components of appellate justice. Similar to the original trial court performance standards, little has been achieved over the past decade in terms of sustaining effective implementation because of the lack of practical measures. The NCSC is currently undertaking an effort to develop a set of Appellate CourtTools to address this vacuum.

## Appendix F: Court Excellence Case Study III (continued)

### *Assessing the Need for Judges and Court Support Staff*

Effective court performance requires an adequate number of judges and judicial support staff to accomplish the work. A clear measure of court workload is central to determine the number of trial and appellate judges and court staff needed to process and resolve all cases coming before the courts in a fair and timely manner. Objective assessment of workload is an essential cornerstone to effective court management. Meeting this challenge involves systematically assessing the number of people — judges and staff among them — required to handle caseloads. It is also essential to determine whether these resources are allocated equitably across jurisdictions.

Historically, states have used a variety of criteria to assess the need for judges and court staff. These include current caseload (filings), work already completed (dispositions), and factors thought to produce future work (population). However, given the ever increasing number and complexity of cases, it is vital for states to use an objective workload assessment process to ensure that existing judges and court support staff are used most effectively and allocated equitably.

US courts systems at the federal, state and local levels have relied on a methodology that integrates both quantitative and qualitative data and produces workload estimates that can be used to manage the existing human resources of the courts and to identify additional resource needs. The methods identified in the 1996 hallmark publication, *Assessing the Need for Judges and Court Support Staff*, have been improved upon with experience.<sup>73</sup>

### *Weighted Caseload*

Weighted caseload is a method used to translate court caseload into workload for judges and court staff. While case filings can help determine the demands placed on state courts, unadjusted case filing numbers offer only minimal guidance as to the amount of judicial and staff work generated by those case filings. Moreover, the inability to differentiate the work associated with each case type could create the misperception that equal numbers of cases filed for two different case types result in equivalent workloads. Different case types may demand a different balance of judicial attention (e.g., felony cases) in comparison to staff attention (e.g., traffic cases). The assessment of both judicial officer and staff workload accounts for the interconnectedness of judicial and staff work and allows for a holistic assessment of the resources needed to provide efficient and effective service to the public.

### *Efficiency, Timeliness and Quality*

As courts attempted to implement delay reductions programs they faced a perennial question: How are case processing timelines and quality related? Initial research suggested that these two values are in conflict such that a gain in one comes at the expense of the other. Using data from nine different state criminal trial court systems located in various parts of the country, NCSC researchers reached conclusions that did not support the zero-sum game notion described above. In fact the study found that timeliness and the quality of justice are not mutually exclusive either in theory or in practice. “Expeditious criminal case resolution is found to be associated with court systems in which the conditions also promote effective advocacy. Because effective advocacy underlies due process and equal protection of the law, it is an integral aspect of

## Appendix F: Court Excellence Case Study III (continued)

the broader concept of quality case processing.”<sup>74</sup> In short, the study suggested that well-performing courts should be expected to excel in terms of both timeliness and quality.

### State Court Guide to Statistical Reporting

The ability of a court to assess its workload and its performance rests on the quality and consistency of its data. The publication of the State Court Guide to Statistical Reporting (the Guide)<sup>75</sup> in 2003 marked the culmination of a collaboration between the Conference of State Court Administrators (COSCA), the Court Statistics Project (CSP) of the National Center for State Courts, and trial court practitioners. The Guide promotes a standardized set of case type definitions for consistent classification and counting of the cases in the state courts at both the trial and appellate levels. A number of key clarifications are embodied in the Guide (e.g., the proper distinction between active and inactive pending cases, the definition of reopened and reactivated cases, The clarification of specific issues related to the status of cases (active and inactive) as well as the differentiation of appropriate manners of disposition (varieties of trial and non-trial dispositions) provide the basis for an accurate assessment of workload and performance and make it possible for court managers to see whether management interventions are having their intended effects.

### CourTools

As noted earlier, experience in the US showed that courts sought a set of balanced and realistic performance measures that are practical to implement and use. CourTools, developed by the National Center for State Courts, is a first effort toward providing the nation’s state trial court community a common set of ten indicators and methods to measure performance in a meaningful and manageable manner. Useful performance measures consist of indicators providing interpretable results both for internal management and performance assessment by a broad audience of litigants, attorneys, policy makers, and taxpayers. Too many measures blunt the focus of assessment and cloud a clear sense of the results’ importance and utility.

Three decades of effort in this area revealed the challenges involved with measuring court performance. Success is predicated on understanding the steps involved in performance measurement that can make the task easier. CourTools supports efforts toward improved court performance by helping clarify performance goals, developing a measurement plan, and documenting success.

The court community has come to acknowledge that effective measurement is critical to managing court resources efficiently, letting the public know what the court has achieved, and helping identify the benefits of improved court performance. NCSC developed these measures by integrating the major performance areas defined in the TCPS with relevant concepts from other successful public and private-sector performance measurement systems such as the Malcolm Baldrige Award and the Balanced Score Card. This balanced set of court measures provides US judiciaries with the tools to demonstrate effective stewardship of public resources. They recognize that being responsive and accountable is key to maintaining the independence courts need to deliver fair and equal justice.

## Appendix F: Court Excellence Case Study III (continued)

Each of the ten CourTools measures follows a similar sequence, with steps supporting one another. These steps include a clear definition and statement of purpose, a measurement plan with instruments and data collection methods, and strategies for reporting results

CourTools and their related products can be downloaded at the NCSC web site at <http://www.courtools.org>.

### *Trial Courts as Organisations*

Court administrators and judges have long recognized that culture plays an important role in how courts function. A central belief on why some courts perform differently and better than others in achieving desired goals emphasizes the importance of practitioners' variable views on how work should be done. In fact, research shows that in courts where judges and administrators see a responsibility to resolve cases expeditiously, timeliness is approximated more closely than in bodies where judges stress the priority of other duties. Yet, until recently, the nature of the divergent perspectives propelling courts to organize themselves to conduct business in distinctive ways has not been fully developed.

Trial Courts as Organisations, published in 2007, provides a comprehensive framework for understanding court organisational culture, along with a set of steps and tools to assess and measure current and preferred culture.<sup>76</sup> [http://www.ncsconline.org/D\\_Comm/WC/PUBS/TrialCtsAsOrg2.pdf](http://www.ncsconline.org/D_Comm/WC/PUBS/TrialCtsAsOrg2.pdf) The research identifies clusters of measurable values, with each cluster constituting a particular culture, that shape current operations as well as how judges and administrators would like to see court work carried out in the future. In addition to developing a means to conceptualize and measure court culture, knowledge of actual work practices provides a direct means to investigate the relationship between alternative cultural orientations and

variations in court performance. The culture framework clarifies how court culture is linked to current levels of performance in achieving access and fairness, timeliness, and managerial effectiveness and what sorts of new cultures judges and administrators would like to see exist in their courts in the next few years to increase court excellence. The inquiry also reveals each type of culture has merits and limitations when it comes to achieving desired objectives. No single, best culture exists in attaining fundamental goals. Every culture has the potential to meet multiple ends, but each one is more conducive to achieving some goals rather than others.

Courts benefit by knowing the merits and limitations of alternative cultures. A court might improve its performance by modifying its current culture to gain the culture's full merits and to minimize its limitations. For a court considering a move to a substantially different culture, it needs to know how to prevent the reoccurrence of old problems knowing that new ones are inevitable and recognize that any newly adopted culture still has potential limitations.

## Appendix F: Court Excellence Case Study III (continued)

### *Specialized Courts or Types of Jurisdiction*

In addition to performance measures designed for courts as a whole, sets of measures are being developed for specialized courts or particular types of cases to determine the effective of the court process or program. For example, at least four US states have implemented standards for their “drug courts” (special calendars for overseeing and enforcing treatment for offenders or abusing parents who are drug users). While the sets of performance measures developed for each state are different, as would be expected because their goals and objectives are different, certain commonalities are evident. Each includes measures of recidivism as well as accountability and social functioning (such as employment status, education status, collection of monetary obligations, birth of drug-free babies, driver’s license restoration, residential stability, and community service hours). Some include measures of timeliness and the effective of interactions with service providing agencies and organisations as well.<sup>77</sup>

A separate set of measures has also been developed for cases concerning the protection of abused or neglected children. These measures address:

- The safety of the child while under court jurisdiction;
- The permanency and stability of the placement made by the court;
- The adherence to due process; and
- The timeliness of the process.

They are designed “to help courts improve services to maltreated children and their families.”<sup>78</sup>

### *Conclusion*

Looking to the future, many courts are likely to move toward a method of operating that looks substantially different than the one they are currently using. Providing courts with the necessary tools to become high performance organisations is an ongoing goal, one that incorporates methods and procedures developed over the last three decades as well as one that relates to those sure to be developed in the future.

## Endnotes

- 1 While the overall approach of government-wide reporting is similar, the performance indicators used by the UK courts focus not on more relevant indicators, such as timeliness, user confidence, enforcement of judgments, and increased opportunities for settlements. For an overview of the key performance indicators used in the UK see "Her Majesty's Courts Service Business Plan 2007-2008. London, March 2007. [http://www.hmccourts-service.gov.uk/cms/files/businessplan\\_2007\\_2008.pdf](http://www.hmccourts-service.gov.uk/cms/files/businessplan_2007_2008.pdf)
- 2 For example see NSW Attorney General's Department Annual Report 2004-2005.
- 3 See for example, ACT Law Courts and Tribunals, Customer Service Survey 2004-2005, Results Report and Comparative Analysis
- 4 R. Mohr and F. Contini, Measuring Public Confidence in European Courts: Lessons for Australia, Paper presented at the Confidence in the Courts Conference, February 2007, Canberra, National Judicial College of Australia.
- 5 CEPEJ. European Judicial Systems. Edition 2006. Strasbourg, Council of Europe Publishing.
- 6 A. Aarnio *et al.*, "Quality and Justice in Finland", in M. Fabri, P. Langbroek and H. Pauliat, The Administration of Justice in Europe: Towards the Development of Quality Standards, Bologna, Lo Scarabeo, 2003, p. 209.
- 7 The Justice Scorecard is an adaptation of the balanced scorecard technique. This technique was developed at the Harvard Business School for business organisations. The Subordinate Courts is the first judicial and public institution to adapt and use such a balanced scorecard technique. A pilot test was conducted in the Small Claims Tribunal in 1998. For more information regarding the adaptation and use of this approach by the Subordinate Courts, see R. S. Kaplan and D. P. Norton the Subordinate Courts Adaptation and Usage — Strategy-Focused Organisation, 2001 and J. Creelman and N. Makhijani, Mastering Business in Asia — Succeeding with the Balanced Scorecard (2005).
- 8 A pilot program was conducted in 1998 in the small claims tribunals
- 9 See CCJ/COSCA Joint Resolutions 22 and 23.
- 10 American Bar Association Commission on Standards of Judicial Administration, Standards Relating to Trial Courts, ABA, 1987.
- 11 T. Church, Jr., A. Carlson, J. Lee, T. Tan; Justice Delayed: The Pace of Litigation in Urban Trial Courts. National Center for State Courts, 1978.
- 12 B. Ostrom and R. Hanson, Efficiency, Timeliness, and Quality: A New Perspective From Nine Criminal Trial Courts. National Center for State Courts and the National Institute of Justice, 1999. <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=982>
- 13 B. Ostrom, C. Ostrom, R. Hanson, M. Kleiman, Trial Courts as Organisations. Philadelphia: Temple University Press, 2007. [http://www.ncsconline.org/D\\_Comm/WC/PUBS/TrialCtsAsOrg2.pdf](http://www.ncsconline.org/D_Comm/WC/PUBS/TrialCtsAsOrg2.pdf)
- 14 Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.D), chap. I, sect. D.2, annex.
- 15 See Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 16 J-P. Jean and H. Pauliat. An Evaluation of the Quality of Justice in Europe and Its Developments in France. Utrecht Law Review, Volume 2, Issue 2 (44 December) 2006. <http://www.utrechtlawreview.org>
- 17 Transforming Judicial Systems in Europe and Central Asia, James H. Anderson and Cheryl W. Gray, Paper for ABCDE Conference, January 2006, St. Petersburg, Russia. The Business Environment and Enterprise Performance Survey. The EBRD-World Bank Business Environment and Enterprise Performance Survey (BEEPS), developed jointly by the World Bank and the European Bank for Reconstruction and Development, is a survey of managers and owners of more than 20,000 firms across the countries of central and eastern Europe, the former Soviet Union, and Turkey. The survey has been carried out in three rounds: 1999, 2002 and 2005. The BEEPS is designed to examine the quality of the business environment as determined by a wide range of interactions between firms and the state, including in the following areas: problems doing business, unofficial payments and corruption, crime, regulations and red tape, customs and taxes, labour issues, firm financing, legal and judicial issues, and infrastructure.
- 18 See for example Judicial Reform Index for Serbia, ABA, Washington, DC, 2005. [http://www.abanet.org/ceeli/publications/jri/jri\\_serbia\\_2005\\_eng.pdf](http://www.abanet.org/ceeli/publications/jri/jri_serbia_2005_eng.pdf)
- 19 V. Autheman, Global Best Practices: Judicial Integrity Standards and Consensus Principles, IFES, Washington, DC, 2004.
- 20 M. Dakolias, Court Performance Around the World: A Comparative Perspective, World Bank, 1999.
- 21 The countries included Brazil, Chile, Colombia, Ecuador, France, Germany, Hungary, Panama, Peru, Singapore, and Ukraine.
- 22 E. Buscaglia and M. Dakolias, Comparative International Study of Court Performance Indicators: A Descriptive and Analytical Account, World Bank, 1999.
- 23 This project so far is only aimed at providing a concept for extensive data collection schemes that are not tied to court goals. See Santos Pastor, Justice Studies Center of the Americas (JSCA). Preparation of a comprehensive system for data collection and processing for the generation of judicial system statistics and indicators. 2005. <http://www.cejamerica.org/doc/proyectos/ceja-cifrar1-esp.pdf>
- 24 Department of Justice and Constitutional Development 2005/06 – 2008/09 Medium Term Strategic Framework (MTSF) — Access to Justice for All. Pretoria, 2005. <http://www.doj.gov.za/MTSF/2005%20DOJCD%20MTSF.pdf>
- 25 CEPEJ. European Judicial Systems. Edition 2006. Strasbourg, Council of Europe Publishing.
- 26 A. Aarnio *et al.*, note 6.
- 27 See note 1.
- 28 See note 2.
- 29 See note 3.
- 30 See note 4.
- 31 The Judiciary is a constitutionally protected Organ of State. It is one of the 3 constitutional pillars of Government along with Legislature and the Executive. Comprised within the Judiciary are the Supreme Court of Singapore and the Subordinate Courts. Though the Subordinate Courts exist as an autonomous agency since 1997, the Chief Justice is the overall Head of the Judiciary. More information can be obtained from the Subordinate Courts website at <http://www.subcts.gov.sg>. The brief history of the Subordinate Courts can also be obtained from <http://app.subcourts.gov.sg/subcourts/page.aspx?pageid=4400>
- 32 The Senior District Judge leads a team of Judicial Officers who adjudicate cases brought before the Subordinate Courts. He is assisted administratively by the Registrar and the Court Administrators.
- 33 The total workload for year 2006, is 356,360 cases (reference to Annual Report 2006 of the Subordinate Courts): <http://app.subcourts.gov.sg/Data/Files/File/AR%202006/AnnualReport2006.pdf>
- 34 The Honourable Chief Justice Chan Sek Keong stated in the foreword of the Subordinate Courts' Annual Report 2006, that: "The Subordinate Courts are the public face of justice, hearing over 95% of all criminal, civil, family and juvenile cases each year. It is in the Subordinate Courts where the hand of justice touches and changes the lives of those in our community who seek protection and assistance of the law. This is why the quality of the administration of justice in the Subordinate Courts is indispensable to our people's confidence in the Judiciary as the guardian of justice and steward of the Rule of Law in Singapore." <http://app.subcourts.gov.sg/Data/Files/File/AR%202006/AnnualReport2006.pdf>
- 35 For the years [ 1990s] in review, there is a short media clip at: <http://app.subcourts.gov.sg/Data/Files/Media/YearsInReview.wmv>
- 36 <http://app.subcourts.gov.sg/Data/Files/File/Courts%20Charter%202005.pdf>
- 37 For more details of the judicial reforms, see W. H. Malik, Judiciary-led Reforms in Singapore, Framework, Strategies and Lessons, World Bank, 2007.
- 38 The Honourable Chief Justice Yong Pung How (former Chief Justice of Singapore) in his address at the Subordinate Courts' 12th workplan 2003/2004, stated – "The mission of any organisation cannot be accomplished without visionary leadership" and " In my view the success in the governance and administration of the court lies in three anchors-visionary leadership, strategic implementation and effective implementation."
- 39 The Subordinate Courts' executive leadership comprises the Senior District Judge, Principal District Judges and District Judges [Group Managers]. The Senior District Judge charts the strategic directions and provides leadership to Subordinate Courts. For some of the initiatives in 2007, at a glance, please see: [http://app.subcourts.gov.sg/Data/Files/File/Media/2007April28\\_StraitsTimesInteractive7.pdf](http://app.subcourts.gov.sg/Data/Files/File/Media/2007April28_StraitsTimesInteractive7.pdf)
- 40 See [http://app.subcourts.gov.sg/Data/Files/File/Media/2006July18\\_CNA.pdf](http://app.subcourts.gov.sg/Data/Files/File/Media/2006July18_CNA.pdf)

**Endnotes** (continued)

- 41 See [http://app.subcourts.gov.sg/Data/Files/File/Media/2006July19\\_TODAY.pdf](http://app.subcourts.gov.sg/Data/Files/File/Media/2006July19_TODAY.pdf)
- 42 The then Chief Justice of Singapore, Honourable Chief Justice Yong Pung How, in his address in his keynote address at the Asia Pacific Courts Conference in 1997 stated: "An important component of strategic planning is scenario planning... (which) brings about a fundamental shift in thinking. We become creative rather than reactive... we have sought to do this by establishing a unit known as the Justice Policy Group..." The Justice Policy Group of the Subordinate Courts comprises of forward looking Judges of the Subordinate Courts who will do an environmental scan to gather and analyze information, employing scenario planning methodology, and identifying justice scenarios and challenges with formulation of strategies and judicial policies.
- 43 See note 7.
- 44 The People Developer Standard is a quality standard, issued by SPRING Singapore, which gives recognition to organisations that invest in their people and have a comprehensive system to manage the development of their people.
- 45 See [http://app.subcourts.gov.sg/Data/Files/File/Media/2006Oct17\\_BusinessTimes.pdf](http://app.subcourts.gov.sg/Data/Files/File/Media/2006Oct17_BusinessTimes.pdf)
- 46 E@dr means Electronic Dispute Resolution. This was introduced for parties who intended to resolve matters before contemplating court action or proceedings. More information from: <http://app.subcourts.gov.sg/subcourts/newsdetails.aspx?pageid=26601&cid=36565>. You may also access: <http://app.subcourts.gov.sg/e-adr/index.aspx>
- 47 This involves cases of Magistrate Complaints instituted by a person for alleged criminal offences committed by another.
- 48 This was established for parties to cases at the Family Court. The goal of the Family Relations Centre is to transform the culture of family breakdown from one of acrimony to one of cooperation and reconciliation. Towards this end, there is provision of a holistic, legal, relational and therapeutic solutions to divorcing couples in custody, matrimonial property and other ancillary matters.
- 49 Information on this type of mediation can be obtained from the Subordinate Courts website: <http://www.subcourts.gov.sg>
- 50 See [http://app.subcourts.gov.sg/Data/Files/File/Media/2006June02\\_ST04.pdf](http://app.subcourts.gov.sg/Data/Files/File/Media/2006June02_ST04.pdf); [http://app.subcourts.gov.sg/Data/Files/File/Media/2006June02\\_ST02.pdf](http://app.subcourts.gov.sg/Data/Files/File/Media/2006June02_ST02.pdf)
- 51 See [http://app.subcourts.gov.sg/Data/Files/File/Media/2006July19\\_ST.pdf](http://app.subcourts.gov.sg/Data/Files/File/Media/2006July19_ST.pdf)
- 52 See [http://app.subcourts.gov.sg/Data/Files/File/Media/2007Jan05\\_BusinessTimes.pdf](http://app.subcourts.gov.sg/Data/Files/File/Media/2007Jan05_BusinessTimes.pdf)
- 53 See <http://app.subcourts.gov.sg/criminal/page.aspx?pageid=3980>
- 54 See [http://app.subcourts.gov.sg/Data/Files/File/Media/2006May19\\_StraitsTimesH5\\_1.pdf](http://app.subcourts.gov.sg/Data/Files/File/Media/2006May19_StraitsTimesH5_1.pdf)
- 55 This includes the approach of walking the talk, with senior court administrators donning maroon jackets and walking the grounds to assist court users.
- 56 This is for users, a publication of the time frames. It is a commitment to the public of the timelines in their court cases.
- 57 CReST is a section within the Subordinate Courts, formerly known as Research Statistics Unit. The acronym now refers to Centre of Research Innovation and Statistics. It is forms the backbone of statistical studies and research within the Subordinate Courts and is tasked to spearhead innovation. See <http://app.subcourts.gov.sg/subcourts/page.aspx?pageid=4473>
- 58 See [http://app.subcourts.gov.sg/Data/Files/File/Media/2006Jun16\\_StraitsTimesInteractive.pdf](http://app.subcourts.gov.sg/Data/Files/File/Media/2006Jun16_StraitsTimesInteractive.pdf)
- 59 The Subordinate Courts attained the Singapore Quality Award (SQA) in 2006. The SQA institutionalizes highest standards of business excellence and is based on commonly recognized standards that are found in the US Malcolm Baldrige National Quality Award, the European Quality Award and the Australian Business Excellence Award. More information on SQA can be obtained at: <http://www.SPRING.gov.sg>. On the Subordinate Courts attaining the SQA, see [http://app.subcourts.gov.sg/Data/Files/File/Media/2006Oct17\\_BusinessTimes.pdf](http://app.subcourts.gov.sg/Data/Files/File/Media/2006Oct17_BusinessTimes.pdf)
- 60 Reference to the observation by The Honourable the Chief Justice Chan Sek Keong in the foreword of the Subordinate Courts Annual Report 2006. <http://app.subcourts.gov.sg/Data/Files/File/AR%202006/AnnualReport2006.pdf>
- 61 The Justice Statement of the Subordinate Courts was crystallized in the 1990s and encapsulates a public manifestation of the mission, core value system, objectives, goals and principles. It is timeless. It is a reference for alignment of the programs and objectives of the Subordinate Courts. To view the Justice Statement, see <http://app.subcourts.gov.sg/subcourts/page.aspx?pageid=4397>
- 62 See note 9.
- 63 See note 10.
- 64 See note 11.
- 65 See note 12.
- 66 See note 13.
- 67 J. Goert, C. Lomvarkias, G. Gallas, B. Mahoney. Examining Court Delay: The Pace of Litigation in 26 Urban Trial Courts, National Center for State Courts, 1989. Seven of the 26 large urban trial courts were within 5% of meeting the ABA disposition time standard that all felony cases be disposed within one year after arrest. Fourteen had 10% or less of their cases over one year old at disposition. None of the 26 courts were within 5% of meeting the ABA standard that 98% of felony cases be disposed within 180 days after arrest. Data from civil cases was less encouraging. Only two of the 26 courts providing data in the study were able to meet the ABA disposition time standard of two years for all civil cases. In 7 other courts 10% of the cases were over two years old at disposition.
- 68 See L.L. Sipes, The National Conference on Court Delay Reduction: Observation, State Court Journal, Fall 1985, at 3. See also Goert et al., note 68.
- 69 See P. Casey, Defining Optimal Court Performance: The Trial Court Performance Standards, Court Review, Winter 1998.
- 70 Ibid, p. 25. In 1989, approximately 5,000 copies of the draft TCPS were distributed to individuals and organisations for the purpose of review and comment.
- 71 For more detailed information on the Trial Court Performance Standards, see [http://www.ncsconline.org/D\\_Research/TCPS/index.html](http://www.ncsconline.org/D_Research/TCPS/index.html)
- 72 American Bar Association Commission on Standards of Judicial Administration, Standards Relating to Appellate Courts, ABA, 1987.
- 73 V. E. Flango and B. J. Ostrom, Assessing the Need for Judges and Court Support Staff, National Center for State Courts, 1996. [http://www.ncsconline.org/WC/Publications/Res\\_WorkLd\\_AssessNeedsJudges&StaffPub.pdf](http://www.ncsconline.org/WC/Publications/Res_WorkLd_AssessNeedsJudges&StaffPub.pdf) The 1969-70 Federal District Court Time Study (Federal Judicial Center, 1971); S. Flanders, The 1979 Federal District Court Time Study (Federal Judicial Center, 1980); The 1987-1993 Federal District Court Case Time Study (Federal Judicial Center 1994); P. Lombard and C. Krafka, 2003-2004 District Court Case-Weighting Study: Final Report (Federal Judicial Center, 2005); J. E. Shapard, The 1981 Bankruptcy Court Time Study, (Federal Judicial Center, 1982); G. Bermant, P. A. Lombard, and E. C. Wiggins, A Day in the Life: The Federal Judicial Center's 1988-1989 Bankruptcy Court Time Study (Federal Judicial Center, 1991). <http://www.fjc.gov>
- 74 See note 12.
- 75 B. J. Ostrom, C. R. Flango, et al., State Court Guide to Statistical Reporting, National Center for State Courts, 2003. [http://www.ncsconline.org/D\\_Research/csp/StCtGuide\\_StatReporting\\_Complete\\_color10-26-05.pdf](http://www.ncsconline.org/D_Research/csp/StCtGuide_StatReporting_Complete_color10-26-05.pdf)
- 76 See note 13.
- 77 F. L. Cheesman II, D. M. Rubio, R. Van Duizend, Developing Statewide Performance Measures for Drug Courts, Statewide Technical Assistance Bulletin, #2 National Center for State Courts, 2004.
- 78 Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases, American Bar Association Center on Children and the Law, National Center for State Courts, National Council of Juvenile and Family Court Judges, 2004.

