

Sharing Approaches with the Private
Sector:
Measuring and Managing Quality of
Justice Services

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In the beginning...

- Institutional tradition and culture of courts

- State authority
- Independence
- Self-centered



- Attitude towards private sector approaches skeptical at best

- Legalistic
- Managerial

A feeling of crisis

- Sense of crisis fed by budget constraints, growing workload, ICT and societal changes
 - Denial
 - Adjusting to developments imposed by the executive and requested by society
 - Passive reaction to “top-down” efficiency approaches
- Sense of “we can do better”
 - Bottom-up initiatives
 - Focus on quality of service delivery

New Approaches

- Workload measurement
 - Products
 - Costing
 - Budgeting
 - Controlling
 - User surveys
 - Benchmarking circles
 - Quality conferences
 - Co-reading
 - Peer review
 - Costing for quality
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- Quality management
 - Balanced scorecard

Workload Measurement

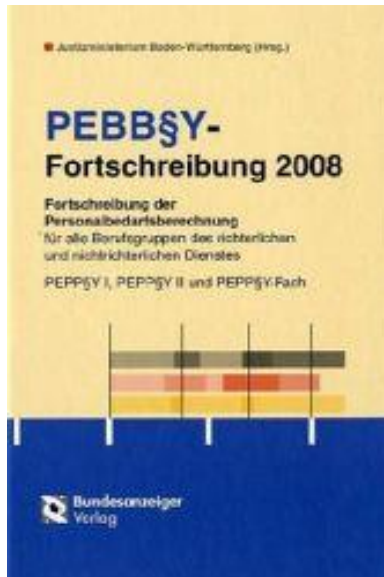
- Assessment of what people are actually doing
 - Types of activities
 - Frequency
- Measurement of how much time they spend



- Link to cost
- Basis for personnel requirement calculation

Workload Measurement

Germany: PEBBŞY



Netherlands: Lamicie (49 cat.)

LAMICIEMODEL 2005 (workload model for judges and staff)						
	Minutes per case (judge)			Minutes per case (staff)		
	Appeal court	District court	Municipal court section	Appeal court	District court	Municipal court section
I. Civil law cases						
Commercial law cases :						
Decision employment dismissal case with defence			303			205
Decision commercial case with defence	1.745	807	118	1.201	619	411
Decision Article 2 = interim appeal	1.745	1.726	516	1.201	998	605
Decision commercial case in district court (co-ownership appeal)		966			489	
Judgment first instance (in absence)		9	1		98	19
Court order commercial petition	577	60	12	1.473	175	26
Court order labour case (7:685RW)			47			116
Court order rent case			110			161
Decision bankruptcy case		309			1.133	
Consultation without decision				5	4	4

Products

- What are the outputs produced by courts?
 - Rule of Law?
 - Justice?
 - Legal certainty?
- Specific deliverables (from product catalogue):
 - Product Sector: Social
 - Product: Judicial process with expert opinion and final decision

Products

Products of Prosecutor Service

Product Number

Product area „Investigation, criminal and administrative offenses“	1xxxx
Product group „Investigation and criminal cases involving adults	101xxx
„Investigation and criminal cases involving adults – general“	101010
Homicide cases	101020
Economic cases	101030
Drug cases	101040
Environmental cases	101050
Political cases	101060
Youth media protection cases	101070
Organized crime cases	101080
Medical cases	101090
Women protection cases	101100
[...]	
Product area „execution“	2xxxx
Product group „execution through imprisonment“	201xxx
[...]	

Costing

- Transparency of costs
- Control of costs
- Efficiency enhancements
- Increased productivity
- Quality?



Budgeting

- Traditional approach
 - Historic budgeting
 - Input based
- Program budgeting
 - Includes performance information
 - Requires targets (outcomes/outputs)
 - Requires indicators (quantity/quality)
 - Requires measurement instruments

Controlling

- “Justizcontrolling”
- Support function providing relevant data
- Needs to be well designed to be compatible with judicial independence
- Complement to decentralized decision making
- Who owns data?
- Differences in governance structure
 - Courts – Ministry of Justice
 - Courts – Judicial Council – Ministry of Justice/Parliament

User Surveys

Internal and external feedback loops are necessary to improve performance

External feedback signals shift from inward looking organization to serving citizen needs

Essential for capturing quality aspects



Users surveyed:

- External focus: Citizens and businesses using courts, lawyers
- Internal focus: Judges, prosecutors, staff

User Surveys

European Commission for the Efficiency of
Justice (CEPEJ)

“Handbook for conducting satisfaction surveys
aimed at court users in Council of Europe
member States” (2010)

www.coe.int/cepej

Benchmarking Circles

Voluntary substitute for lack of competition
between courts

1. Determine key performance aspects and select indicators
2. Determine (and convince) comparator courts
3. Ensure uniform data collection
4. Share results in “safe environment”
5. Discuss and analyze good practices
6. Learn from others and launch improvements
7. Evaluate results periodically

Quality Conferences

- Finland: Initial goal to overcome judicial isolation through thematic discussions on quality among judges
- Initially: Discussions among judges with legalistic focus
- Realization that quality depends on others as well
- Inclusion of lawyers, police, court administrators and others
- Developed into a comprehensive quality initiative that obtained international awards

Co-Reading

Efficiency pressure leads to international trend for increased number of cases handled by single judges.

In order to ensure quality of decisions, judges in the Netherlands have set a quality standard of a minimum of cases, preferably the more difficult ones, that they ask a colleague to co-read before issuing the decision.

Peer Review

In some countries, judges commit themselves to peer review exercises.

- Feedback on performance in hearings
- Established list of criteria



Costing for Quality

Argument: Quality takes time. Time is costly. Budget can be negotiated for quality targets and time made available.

- Permanent education
- Co-reading
- Panel decisions
- Investigation and fact finding
- Reasoning of penalties
- Processing time

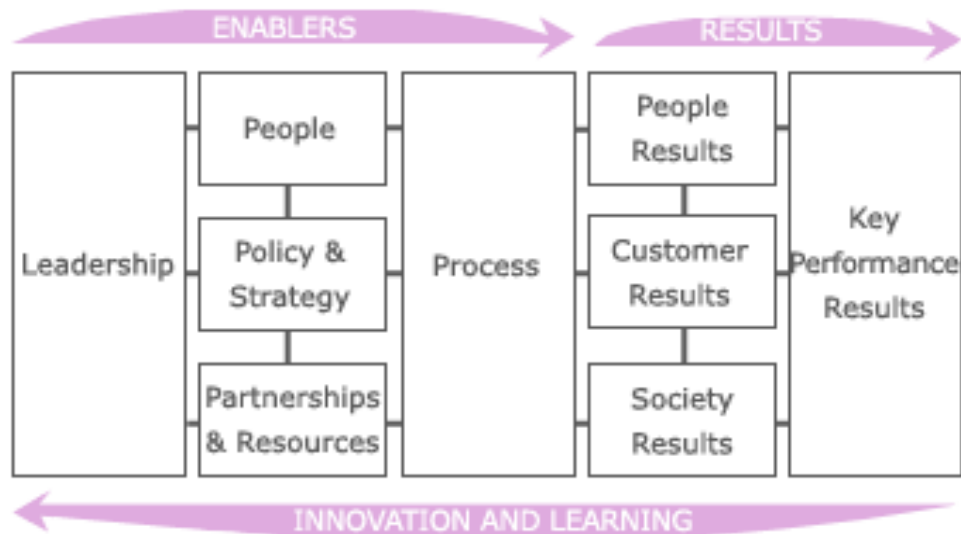
Quality Management

„Quality in this sense is more than the quality of the legal reasoning in a judgment. It includes the best possible treatment of citizens, lawyers and notaries, the most effective design of procedures, the improvement of organizational structures as well as the motivation of those working in the system.“

- Quality measurement areas
- Quality indicators
- Quality norms

Quality Management

EFQM Framework



Quality Management

International Framework for Court Excellence



Quality Management

European Commission for the Efficiency of Justice (CEPEJ)

“Quality management in courts and in the judicial organizations in 8 Council of Europe member States” (2010)

www.coe.int/cepej



Balanced Scorecard

Physical representation of strategic objectives and key indicators

Example: UK

- Area 1: Key performance results
- Area 2: Customers and the community
- Area 3: Improving the way we work
- Area 4: People and learning

Lessons Learned

- No blind imitation or rejection of private sector approaches
- Leadership within the Judiciary is key to successful quality management
- Denial of problems over time leads to solutions imposed by the executive and public opinion
- Sound balance between quantity and quality indicators is needed
- Ownership of those collecting the data ensures effective implementation
- Constant process of learning and improving

THANK YOU