

NCMS BASELINE REPORT
on
NATIONAL FRAMEWORK OF COURT EXCELLENCE (NFCE)

REPORT OF THE SUB-COMMITTEE
HEADED BY HON'BLE MS. JUSTICE G. ROHINI

Each Hon'ble High Court determines and applies standards for Court Management for itself and its Subordinate Courts as it may consider appropriate. This Report sets out suggestions gathered from various High Courts across the country, as well as suggestions from concerned subject matter experts and comparable global experience, on what may be considered minimum national common standards on Court Management Systems. The Report is purely advisory in nature and may be considered by the respective State Court Management Systems Committees of High Courts if they deem appropriate in accordance with the circumstances and needs of each State. It is a dynamic working document and will be revised and updated from time to time as needed based on feedback received from State Court Management Systems Committees of High Courts and NCMS experience and guidance. It is intended to facilitate a dialogue amongst National and State Court Management Systems Committees on minimum national common standards for Court Management Systems at a policy level. Suggestions from judges and subject matter experts are therefore welcome through the respective State Court Management Systems Committees. The contents of this report do not necessarily reflect the views of the Supreme Court of India, members of the NCMS Advisory Committee or members of the NCMS Committee in their individual capacity.

NATIONAL FRAMEWORK OF COURT EXCELLENCE

**Report by the Sub-Committee headed by
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CHAPTER - I

INTRODUCTION

1.1 **JUSTICE – social, economic and political** sought to be secured by the citizens of India while adopting, enacting and giving to themselves the Constitution of India on 26th November, 1949 is not mere justice but expeditious justice without sacrificing the quality.

1.2 This is explicit from the following observations made by Justice R.C. Lahoti, the then Chief Justice of India, in his key note address delivered at the conference of Chief Justices of High Courts and Chief Ministers at Vigyan Bhavan, New Delhi on the topic “Envisioning Justice in the 21st Century”:

“The seekers of justice approach the courts of justice with pain and anguish in their hearts on having faced legal problem and having suffered physically or psychologically. They do not take law into their own hands as they believe that they would get justice from the courts at the end and on some day. We owe an obligation to them to deliver quick and inexpensive justice shorn of complexities of procedure. **At the same time, it is to be remembered that sheer quantum of justice without quality would be disastrous. The elements of judiciousness, fairness, equality and compassion cannot be allowed to be sacrificed at the altar of expeditious disposal. The hackneyed saying is that justice delayed is justice denied. But justice has to be imparted: justice cannot be hurried to be buried. We have to ‘decide’ the cases and not just ‘dispose them off’. (emphasis supplied)**

1.3 The problem of huge arrears and backlog of cases in all courts, right from the Apex Court to the Magistrate Courts is not new in the system of administration of justice in our country. The Harris Committee in West Bengal (1949), the Wanchoo Committee in Uttar Pradesh (1950), the Satish Chandra Committee (1986) and the Arrears Committee (Malimath Committee) (1989-90), had extensively dealt with the issue relating to the delays in justice delivery system.

1.4 The list of causes identified in the reports of the said Committees¹ for accumulation of arrears of cases in the courts are as under:

- (i) Litigation explosion;
- (ii) Radical change in the pattern of litigation;
- (iii) Increase in legislative activity;
- (iv) Additional burden on account of election petitions;
- (v) Accumulation of first appeals;
- (vi) Continuance of ordinary original civil jurisdiction in some High Courts:
- (vii) Inadequacy of judge strength;
- (viii) Delays in filling up vacancies in High Courts;
- (ix) Unsatisfactory appointment of judges;
- (x) Inadequacy of staff attached to High Courts;
- (xi) Inadequacy of accommodation;
- (xii) Failure to provide adequate forms of appeal against quasi-judicial orders;
- (xiii) Lack of priority for disposal of old cases;
- (xiv) Failure to utilise grouping of cases and those covered by rulings;
- (xv) granting of unnecessary adjournments;
- (xvi) Unsatisfactory selection of government counsel;
- (xvii) Population explosion;
- (xviii) Hasty and imperfect Legislation;

¹ Sourced from the Article by Pradip Kumar Das, Lecturer, Bengal Law College, Santi Niketan, West Bengal.

- (xix) Plurality of appeals and hearing by division benches;
- (xx) Inordinate delay in supply of certified copies of judgments and orders;
- (xxi) Indiscriminate closure of courts;
- (xxii) Appointment of sitting judges on Commissions of Inquiry.

1.5 In spite of various attempts such as reforms in Procedural Laws, Tribunalisation, adoption of Alternative Dispute Resolution Mechanism, establishment of Fast Track Courts and constitution of Special Courts under different statutes, the reduction of arrears in the courts and extending timely justice to the litigant public continue to be the major challenge to the Indian Judiciary.

1.6 **Justice delayed is justice denied and justice hurried is justice buried** are the two mutually divergent propositions that are often heard in the legal arena throughout the world. It is now well accepted by all those concerned with the justice administration system that a procedure avoiding the two extremes must be adopted so as to extend expeditious justice to the litigant public without compromising with the quality.

1.7 However, the speedy administration of justice is not in the hands of the judiciary alone. There are numerous reasons for the delay and first among them is the dearth of sufficient number of judges and courts on par with the steep

increase in the institution of fresh cases. There are also other problems such as lack of supporting staff, lack of essential infrastructure in the courts, shortcomings in the laws and procedural hurdles.

1.8 Despite these shortcomings, it is the duty of the judiciary to ensure timely and quality justice to all those who approach the Courts.

1.9 In this background, establishment of comprehensive ***National Court Management Systems*** for the country that will enhance quality, responsiveness and timeliness of the Courts and their functioning assumes importance for better utilisation of the available resources in the best way possible.

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CHAPTER - II

National Framework of Court Excellence (NFCE) – Development and Purpose of Application to Courts

2.1 Out of the six Elements of Objectives included in the Policy & Action Plan of National Court Management Systems (NCMS), Elements 1 and 2 proposed to be examined by this Sub-Committee are as under:

- (1) *A National Framework of Court Excellence (NFCE) that will set measurable performance standards for Indian courts, addressing issues of quality, responsiveness and timeliness.*
- (2) *A system for monitoring and enhancing the performance parameters established in the NFCE on quality, responsiveness and timeliness.*

2.2 The above two Elements require designing a **National Framework of Court Excellence (NFCE)** to help the Indian Courts to achieve excellence in terms of quality as well as quantity of justice rendered.

2.3 As per Element No.1, the **NFCE** shall consist of **measurable performance standards** for Indian Courts addressing issues of quality, responsiveness and timeliness, whereas Element No.2 seeks to provide a system for **monitoring and enhancing** the performance standards so established in the **NFCE**.

2.4 A combined reading of Elements 1 and 2 makes it clear that **NFCE** is proposed to be designed for development of a set of performance standards and an accompanying measurement system that would define and measure effective Court performance. The standards so established would provide for *performance measurement* and *performance improvement* of Indian Courts.

2.5 The measurement system for performance standards established under **NFCE** is not intended for evaluating the performance of the individual judges, but it defines the performance of the Courts as a whole. In other words the system defines the collective work of all the stakeholders such as the Judges, supporting staff, advocates, litigants, public prosecutors, police, etc.

2.6 **NFCE** provides a model methodology for continuous evaluation and improvement of performance of the Courts with specific reference to the issues of quality, responsiveness and timeliness.

2.7 The purpose of the **NFCE** shall be to analyse the overall perception of different Courts in India and to identify the areas of performance of the Courts which need the most focus for achieving excellence and recommend the appropriate

measures that can be used by the respective Courts to improve their performance and accountability.

2.8 The practice in Indian Courts is to measure the performance of the individual judges on the basis of the number of cases disposed of and by assessing the quality of the judgments delivered. This is generally done by the District Judges, who are the Unit Heads and by the Judges of High Court in exercise of the administrative control over the Subordinate Judiciary.

2.9 So far as the supporting staff is concerned, except maintaining Annual Confidential Reports by the respective Unit Heads, no other mechanism is available to measure or monitor their performance.

2.10 Coming to Court rooms, infrastructure, equipment and other material resources required for effective functioning of the Courts, no mechanism at all is available to assess the adequacy. Lack of such material resources invariably affects the performance of the courts adversely in terms of both quality and quantity.

2.11 In fact, there are several stakeholders in the system of administration of justice like the judges, supporting staff, advocates, litigants, public prosecutors and police etc. Each

one of the stakeholders has a specific role to play and the performance of the Court depends upon the collective output by all the stakeholders.

2.12 The performance of the Court as a whole cannot be measured on the mere assessment of the qualitative and quantitative performance of the individual judges. As of today, there is no methodology in our country for assessing the performance of the Court as a whole. Therefore, **NFCE** is proposed to be designed setting measurable standards for the performance of the Court as a whole addressing the issues of quality, responsiveness and timeliness.

2.13 **NFCE** in a simple way can be described as a framework of values, concepts and tools for evaluating the performance of the Courts. The Courts can also make self-assessment of their performance and improve on their own the quality of justice delivered to the litigant public.

2.14 **NFCE** consists of identified performance areas of Courts and the core values which the Courts must adhere to for achieving excellence in those areas. It provides a methodology for assessing the performance of the Courts and to enable the Courts to improve and achieve excellence by adopting the measures recommended therein.

2.15 For identifying the areas of performance which need the most focus for achieving excellence, it is necessary to take into consideration the structural and functional circumstances existing in the Courts in India.

2.16 So far as core values are concerned, it is necessary to identify the essential values that are applicable to all activities of the Courts for the purpose of maintaining the highest standards of integrity and extending equal protection of law to all the citizens who approach the Courts for redressal of their grievances.

2.17 Thus, **NFCE** reflects a resource and extends guidance for Courts for improvement of their performance. On self-assessment the Courts can also identify on their own the areas where they are lagging behind and try to improve their functioning by adopting the performance standards and core values recommended in **NFCE**.

***Note:-** Whether the performance standards prescribed under **NFCE** are only guiding principles for the Courts for self-assessment and self-improvement or whether the said standards will be used as tools for evaluation of the performance of the Subordinate Courts is a question which requires consideration by **NCMS** Committee.*

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CHAPTER - III

Preparation of National Framework of Court Excellence

3.1 The preparation of **NFCE** requires an empirical study of the functioning of the Courts in all the States of the country by making thorough and systematic research and data collection about the number of cases pending, rate of filing of cases, nature of cases, availability of Judges, supporting staff, infrastructure and the rate of disposal, etc., since the same are essential for identification of the areas which require more focused approach for achieving the excellence.

3.2 In the first instance a tentative version of the performance standards shall be prepared and the same shall be put to field-testing by adopting in selected courts for the purpose of demonstration. Comments and suggestions for improvement of the standards shall be invited from the judges and other stakeholders of justice administration system and then **NFCE** has to be designed incorporating the final performance standards.

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CHAPTER - IV

Performance Areas for Court Excellence

4.1 There is rapid increase during the past three decades in the institution of cases and radical change in the pattern of litigation. The absence of adequate number of judges on par with the increase in the institution of cases has resulted in mounting arrears and backlog of cases and many cases are pending in the trial courts for more than five years. The reasons for delay in disposal of cases may broadly be identified as under:

- (i) Inadequate Judge-strength.
- (ii) Lack of supporting staff and essential infrastructure.
- (iii) Lengthy call work consuming quality time of the Courts.
- (iv) Repeated adjournment of cases resulting in rescheduling court process and disrupting the progress of the case.
- (v) Lack of mechanism for segregating the simple cases which can be disposed of within the shortest possible time compared to complex cases involving number of witnesses.
- (vi) Lack of coordination between the Bench and the bar.

Civil matters:-

- (vii) Filing of interlocutory applications during the pendency of the suits with frivolous claims and thus dragging on the proceedings in the main suit.
- (viii) Non-identification of factual and legal issues in dispute at the early stage of the proceedings to find out whether there is any possibility for settlement by ADR methods.
- (ix) Failure to identify the controversy involved in the suit at the earliest stage resulting in framing of improper and irrelevant issues.
- (x) Lengthy evidence which is not relevant to the issue involved.
- (xi) Lengthy arguments by the counsel.
- (xii) Failure to adhere strictly to the provisions of the Civil Procedure Code.

Criminal matters:-

- (xiii) Delay in service of summons and execution of NBWs.
- (xiv) Failure of the Prosecution to produce the witnesses as per the schedule and failure of police to produce the under-trial prisoners whenever his presence is required in the Court for lack of escort or similar other reasons.
- (xv) Non-availability of public prosecutors.

Therefore, **docket explosion** is one of the major problems the judicial system in India is facing and serious efforts are needed to reduce the same.

4.2 At the same time, there is also an urgent need to promote **docket inclusion** by increasing the access to courts especially to the weaker sections of the society who are unable to protect their rights without assistance of the Courts. The statistics reveal that still in some parts of the country a substantial number of people have limited access to justice and are unable to get court protection for want of legal awareness or by reason of economic or other disabilities.

4.3 Therefore, it is necessary to take into consideration the issues of both '**docket explosion**' and '**docket inclusion**' while setting measurable standards for the performance of the Courts.

4.4 In this background, the areas in which the Courts have to excel in their performance in terms of quality, timeliness and responsiveness can be identified as under:

- (i) **Well performing court shall be accessible to litigant public;**
- (ii) **Well performing court shall be efficient and effective in Court proceedings from institution to resolution of cases;**
- (iii) **Well performing court must possess adequate resources to deliver quality and timely justice; and**
- (iv) **Well performing court must be fair, transparent and accountable in all its activities both judicial and non-judicial.**

4.5 Access to Courts:

The relief through Courts shall be affordable and easily accessible for litigants. For this, the basic awareness shall be created among the public about the rights guaranteed under the Constitution and the protection extended under different Legislations and Schemes and they shall also be made aware of the legal aid provided to the deserving sections of the society who are in no position to secure justice by reasons of economic or other disabilities. Basic information about the access to courts and the process of courts must also be made available to the public.

Easy accessibility of the courts to the litigants, particularly for adjudication of petty cases shall be ensured by organizing Lok Adalats at places other than the places where the regular courts are functioning to enable disposal of cases expeditiously with lesser costs. The object of conducting Lok Adalats shall be to take justice to the doorsteps of the poor and the needy and make justice quicker and less expensive.

The feasibility of providing access to courts through Information Technology such as Electronic filing and Video conferencing has to be examined.

The accessibility to Courts means and includes:

- i. Physical accessibility of the Court to the litigant public.
- ii. Affordability of court proceedings (in terms of court fee and filing expenses)
- iii. Mechanism to ensure Docket exclusion (on assessment of number of new cases filed each year)
- iv. Level of Legal Literacy (Creation of awareness among the public about the rights guaranteed under the Constitution and the protection extended under different Legislations and Schemes).
- v. Analysis of quality of legal aid to the persons who are in no position to secure justice by reasons of economic or other disabilities.
- vi. Accessibility of Courts to the persons with disabilities.
- vii. Availability of technology to publish the information on access to court, court services and proceedings.
- viii. Legal assistance to the deserving sections of the society who are unrepresented in the cases filed by the State and its Instrumentalities.
- ix. Organization of regular Lok Adalats to ensure expeditious disposal of petty cases and other cases where element of settlement is involved.
- x. Organization of Lok Adalats at places other than the places where the regular courts are functioning to enable disposal of cases expeditiously with lesser cost and to ensure that the system is user friendly.

4.6 **Efficient and Effective Court Proceedings from Institution to Resolution:**

From the date of institution of a case in the Court till the copy of the Order/Judgment is furnished to the party, the matter has to cross several stages. The services of different stakeholders are involved in the process and unless adequate number of Judges and supporting staff on par with the increase in the institution of cases is available and the case is dealt with at every stage with efficiency and promptness, it is not possible to expect the Courts to excel in their performance and to deliver quality justice without delay.

Matters can no longer be left to the litigants or the counsel representing them to determine the pace of litigation, but the judges, litigants and their counsel should work as a team to achieve expedition and efficiency in the Court proceedings.

4.7 **Human and Material Resources to deliver quality and timely justice:**

A detailed report has already been submitted on Element of Objective-6 (Human Resource Development Strategy) and therefore no further elaboration is necessary.

4.8 **Fairness, transparency and accountability in the activities of the Courts both judicial and non-judicial:**

A fair, consistent and impartial administration of justice is the most essential requirement for the Courts to excel in their performance. The judges should be impartial and independent of all external pressures so that the litigant public can have confidence that their cases will be decided fairly and in accordance with law. The transparency and accountability in all the activities of the Court both judicial and non-judicial will enhance public trust and confidence in the judicial system.

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CHAPTER - V

MEASURABLE PERFORMANCE STANDARDS

5.1 Establishment of performance standards will facilitate not only evaluation of performance of the Courts but also identification of the reasons, if any, for the inability of the Courts to achieve excellence in terms of quality, timeliness and responsiveness.

5.2 The four essential performance areas where the Courts are expected to excel to achieve excellence in terms of quality, timeliness and responsiveness have been identified in the previous Chapter.

5.3 What is the present standard of the Court in each performance area and what are the steps to be taken for improvement may be evaluated on a critical examination of its performance with reference to the measurable performance standards prescribed in the *NFCE*. In other words, the test is whether the Court meets the prescribed standards.

5.4 The performance standards broadly can be identified with reference to (i) Expedient Justice (ii) Quality Justice (iii) Availability of Human and Material Resources (iv) Adherence to Court Values and (v) Public Trust and Confidence.

Expeditious justice:

There shall be expedition in the proceedings of the Court right from the filing of a case till it is disposed of and a copy of the judgment/order is furnished to the party. How best the Court is delivering expeditious justice can be tested on the basis of the following performance measures:

- ❖ The time taken for numbering and placing a case before the Court after it is presented (the time has to be fixed basing on not only the category of cases but also for the main cases and the interlocutory applications).
- ❖ This depends upon the number of staff available in the filing section. Particularly the number of scrutiny officers and their competence to identify the defects in presentation of a case.
- ❖ Whether the summons are being served within the timeframe fixed by C.P.C.?
- ❖ Whether service of summons is being effected only by conventional means of registered post/process server or the other means of facts, e-mail, speed post, courier service or by such other means as may be directed by the Court are being adopted.
- ❖ Whether the pleadings are being examined by the Court even before settling the issues so as to reject the claim if the plaint does not give sufficient details or to pass a decree on admissions in the written statement or to resort to ADR mechanism if the matter involves the element of settlement.
- ❖ Whether the Judges are able to control the entire trial process by giving firm dates for trial and insisting on adhering to the schedule fixed.

- ❖ Whether the cases are being grouped subject-wise for assigning the same to an individual judge.
- ❖ Whether non-judicial functions are being entrusted to the supporting staff and whether the judges are able to focus only on adjudication.
- ❖ Whether call work is entrusted to a Non-Judicial Officer except those cases in which a Judicial Officer is required.
- ❖ Whether efficient Public Prosecutors and Government Pleaders are available.
- ❖ Whether efficient and independent prosecution agency is available.
- ❖ Whether Forensic Science Laboratories with sufficient manpower and apparatus are available at least in every District so as to ensure that the FSL reports are received without any delay.
- ❖ Adopting sophisticated technical methods while recording Section 161 Cr.P.C. statements during investigation to ensure the authenticity of such statement and to avoid the crucial prosecution witnesses turning hostile.
- ❖ Service of summons and execution of NBWs without any delay by creating a separate cell in the Police Department at the cost of the Judiciary.
- ❖ Separate establishment for service of summons and execution of NBWs is available and whether there is provision to monitor the service of summons exclusively by one officer on day to day basis.
- ❖ Whether action is being initiated against the accused under Section 82 of Cr.P.C. where NBWs are pending unexecuted for a long time.
- ❖ Whether trial is being taken up in all criminal cases on day to day basis without granting any adjournment except in extraordinary circumstances.

For Judges and Advocates:

- ❖ Whether time-limit is being fixed for disposal of Interlocutory Applications filed during the pendency of the Suit/Appeal.
- ❖ What is the procedure being followed when an objection is raised during trial as to admissibility of the evidence produced. Whether the procedure of deciding such objections while hearing the suit, except the objections relating to deficiency of stamp duty of a document is being followed.
- ❖ Whether lengthy arguments are being avoided by insisting upon written arguments.

Quality Justice:

Quality of justice invariably depends upon the competence of the judges and the assistance rendered by the advocates, public prosecutors and Government Pleaders.

It is also necessary to have the support of the efficient Personal Assistants (Stenographers) and Bench Clerks/the person who is in-charge of the proceedings in the Court hall.

The quality of justice may be assessed on the basis of quality of the judgments, the approach of judges to the decision making process, their legal knowledge, professional skills of the members of the bar in assisting the courts, efficiency of the supporting staff and more

particularly strict adherence to professional and personal code of conduct by all the stakeholders.

For testing the performance of the quality of justice, the following performance measures can be adopted.

- ❖ Whether adequate reasons are being assigned while disposing of the Interlocutory Applications to minimize the interference by the Appellate/Revisional Courts resulting in stalling of the suit proceedings.
- ❖ Whether Periodical Refreshing Courses are being conducted to the judges to ensure that they are well equipped with the settled legal principles of law and are in a position to curb prolonged examination of witnesses and to avoid bulky evidence with irrelevant material.
- ❖ Whether continuing legal education is being extended to the advocates to update their legal knowledge and to improve the professional skills.
- ❖ Whether the Court has the assistance by efficient and professional Court Manager.
- ❖ Whether the periodical review of the quality of the judgments/orders is being made by the superior courts.
- ❖ Whether any methodology is available to ensure co-operation and coordination between all the stakeholders.
- ❖ Whether the judgments/orders are consistent.
- ❖ By maintaining an error index.
- ❖ By assessing the legal knowledge and ethical standards of the bar.
- ❖ By survey on perception of corruption.

Availability of human and material resources:

- ❖ Whether adequate Court rooms, administrative building, infrastructure and material facilities are available.
- ❖ Whether appropriate budget process and funds are available.
- ❖ Whether periodical training is available to supporting staff.
- ❖ Whether periodical professional development courses are available for Judges and Advocates.
- ❖ Whether Good library/e-library is available for the Judges and also the advocates.
- ❖ Whether Information Technology is available.

Adherence to the Court values:

The Courts are required to follow certain values for successful functioning and to excel in their performance. The adherence to these values is also essential to keep up the public trust and confidence in the system of administration of justice.

Whether the Court values are being adhered to or not by all the stakeholders of the system is also a very important and effective test to measure the performance of the Court.

❖ The core values that are required to be followed by the **Judges**, who are exclusively concerned with the decision making, are as under:

- (i) **Independence,**
- (ii) **fairness,**
- (iii) **impartiality,**
- (iv) **certainty, and**
- (v) **equality**

❖ The core values that are applicable to the **judges and also the other stakeholders** of the justice administration system i.e., supporting staff, advocates, prosecution, executive agencies such as police which constitute an integral part in the criminal justice system, are as under:

- (vi) **Competence,**
- (vii) **Integrity,**
- (viii) **Propriety,**
- (ix) **Faith in and allegiance to the Constitution and the Rule of Law, and**
- (x) **Transparency and Accountability**

❖ The **independence of Judiciary**, which can be understood as the independence of the institution as well as the individual judges, is the basic requisite for ensuring a free and fair society under the rule of law. The basic need for the independence of the judiciary is to enable the

judges to exercise their functions free from all external factors. The principle of independence of judiciary entitles and requires the judiciary to ensure that the judicial proceedings are conducted fairly and that the rights of the parties are respected.

- ❖ Coming to the values of fairness, impartiality and certainty which are in a way inter-related, it is well recognised that for judiciary to excel in performance, a **fair, consistent and impartial** administration of justice is an essential requirement.
- ❖ It is vital that each judge should be in a position to decide the cases before him solely on the basis of facts and in accordance with law without any influences, inducements, pressures, threats or interferences, direct or indirect from any quarter or for any reason. The judges should be impartial and independent of all external pressures so that the litigant public can have confidence that their cases will be decided fairly and in accordance with law. Decision making being a process of

identifying problems and choosing the best option among alternative courses of action for resolving the problems successfully, the decisions shall be consistent in similar circumstances so as to enhance the public trust and confidence in the system of administration of justice.

- ❖ **Equality** before law is a Fundamental Right guaranteed under the Constitution of India. It is in fact co-relative to the concept of rule of law for all round evaluation of healthy social order. Hence, providing equal protection to all persons by extending equal treatment to all persons in similar circumstances both in the privileges conferred and in the liabilities imposed is the fundamental value to be followed.
- ❖ The value of **competence** is primarily related to the ability of the person performing the functions that he is expected to do in the system of justice administration. **Integrity** and **propriety** are the two other basic values which should be adhered to by the judges as well as the other stakeholders of the administration of justice while discharging

their respective roles for achieving court excellence and responsiveness.

- ❖ Every person who has a specific role to play in the system of administration of justice is bound to have ***faith in and allegiance to the Constitution and Rule of law.*** Constitution of India being the basic document made for the people, by the people and of the people upon which the rule of law is based, the performance of Courts at every stage has to reflect that no one is above law.
- ❖ No less important are the values of ***transparency*** and ***accountability*** which are mutually co-existent, to ensure the public trust and confidence in the judicial system. Transparency which provides information for litigant public about proceedings in the Court promotes accountability of all the stakeholders of the system. Adherence to the values of transparency and accountability, therefore, invariably promotes expedition and efficiency as well as responsiveness in the system of justice administration.

Public Trust and Confidence:

Public Trust and Confidence in the effective discharge by Courts of their Constitutional mandate to promote justice is an indicator of the successful operation of Courts. A high level of public trust will strengthen respect for the rule of law. Prompt response, lack of corruption, adherence to court values by all the stakeholders involved in the justice administration system, quality decisions, expeditious proceedings and transparency in the proceedings will increase public trust in the judiciary.

The level of public trust and confidence enjoyed by a court can be evaluated by providing

- (i) a system for reviewing the performance of the judges and other stakeholders with reference to strict adherence to the court values.
- (ii) regular feedback from Court users.
- (iii) survey of perception of public trust and confidence.
- (iv) effective mechanism to receive and process the complaints from the litigants against judges, advocates, ministerial staff, executive agencies.

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CHAPTER - VI

System for Monitoring and Enhancing the Performance Standards

- 6.1 Since the nomenclature of cases and the procedural aspects vary from State to State, it is desirable to have a separate monitoring system for each State.
- 6.2 Basing upon the feedback from the Courts with regard to adoption of **NFCE**, necessary modifications / improvements to the performance standards shall be made.
- 6.3 One of the suggestive methods is to establish Court Management Systems Committee for each State so as to regularly monitor the effectiveness of the performance standards already prescribed and to take measures for necessary modifications.
- 6.4 As already suggested an empirical study of the functioning of the courts in all the States by making systematic research and data collection about the performance levels is essential and a final **NFCE** can be designed only after incorporating the suggestions for improvement received from the stakeholders of the system from all the States.

6.5 While designing final *NFCE*, it is also necessary to design the formats for receiving the feedback on the performance of the Courts and for maintaining the periodical statistics for evaluation of the performance of the Courts and how far the measurable performance standards are met.

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Annexure C

No. J-11011/04/2009-JR
Government of India
Ministry of Law and Justice
Department of Justice

Jaisalmer House, New Delhi-11

Guidelines for 'Training of Judicial Officers and 'Strengthening of State Judicial Academies'

(Forwarded to all Chief Justices by Hon'ble ML&J vide D.O.No.J-11011/4/2009-JR dated 21.01.2011 and to all Chief Secretaries by Secretary(Justice) vide D.O.No. J-11011/4/2009-JR dated 25.01.2011.

XIII Finance Commission Assistance for Judicial Education: Contribution and Role of State Judicial Academies (SJA)

Background

1. The Guidelines of the Government of India for release and utilisation of Grant-in-aid for Improvement in Justice Delivery as recommended by the Thirteenth Finance Commission (FC-XIII) dated September, 2010, includes the following:

*Training of Judicial Officers

A grant component of Rs250 crores has been provided for training of judicial officers in the country to support and strengthen the induction and in-service training of judicial officers. The funds may be used to accelerate these capacity building efforts, under the overall supervision of the HLMC.

State Judicial Academies

Recognizing that the main vehicle for training judges is the State Judicial Academy, FC-XIII has noted that some state academies are well equipped but others have little infrastructure and few facilities. To enable these academies to complete the training of judges promptly through the year, Rs 15 crores has been allocated per High Court (Rs 300 crores for twenty High Courts). These funds may be used to create the physical infrastructure of the judicial academies in states where they do not exist, or for providing additional facilities in the existing academies."

1. State-wise allocation of grants is as follows:

| State | Training of Judicial Officers (Rs Crores) | Strengthening State Judicial Academies (Rs Crores) | Training of PPs (Rs Crores) |
|-------------------|---|--|-----------------------------|
| A.P. | 14.52 | 15 | 8.71 |
| Arunachal Pradesh | 5.31 | Xx | 3.19 |
| Assam | 4.53 | 15 | 2.72 |
| Bihar | 21.43 | 15 | 12.86 |
| Chhatisgarh | 5.46 | 15 | 3.27 |
| Goa | 0.77 | Xx | 0.46 |
| Gujarat | 16.12 | 15 | 9.67 |
| Haryana | 6.16 | Xx | 3.70 |
| H.P. | 1.98 | 15 | 1.19 |
| J&K | 3.26 | 15 | 1.96 |
| Jharkhand | 8.26 | 15 | 4.96 |
| Karnataka | 13.67 | 15 | 8.20 |
| Kerala | 6.74 | 15 | 4.04 |
| M.P. | 20.49 | 15 | 12.29 |
| Maharashtra | 29.76 | 15 | 17.85 |
| Manipur | 0.53 | Xx | 0.32 |

| | | | |
|---------------|-------|-----|-------|
| Meghalaya | 0.16 | Xx | 0.09 |
| Mizoram | 0.63 | Xx | 0.38 |
| Nagaland | 0.42 | Xx | 0.25 |
| Orissa | 8.32 | 15 | 4.99 |
| Punjab | 5.42 | 15 | 3.25 |
| Rajasthan | 12.93 | 15 | 7.76 |
| Sikkim | 0.20 | 15 | 0.12 |
| Tamil Nadu | 12.35 | 15 | 7.41 |
| Tripura | 1.25 | Xx | 0.75 |
| Uttar Pradesh | 34.08 | 15 | 20.45 |
| Uttarakhand | 4.28 | 15 | 2.57 |
| West Bengal | 10.94 | 15 | 6.57 |
| Total | 250 | 300 | 150 |

The proposed Grants in Aid were discussed with the Directors or representatives of State Judicial Academies (SJAs) and the National Judicial Academy at a NJA National Meeting of State Judicial Academies from 10th-12th September 2010 at NJA Bhopal. Taking into account these discussions, NJA has developed a broad framework for the utilization of these grants.

| | |
|---------------------------------|--|
| Overall Goal | <p>Training supported by the grants may should the following four overall goals:</p> <p>(1) Improving Efficiency, Timeliness of Courts and Access to Justice and User-friendliness: ("Demand side") Reducing Delays; Enhancing Timeliness; Reducing Backlog; and Enhancing Access to Justice and User Friendliness -- tracked against Improvements in three leading measurable indicators applied on a court-wise basis: (i) timeliness (compliance with stipulated time standards); (ii) efficiency (compliance with standards on judicial hours per case); (iii) efficacy (implementation of court orders); (iv) docket exclusion; and (v) user-friendliness (see ANNEXURE 1)</p> <p>(2) Enhancing Quality of Adjudication: ("Supply side") Enhancing Quality of Adjudication based on the ten point National Framework of Court Excellence suggested by the National Judicial Academy, tracked against improvements in three leading measurable indicators applied on a court-wise basis: (i) rights protection index; (ii) legal error and consistency index; (iii) quality of judgments index; and (iv) adherence to core judicial values as stated in the Restatement of Values, 1992, and the Bangalore Principles of Judicial Conduct, 2002 (see ANNEXURE 1)</p> <p>(3) Quality of Court Planning and Management ("Supply side"): Strengthening court planning and management systems tracked against improvements in three leading measurable indicators applied on a court-wise basis: (i) development and implementation of five year court-wise Court Development Plans (CDPs); (ii) development and implementation of court and case management systems maximizing quality and efficiency and lowering costs; and (iii) development and implementation of a plan of action for enhancing access to justice and user friendliness of courts. (see ANNEXURE 1)</p> <p>(4) Improving the Quality in Five Priority Areas of Adjudication ("Demand side"): (i) Protection of civil liberties and Constitutional rights; (ii) Social justice (including SC/ST; gender; juvenile justice); (iii) criminal justice administration; (iv) environmental protection; and (v) economic development.</p> |
| (1) Induction Training | <p>SJAs to develop and implement curricula and modules respectively for induction training for district judges and junior division judges to meet the above objectives consistent with standards set out under FNJPC and taking into account the core curriculum for induction training developed at the National Judicial academy. The objectives of the curricula would be to (i) strengthen adherence of judges to core judicial values; (ii) enhance the role of judges as public servants; and (iii) enhance core judicial skills and knowledge. Curricula and modules to be developed by NJA (national core curriculum) and SJAs state curriculum and modules; to be reviewed by a national level committee at NJA which will give feedback to SJAs. Final decision on content to be made by High Courts.</p> |
| (2) Refresher Programmes | <p>SJAs to develop and implement curricula and modules for refresher programmes. A judicial education needs assessment survey will need to be conducted by SJAs soliciting the views of the judges in the State twice in this five year period. Curricula, syllabi and time tables for such programmes will need to be developed in consultation with the National</p> |

| | |
|---|--|
| | Judicial Academy based on model core curricula developed/being developed by NJA. Curricula and modules to be developed by NJA (national core curriculum) and SJAs state curriculum and modules; to be reviewed by a national level committee at NJA which will give feedback to SJAs. Final decision on content to be made by High Courts. |
| (3) Public Prosecutor training | SJAs to develop and implement curricula and modules for training of public prosecutors, appropriately maintaining the required distance between the judicial and prosecutorial roles. Curricula and modules for such programmes will need to be developed in consultation with the National Judicial Academy based on model core curricula developed/being developed by NJA. Curricula and modules to be developed by NJA (national core curriculum) and SJAs state curriculum and modules; to be reviewed by a national level committee which will give feedback to SJAs. Final decision on content to be made by High Courts. |
| (4) Sharing Best Practice | <p>Exchange Programme for Judges: Visits by judges to best practice courts in five states (Kerala, Bombay, Delhi, Ahmadabad, Tamil Nadu) to study how judges in these states are achieving higher rates of productivity. Priority to be given for visits from states with lowest levels of productivity.</p> <p>Foreign visits for Best Judicial Officers: Visits to Singapore court by a small number of selected outstanding judges may be organized as costs are relatively low and time for travel is also less. They will prepare detailed reports with suggestions on how to reform and improve our system based on what they have observed. Such visits will offer an exposure to foreign judicial systems. They can also be used as an incentive for better performance of judicial officers particularly in the initial years of the services.</p> <p>Policies and procedures to be developed by NJA in consultation with SJA for consideration and finalization by Government.</p> |
| (5) Disseminating Knowledge | <p>(i) Basic Materials Package to be distributed free of cost to every judge including a copy of the Constitution, basic statutes and the most important decisions of the Supreme Court which every judge in the country should mandatorily have read. NJA to provide guidance on this package. NJA to identify the national content of the core minimum package, SJAs to identify the state level content. Packages to be approved by High Courts and prepared and distributed by SJAs.</p> <p>(ii) Subscription to at least one good data base of supreme court and high court cases and journals; this must include subscription to at least one foreign journal. One inter-disciplinary journal may also be subscribed.) SJAs to identify appropriate databases and make necessary arrangements.</p> |
| (6) Research | <p>There is an urgent need for SJAs to undertake research so that training may be based on a deeper and more substantive understanding of the problems facing the judicial system in each State.</p> <p>To this end, a research strategy will need to be developed by each SJA in consultation with NJA. SJAs should also enter into research collaboration with National Law Schools and other universities in their respective States to study (I) development of law and (II) various aspects of functioning of judicial institution which can be further used for specific measure for reform and strengthening of judicial system.</p> <p>There is also urgent need for preparing statistical data bases on the judicial system as part of this effort.</p> <p>Research funds should also be used in collaboration with grassroots NGOs and activists who are working in the justice domain. Opportunities for such collaboration should be advertised and offered in a transparent manner.</p> <p>Necessary action to be taken by SJAs.</p> |
| (7) Seed Training and Development of the Bar in critical areas | <p>Access to courts for marginalized sections and critical issues of public concern is severely handicapped by the absence of capacity in the bar at the local level in these areas (district bar). SJAs could play an important role in seeding development of capacity in the Bar in areas of maximum benefit to marginalized sections in close collaboration with the Legal Services Authority.</p> <p>Necessary action to be taken by SJAs.</p> |

| | |
|--|--|
| (8) Strengthening State Judicial Academies: Strategy and Planning | Development of a five year State Judicial Education Strategy; development of curricula and models as noted above. Necessary action to be taken by SJAs. |
| (9) Strengthening State Judicial Academies: Faculty and Human Resources | There is urgent need to build up full time core faculty for each SJAs consisting of academicians and Institutional experts. Such faculty resources should match the needs of the State Judicial Education Strategy and the curricula and syllabi of the SJA. Resource persons from different High Courts will also facilitate exchange of information and of best practices. This can be a step towards fostering a National judiciary by providing linkages amongst states. In order to enhance interdisciplinary learning for judicial officers resource persons from other areas of specialization, such as management, forensic sciences, psychology, medicine, may be invited for selective inputs. Adequate number of junior researchers are also needed in accordance with the approved research programme. Necessary action to be taken by SJAs. |
| (10) Strengthening State Judicial Academies: Knowledge Infrastructure | Every SJA must have an adequate library, including access to electronic resources. Necessary IT infrastructure is also required including computers (desk top and lap top), internet connectivity, scanners and other duplication equipment. Necessary action to be taken by SJAs. |
| (11) Strengthening State Judicial Academies: Physical Infrastructure | Every SJA must have necessary infrastructure for conducting classes and seminars, holding simulations and mock trials, conducting video conferencing and required hostel facilities. Duplication with other programmes providing such infrastructure must be avoided. Necessary action to be taken by SJAs. |
| (12) Evaluation of Impact | To ensure optimal impact, trainees for refresher courses should be selected bearing in mind their current and future responsibilities so that trainees will have full opportunity to use their newly acquired skills. Necessary action to be taken by SJAs. NJA to develop a framework for evaluation. Performance in the induction programme should be closely reviewed. Successful completion of the induction programme should be a condition precedent to confirmation of probation/equivalent of newly appointed judges. Necessary action to be taken by SJAs. High Courts to decide. At least one week a year must be spent in participating in continuing judicial education programmes at the State and one week at the national level. Necessary action to be taken by SJAs. High Courts to decide. |

Within the above broad framework, a detailed plan with physical and financial targets may be prepared by each SJA and submitted to the respective Chief Justices of High Court for inclusion in the perspective plan for release of grant.

(R.K Agarwal)
Deputy Secretary (HC&J)

ANNEXURE 1

Proposed NJA "Draft Model National Framework for Court Excellence"

Courts exist to serve a social function. That social function is succinctly described in the Indian Constitution as "promoting justice on the basis of equal opportunity" ("Article 39A provides that "the State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity....").

A most important need for the nation - and responsibility for the legal system - is to ensure that this mandate is fulfilled to the highest standards. How may the legal system be evaluated to determine whether the legal system is fulfilling its Constitutional mandate -- with excellence?

The effectiveness and quality of a legal system may be evaluated with reference to four indicators. They are:

11/14/2013

1. **Public Trust and Confidence** in the due and effective discharge by courts of their Constitutional mandate to promote justice;
2. **Access to Courts** for the purpose of protecting Constitutional, legal and contractual rights, especially by the weakest and the poorest who are the least able to protect their rights without the assistance of courts
3. Degree of adherence by courts to ten **Core judicial system values** that determine the internal integrity of the Institution:
 1. Integrity; Competence; and Propriety (three Individual Values applicable to judges, advocates, ministerial staff; executive agencies which are essential for the effective functioning of a any court)
 2. Independence; equality, fairness; impartiality; and certainty (five Judicial Decision Making Values applicable to judges); and
 3. Faith in, and allegiance to, the Constitution; and the Rule Of Law, Transparency and Accountability (two sets of institutional values applicable to all stakeholders of the judicial system).

Expedition, Efficiency and Efficacy of court proceedings.

In short, these four indicators may be referred to by the acronym **"PAVE"** (Public Trust and Confidence; Access to Justice; Adherence to Core Judicial System Values; and Expedition, Efficiency and Efficacy)

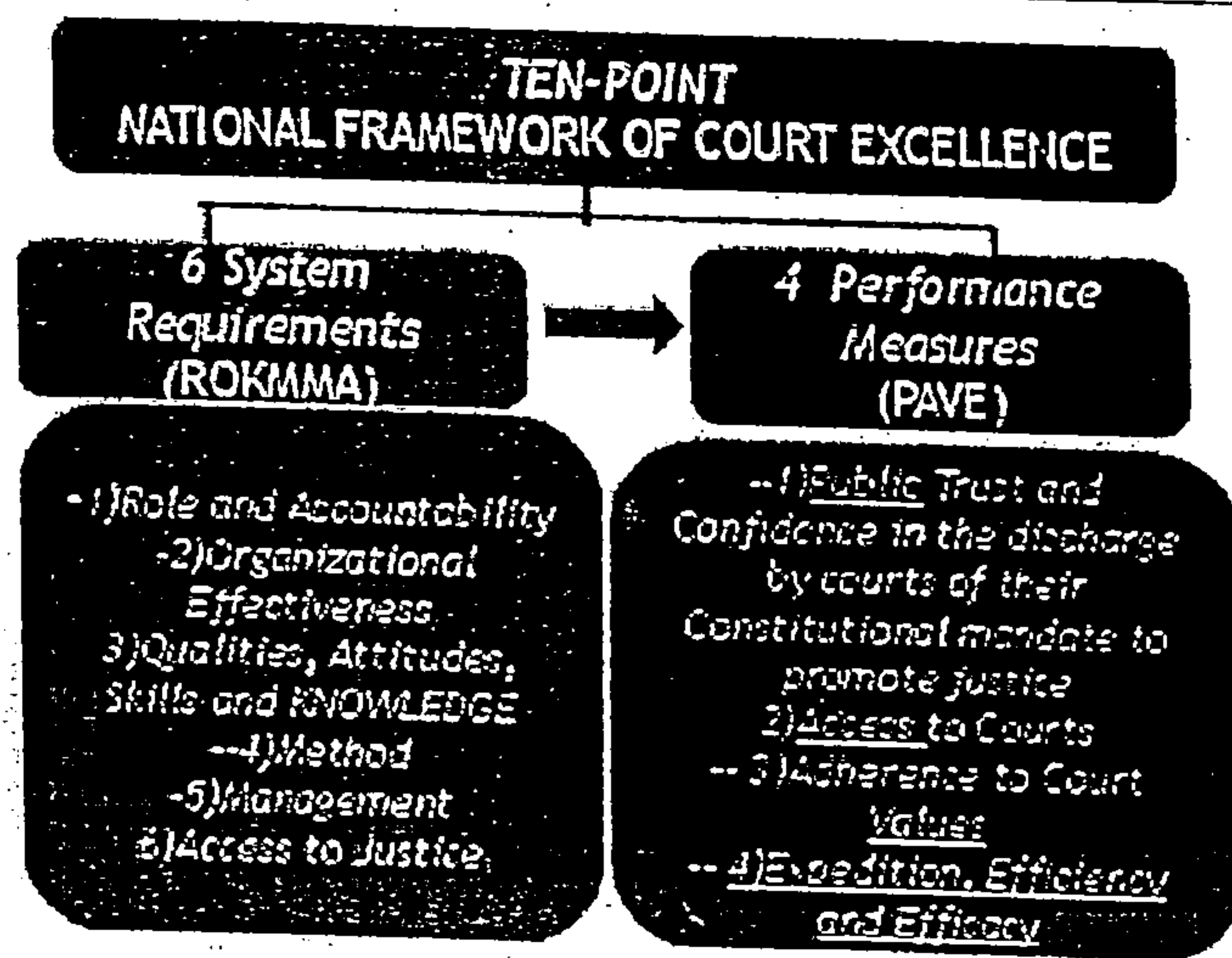
These four indicators are also "public goods" (i.e., benefits available to people at large). Since these "public goods" are expected to be the result of the work of the legal/judicial system, they may also be called "aw-dependent public goods".

Assessing Excellence in the Four Measurable Performance Indicators on Court Excellence (PAVE):

The quality of these four measurable performance indicators may be ascertained from time to time as follows:

| Indicator | Measure | Methodology |
|---|---|--|
| (1) Public Trust and Confidence in the due and effective discharge by courts of their Constitutional mandate to promote justice; | (1) The extent to which courts are perceived by citizens (especially those who have no direct experience of courts) as effectively promoting justice", defined as protecting rights; (2) Degree of transparency and accountability of court proceedings, including availability of information on-line; (3) Degree of accountability to litigants | (1) Assess "Rights Protection Index" (Review 1% of judgments of courts/judges on a random basis to assess ex-post the rights that should have been protected as against the rights that were in fact protected). (2) Survey of perception of public trust and confidence; (3) Assess extent to which information about the functioning and decisions of courts is publicly available using IT; (4) Effective complaints mechanism for litigants applicable to judges, advocates, ministerial staff, executive agencies and members of the public who may seek to undermine the judicial process. |
| (2) Access to Courts for the purpose of protecting Constitutional, legal and contractual rights, especially by the weakest and the poorest who are the least able to protect their rights without the assistance of courts | 1) Number of new cases filed per thousand population per annum, especially by socially excluded groups; 2) Quality and off take of legal aid; 3) User friendliness and responsiveness of courts | 1) Docket Exclusion (Number of New Cases filed each year per thousand population) 2) Analysis of quality of legal aid; 3) Average Cost Incurred by Litigants for Main categories of adjudication 4) Responsiveness Index: From review of decided cases, assess Approach to interpretation of law and appreciation of facts; proactive use of legal aid where relevant. 5) Proportion of court time spent on matters involving social justice issues |
| (3) Degree of adherence by | (1) Establishment of | (1) Consistency and Accuracy |

| | | |
|---|--|--|
| <p>courts to ten Core judicial system values that determine the internal Integrity of the Institution: (1) Integrity; Competence; and Propriety (three Individual Values applicable to judges, advocates, ministerial staff; executive agencies which are essential for the effective functioning of a any court) (2) Independence; equality, fairness; impartiality; and certainty (five Judicial Decision Making Values applicable to judges); and (3) Faith in, and allegiance to, the Constitution; and the Rule Of Law, Transparency and Accountability (two sets of Institutional values applicable to all stakeholders of the judicial system).</p> | <p>standards of performance required to ensure integrity of the system and assessment of adherence to established standards; (2) Extent to which courts are making decisions that are "right decisions" (see Order XIV of CPC) as per law and facts; (3) Certainty and predictability of legal rights and obligations established by courts; (4) Degree of objectivity, quality of reasoning and adherence to established principles of law; (5) Simplicity, rationality and efficiency of court procedures including procedural laws; use of IT</p> | <p>Index : Analyse a random sample of decided cases to review consistency of understanding and application of legal principles and concepts; and accuracy of application of law, including to sentencing; (2) Quality of Judgments Index Based on 8 point CRITICAL Framework (Constitutionally Just; Reasoned and rational; Implementability; Timely; Innovative; Communicative; Legally Sound) (3) Establishment of Codes of Conduct and Independent Complaints Mechanism as a measure of assessing compliance of judges, advocates, ministerial staff and executive agencies to the codes.</p> |
| <p>4) Expedition, Efficiency and Efficacy of court proceedings.</p> | <p>(1) Establishment and compliance with quickest possible time standards given need to comply with due process of law and within existing constraints within which courts function; (2) Lowest cost to the state and to litigants for securing justice; most efficient procedures and processes with minimal demands being made for the time or effort of litigants and others involved with litigation (what economists call "transaction costs"); (3) Minimum time to be spent by litigants and officials in attending court;</p> | <p>(1) Compliance with established time standards; (2) Number of judicial hours and court hours spent for disposal of cases; Efficiency in use of resources; productivity; (3) cost per case to state; litigants; (4) Assessment of extent of compliance with/ execution of orders of the court. (5) Court date predictability and certainty</p> |



Bangalore Principles of Judicial Conduct, 2002

- Value 1: INDEPENDENCE
- Value 2: IMPARTIALITY
- Value 3: INTEGRITY
- Value 4: PROPRIETY
- Value 5: EQUALITY
- Value 6: COMPETENCE AND DILIGENCE

Restatement of Values Of Judicial Life

Whereas by a resolution passed in the Chief Justices' Conference held at New Delhi on September 18-19, 1992, it was resolved that it is desirable to restate the pre-existing and universally accepted norms, guidelines and conventions reflecting the high values of judicial life to be followed by Judges during their tenure of office:

And Whereas the Chief Justice of India was further requested by that Resolution to constitute a Committee for preparing the draft restatement to be circulated to the Chief Justice of the High Courts for discussion with their colleagues, which was duly circulated on 21.11.1993;

And Whereas suggestions have been received from the Chief Justice for the High Commission after discussion with their colleagues;

And whereas the Committee has been reconstituted by the Chief Justice of India on April 7, 1997, to finalise the 'Restatement of Values Of Judicial Life' After taking note of the draft Restatement of Values Of Judicial Life prepared by a committee appointed pursuant to the Resolution passed in the Chief Justices' Conference 1992 and placed before the Chief Justices' Conference in 1993;

And Whereas such a Committee constituted by the Chief Justice of India has prepared a draft restatement after taking into consideration the views received from various High Courts to the draft which circulated to them;

Now, Therefore, on the consideration of the views of the High Courts on the draft, the restatement of the pre-existing and universally accepted norms, guidelines and conventions called 'RESTATEMENT OF VALUES OF JUDICIAL LIFE' to serve as a guide to be observed by Judges, essential for an independent, strong and respected judiciary, indispensable in the impartial administration of justice, as redrafted has been considered in the Full Court Meeting of the Supreme Court of India on May 7, 1997 and has been adopted for due observance.

Restatement of Values Of Judicial Life

1. Justice must not merely be done but it must also be seen as done. The behaviour and conduct of members of the higher judiciary must reaffirm the people's faith in the impartiality of the judiciary. Accordingly, any act of a Judge of the Supreme Court or a High Court, whether in official or personal capacity, which erodes the credibility of the perception has to be avoided.
2. A Judge should not contest the election of any office of a Club, society or other association; further he shall not hold such elective office except in a society or association connected with the law.
3. Close association with individual members of the Bar, particularly those who practice in the same court shall be eschewed.
4. A Judge shall not permit any member of his immediate family to, such as spouse, son, or daughter, son-in-law, or daughter-in-law, or any other close relative, if a member of the Bar, to appear before him or even be associated in any manner with a case to be dealt with by him.
5. No member of his family, who is a member of the Bar, shall be permitted to use the residence in which the judge actually resides or other facilities for professional work.
6. A Judge should practise a degree of aloofness consistent with the dignity of his office.
7. A Judge shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned.
8. A Judge shall not enter into a public debate or express his views in public on political matters or on matters that are pending or are likely to arise for judicial determination.
9. A Judge is expected to let his judgment speak for themselves. He shall not give interview to the media.
10. A Judge shall not accept gifts or hospitality except from his family, close relations and friends.
11. A Judge shall not hear and decide a matter in which a company in which he holds shares is concerned unless he has disclosed his interest and no objection to his hearing and deciding the matter is raised.
12. A Judge shall not speculate in shares, stocks or the like.
13. A Judge should not engage directly or indirectly in trade or business, either by himself or in association with any other person. (publication of a legal treatise or any activity in the nature of a hobby shall not be constructed as trade business).

14. A Judge should not ask for accept contribute or otherwise actively associate himself with the raising of any fund for any purpose.
15. A Judge should not seek any financial benefit in the form of a perquisite or privilege attached to his office unless it is clearly available. Any doubt in this behalf must be got resolved and clarified through the Chief Justice.
16. Every Judge must at all times be conscious that he is under the public gaze and there should be no act or omission by him which is unbecoming of the high office he occupies and the public esteem in which the office is held.

These are only the "Restatement of the Values of Judicial Life" and are not meant to be exhaustive but illustrative of what is expected of a Judge.

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The Australasian Institute of
Judicial Administration Incorporated



THE INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE

2nd Edition, March 2013

Resources

References and Tools

There are many measurement and improvement 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. References and links to these tools can be found on the *Framework* website: courtexcellence.com. The site also contains considerable reference material, case studies and links to relevant court and organisational websites.

IFCE International Resources

<http://ow.ly/hG7bm>

Global Measures of Court Performance (work in progress)

<http://ow.ly/hG779>

CourTools

www.courtools.org

CEPEJ Handbook on User Surveys

<http://ow.ly/hG6ZG>

NCSC Index of Available Resources

<http://ow.ly/hG7fC>

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Websites

International Consortium for Court Excellence

courtexcellence.com

Australasian Institute of Judicial Administration

aija.org.au

Federal Judicial Center

www.fjc.gov

National Centre of State Courts

www.ncsc.org

Subordinate Courts of Singapore

www.subcourts.gov.sg

European Commission for the Efficiency of Justice (CEPEJ)

<http://ow.ly/hG8ut>

Signatories to the International Consortium

The signatories who represent the International Consortium for Court Excellence include:

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.

The Federal Judicial Center

The Federal Judicial Center was established on the recommendation of the Judicial Conference of the United States, the Federal Judicial Center is the research and education organization 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.

The National Center for State Courts (NCSC)

The NCSC provides consulting, training, research and evaluation to court systems throughout the United States and throughout the world. It acts as an information clearinghouse in relation to all areas of judicial administration. NCSC's Board consists of state court appellate and trial judges, court managers from all levels and jurisdictions of State courts, attorneys, and court users from throughout the United States.

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 longstanding commitment toward the reform of judicial administration, with particular emphasis on the international community and on the use of technology.



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.

Spring Singapore

Spring Singapore is a public body concerned with the betterment of enterprise of all kinds. The organization focuses on quality and the enhancement of productivity in both the private and public sectors.

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.



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Section 1: Purpose and Development of *the Framework*

An International Consortium consisting of groups and organizations from Europe, Asia, Australia, and the United States developed the original *International Framework for Court Excellence* in 2008. The original *Framework* has been applied by many courts across the world since 2008 and the Consortium has simplified and modified the original *Framework* to reflect feedback on *the Framework* and the experience of those courts. This 2013 version of *the Framework* incorporates the latest developments in international court improvement strategies.

Since 2006 the goal of the Consortium's efforts has been the development and maintenance 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 foundation of the *Framework* is the clear statement of the fundamental values courts must adhere to if they are to achieve excellence.

The *Framework* also 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 organizational improvement methodologies while reflecting the special needs and issues that courts face.

The Framework provides a path for improvement in the quality of court services. Many courts throughout the world measure performance for specific activities but 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 the original *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.

This new edition of the *Framework* builds upon the feedback and effectiveness of courts across the globe and represents a contemporary methodology for achievement of court excellence. The opportunity has been taken to closely link globally accepted performance measures with the *Framework* methodology and to articulate best practices in court and judicial administration.

1.1 Application of the *Framework* to Courts

The *Framework* is designed to apply to all courts and to be equally effective for sophisticated large urban courts, smaller rural or remote courts and tribunals. Although the *Framework* refers to courts in a substantive sense it applies to all 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.

All adjudicative bodies play a fundamental role in the day-to-day lives of citizens, enterprises, and governments. Although adjudication is the core business of courts, many courts across the world 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.

The *Framework* captures these non-adjudicative functions, including Alternative Dispute Resolution (ADR), where there is a sufficient link through court management or oversight.

1.2 The benefits of adopting the *Framework*

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 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.**

Section 2: Court Values

The Consortium recognizes there is broad international agreement regarding the core values that the courts apply in carrying out their role. The key values to the successful functioning of the courts are:

- Equality before the law
- Fairness
- Impartiality
- Independence of decision-making
- Competence
- Integrity
- Transparency
- Accessibility
- Timeliness
- Certainty

These core values guarantee due process and equal protection of the law to all those who have business before the courts. They also set the court culture and provide direction for all judges and staff 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 transparently 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) and using court facilities effectively. The ability to obtain accurate, complete information about the judicial process and the results of individual cases is essential to accessibility. 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.

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 core values, such as independence, integrity and timeliness.

A journey towards court excellence is primarily a journey built upon a strong respect for and adherence to shared court values.

Section 3: Core Values and Court Activity

The *Framework* provides a methodology for building a court's performance on the basis of internationally accepted court core values and their application to every area of a court's activities. There is a fundamental and clear link between court values and the performance of a court. The *Framework* provides a clear method for courts to assess whether those values that have been identified as being important are in fact guiding the court's role and functions.

The journey to court excellence is one of continuous improvement achieved through optimal internal organization of the courts, strong leadership, clear court policies, quality resource management, effective and efficient court operations, high quality and reliable court (performance) data and a high level of public respect.

All of these roles and activities must be carried out at the highest quality level for a court to be regarded as an excellent court. To simplify the process of assessment of performance and identification of areas for improvement the *Framework* divides these areas of activity and roles into seven separate categories collectively called the **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.

The values should be reflected in a court's approach to each 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. It is important for courts to not only publicize the values which guide court performance, but also to ensure those values are built into the court's processes and practices.

3.1 Seven Areas for Court Excellence

3.1.1 COURT LEADERSHIP AND MANAGEMENT

Inspiring leadership and proactive management in an organization are crucial for court success and excellence. This is true for all levels in the organization. They are an essential foundation for moving beyond the status quo by valuing and promoting the benefit of improving quality, effectiveness, and efficiency of services. Indeed, strong leadership ensures the court is not operating in isolation from the broader community and external partners. **An excellent court organization with outstanding performance results can only be realized by co-operation with other organizations and partners that influence the work of the court such as public prosecution agencies, governmental agencies, the local legal profession, the police, and user support groups.**

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 heads 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 stimulate court leaders to take part in postgraduate management courses to improve their management skills. Innovation and flexibility are important qualities for court organizations because societal change is a fact of life: for example, the growing mobility of citizens, internationalization, changes in economic climate, variation in the level of crime rates, and modifications of laws. Excellent court managers anticipate and recognize change. They actively involve all staff and judges in identifying challenges and solutions. They try to modify work processes and organizational 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 organization and clear accountability. This means that courts regularly publish their performance results and provide information on their services, processes and improvements.

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.

3.1.2 COURT PLANNING AND POLICIES

An embedded practice of refining, implementing, and assessing court policies is essential 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 which is then available 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.**

Planning ahead is fundamental to establishing clear goals, targets and plans for improvement. Excellent courts actively engage judges and staff and widely consult with court users and stakeholders to develop new policies and approaches to court improvement. Planning must be based on a committed use of accurate and reliable data and information to ensure strategies, plans and policies are supported by a strong evidence base. The planning process needs to ensure court values are inherently built into plans and policies.

Excellent courts actively use court policies as tools to improve performance and ensure high quality 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 applying and enforcing standards for submitting documents or new evidence. In criminal proceedings, a listing or adjournment policy can be used to help reduce the number of postponements of court sessions. A clear policy on waiver of fees can improve accessibility to a court.

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.

3.1.3 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 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 judicial and staff resources needed.

Since courts are professional organizations **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 organizations there is a good working climate, high level of satisfaction of judges and staff and a system for continuing professional education.

Excellent courts have sufficient material resources to fulfil 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.

Sound and proactive management of financial resources requires effective budgeting, fiscal management and independent auditing of accounts. Courts need to ensure they have adequate financial and management expertise, appropriate court facilities and office space, and where appropriate, technology for a proper functioning of a court.

3.1.4 COURT PROCEEDINGS AND PROCESSES

Fair, effective and efficient court proceedings are indicators of court excellence. The conduct of court proceedings depends on the quality of court rules (and procedures), judicial oversight, application of the rules and court support (including technology). Excellent courts review the conduct of proceedings and, based on an analysis and description of work processes, identify aspects of court proceedings for improvement. 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.

Efficient and effective court proceedings also require an efficient 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 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 and timely court proceedings. Much attention is given to ensuring timeliness and eliminating or minimizing a backlog of cases. An efficient division of labour between judges and court staff is used to support a clear focus on the efficient disposition of cases.

3.1.5 CLIENT NEEDS AND 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 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) and professional partners (lawyers, public prosecutors, enforcement agents, 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 ability to understand court procedures and decisions should also be measured. This information should be used to improve the quality and processes provided by the courts.

3.1.6 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.

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.

Courts use information technology to enable self-represented court users to navigate the courts (through general information on the court, court proceedings, and court fees), electronic filing, and use of videoconferencing.

Access to justice is facilitated by courts:

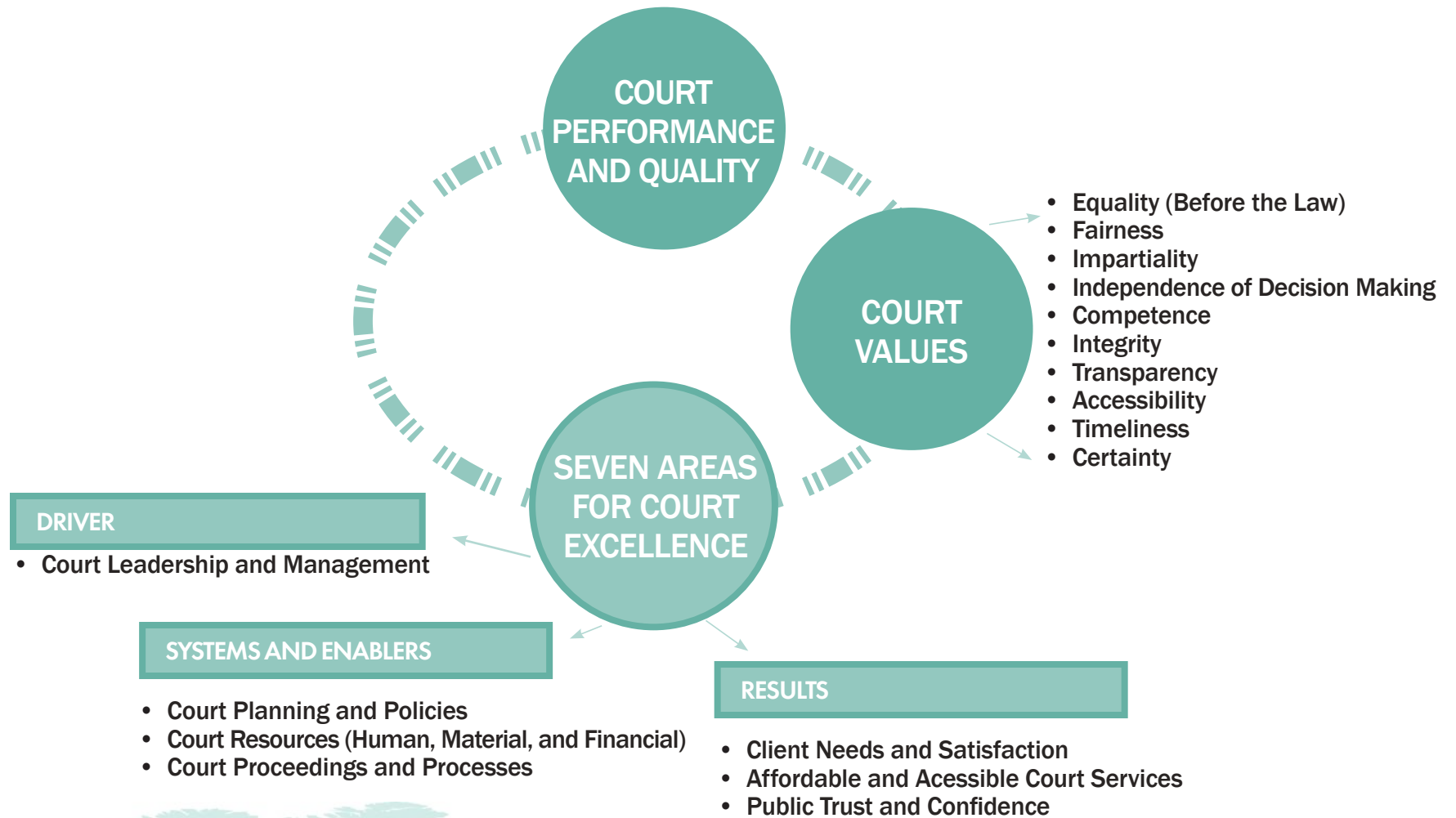
- adhering to universal physical access standards
- providing court interpreters and offering information in the languages spoken in the community served by the court
- setting court fees at affordable levels
- working with agencies and the legal community to ensure that legal assistance is available to those financially unable to retain a lawyer
- providing, where feasible, access and information electronically via the internet as well as at the courthouse

3.1.7 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 judicial decisions, respect for the judges, timely court proceedings and transparent processes will increase 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 organizations systematically measure the level of public trust and confidence in the judiciary and court staff. Without public trust a court is hampered in its ability to function as an effective court.

Framework for Court Excellence



Section 4: The *Framework* Journey to Court Excellence

The *Framework* is a continuous improvement methodology and is not a single one-off approach. It provides the path for the journey to court excellence by ensuring a court is actively and continuously reviewing its performance and looking for ways to improve its performance. There are four fundamental activities in the *Framework* quality cycle and each of these distinct aspects will be repeated for each cycle.

First, a **self-assessment** is undertaken– this is a health check of the court and involves analysis of performance across all Seven Areas for Court Excellence.

Second, an in-depth **analysis** builds upon the self-assessment to determine the areas of the court’s work which represent areas capable of improvement.

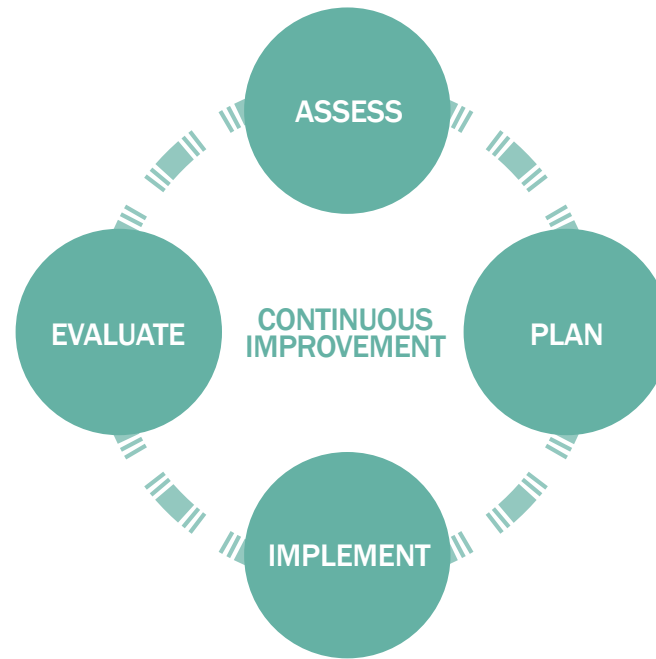
Third, an **Improvement Plan** is developed that details the areas identified for improvement, the actions proposed to be taken and the results sought to be achieved.

Fourth, through a process of **review and refinement** progress of implementation of the Improvement Plan is monitored.

This four step process is essentially repeated when the court is ready to undertake a fresh self-assessment to determine its progress. It is recommended that courts should aim to do an annual self-assessment but the timing is a matter for each court.

Periodic self-assessments allow a court to:

- identify the areas, in which the court needs to make further improvements,
- determine on which areas the court will focus its immediate and long-term efforts; and
- assess the progress the court has made towards needed improvements.



4.1 Assessment of Court Excellence

The first step in the journey towards court excellence involves an assessment of how the court is currently performing. The *Framework* incorporates a self-assessment questionnaire, which allows a court to undertake its own assessment of its performance measured against the Seven Areas for Court Excellence. This 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* 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. A court's performance and reputation depends on the performance of its entire workforce and every judge and court/administrative officer needs to have the opportunity to actively participate in the court's assessment of itself and its development of future plans.

In addition, the *Framework* calls for active involvement of the court's other professional partners, including the legal profession/bar, public prosecutors, law enforcement agencies, and other governmental and non-governmental agencies. To properly inform the self-assessment process courts should actively seek the views of these various groups on relevant aspects of court services and areas in need of improvement. Maintaining open lines of communication with these professional partners can only enhance the process. Courts see their own performance from one limited perspective but engaging with court users opens up a range of new perspectives.

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.

The *Framework* is meant to aid courts in finding the appropriate means for meeting its goals. A self-initiated and transparent court review should also lend credibility to a court's legislative request for appropriate funds to update buildings and to engage additional judges.

The active involvement of court leadership is important to allay fears by staff and judges of the impact of identifying problems within the court and with performance. It needs to be emphasized that the purpose of the self-assessment evaluation is not to lay blame for problems. Rather the goal is to highlight areas for improvement and address issues identified.

The Consortium has developed two ways for a court to undertake the self-assessment process. The first reflects the traditional quality management methodology and is a sophisticated **Self-Assessment Questionnaire (Appendix A)**. The second is a simplified **Self-Assessment Checklist (Appendix E)** based on the Questionnaire but with a detailed list of actions an excellent court would be expected to undertake and a simplified scoring system. The Checklist is easier to use as it allows a simple tick and score approach. A separate publication has been produced which summarizes this *Framework* and provides detailed guidance to courts using the Checklist approach (*Thinking of Implementing the International Framework for Court Excellence*).

Courts used to quality management will find the Self-Assessment Questionnaire familiar and a strong aid to in-depth analysis of areas of court performance. Courts that are not familiar with quality management methodology may prefer to use the Assessment Checklist as it provides greater guidance on expectations of court performance under each Area for Court Excellence.

Whichever approach is taken, self-assessment itself is a necessary first step to developing a plan to close the gap 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.

4.2 Using the Self-Assessment Questionnaire

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.

The Court Excellence Self-Assessment Questionnaire asks users to:

- Rate their court’s current **approach and deployment** in each area on a six-point scale labelled: None, Reactive, Defined, Integrated, Refined and Innovative.
- Describe their court’s **results** on a six-point scale as: None, Limited, Fair, Good, Very Good, or Excellent.

4.2.1 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. The Consortium based on court feedback has merged these two traditionally separate areas for assessment into one of assessing both approach and deployment. This leads to a simpler assessment process.

Courts have to rate their court’s **approach** and the extent of **deployment** in each area: **that is, the extent to which the court has developed and implemented actions addressing each of the statements listed under each of the Seven Areas for Court Excellence.** Consideration needs to be given to how well the issue has been addressed by the court’s initiative and the extent of coverage and impact of the initiative on the issue. In effect this involves assessing each initiative or issue relating to the particular statement and determining the relevance and extent of the court’s attempts to address each matter.

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

| | |
|------------|---|
| None | There is no approach and no deployment at all. |
| Reactive | An approach exists but it is reactive with little or no evidence of implementation. |
| Defined | The direction for a planned and prevention-based approach is set. There is evidence of the approach being implemented in a few areas. |
| Integrated | A sound effective approach is in place with evidence of prevention activities. The approach is aligned with basic organizational needs and there is evidence of implementation in some key areas. |
| Refined | A proven and well-defined approach with evidence of refinement through learning and improvement which is well integrated with organizational needs. Tangible evidence of implementation in all key areas. |
| Innovative | An exceptionally well-defined innovative approach, which is fully integrated with organizational needs. Tangible evidence of both implementation and consistent practice at all levels and across all areas within and outside the court. |

4.2.2 PART 2 OF THE QUESTIONNAIRE: RESULTS

The second part of the questionnaire helps **assess whether the approaches taken 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 during a court case may have the perverse effect of substantially delaying the disposition of the case.

The mere existence of court policies and procedures by itself does not guarantee excellence in court performance.

What is important is how effective those policies and procedures are in meeting the court's core values and the needs of the community and court users.

In scoring, achievement of Results can be described as:

| | |
|-----------|--|
| None | No results; no improvement trends; and no targets met. |
| Limited | Poor results; some improvement trends in a few indicators; and limited publication of results of initiatives. |
| Fair | Performance nears benchmarks in some areas; some improvement trends; and results reported for some key indicators. |
| Good | Good performance levels (average or better) against benchmarks; improvement trends in most key indicators; and results are reported for most key indicators. |
| Very Good | Very good performance levels against benchmarks in most key indicators; improvement trends are sustained in most areas; and results are reported for all key indicators. |
| Excellent | Excellent performance levels against benchmarks in all key indicators; exceptional improvement trends in all areas; and results are reported for all indicators. |

4.2.3 QUESTIONNAIRE SCORING SYSTEM—HOW TO APPLY

Following completion of the self-assessment it is possible to rate the court’s current performance level objectively. Courts may find this numerical scoring system

particularly useful in measuring relative progress over time. The scoring system is weighted to enable the more important areas for attention to be readily identified.

Self-Assessment Scoring Guidelines

| APPROACH AND DEPLOYMENT | | |
|-------------------------|--|---|
| None | There is no approach and no deployment at all. | 0 |
| Reactive | An approach exists but it is reactive with little or no evidence of implementation. | 1 |
| Defined | The direction for a planned and prevention-based approach is set. There is evidence of the approach being implemented in a few areas. | 2 |
| Integrated | A sound effective approach is in place with evidence of prevention activities. The approach is aligned with basic organizational needs and there is evidence of implementation in some key areas. | 3 |
| Refined | A proven and well-defined approach with evidence of refinement through learning and improvement which is well integrated with organizational needs. Tangible evidence of implementation in all key areas. | 4 |
| Innovative | An exceptionally well-defined approach, which is fully integrated with organizational needs. Tangible evidence of both implementation and consistent practice at all levels and across all areas within and outside the court. | 5 |

| RESULTS | | |
|-----------|--|---|
| None | No results; no improvement trends; and no targets met. | 0 |
| Limited | Poor results; some improvement trends in a few indicators; and limited publication of results of initiatives. | 1 |
| Fair | Performance nears benchmarks in some areas; some improvement trends; and results reported for some key indicators. | 2 |
| Good | Good performance levels (average or better) against benchmarks; improvement trends in most key indicators; and results are reported for most key indicators. | 3 |
| Very Good | Very good performance levels against benchmarks in most key indicators; improvement trends are sustained in most areas; and results are reported for all key indicators. | 4 |
| Excellent | Excellent performance levels against benchmarks in all key indicators; exceptional improvement trends in all areas; and results are reported for all indicators. | 5 |

4.2.4 THE SELF-ASSESSMENT PROCESS

Courts should seek to involve as many of the Court's judges, registrars, court officials and administrative staff as possible in the self-assessment process. For a large court it may be necessary to establish a number of assessment teams but it remains important to ensure each team is fairly representative of judges and court staff. A copy of the questionnaire should be given to each member of the court's self-assessment team(s). The self-assessment team(s) 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 any basic information that needs to be gathered to facilitate the process of self-assessment.

Based on the information gathered and their observations and judgment, every member of the self-assessment team should consider each of the Seven Areas for Court Excellence and consider what the court has done or has in place for each listed statement for each Area. It is essential to consider in relation to each item whether the court has taken action to address the issue and the extent and success of each action taken and the results achieved. A score needs to be given for approach, deployment and results. After completing their 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. As members explain their scores any suggestions for reform or change should be noted as they will be critical to developing an Improvement Plan.

It is important in carrying out the self-assessment that the court asks itself whether a particular action could have been more effective or improved in some way. A distinction must be made between things done and things done well. Any claim that a particular action or area has been effectively addressed requires tangible evidence by way of measurement or other objective facts demonstrating the positive impact of the action. For the purposes of the self-assessment it is not sufficient to merely assert that particular initiatives have been successful.

The consensus score for each statement within an Area of Excellence should then be added to compute the overall score. Where a number of assessment teams have been used then an average of the teams' scores should be applied. As there are many statements for each Area the *Framework* provides a weighted scoring system.

For example:

Area 1 (Court Leadership and Management) has 7 statements. The maximum possible total rating score under each of the two sub-categories - "Approach and Deployment" and "Results" is = 35 (7 statements x the highest possible rating of 5 for each statement).

If a court's self-assessment average score gives one statement a rating of 3, 3 statements a rating of 4, and 3 statements a rating of 5 in the "Approach and Deployment" sub-category, then the rating score for "Approach and Deployment" is 30 (3+12+15). If the rating score for "Results" is 24 then the total score for Area 1 is 54 (out of a possible 70).

The final score can then be computed based on the 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.

In the above example a total score of 54 for Area 1 is then multiplied by the weighting factor of 2 giving a weighted score 108 (54 x 2=108) for Area 1.

The detailed weights for the 7 areas and each of the two sub-categories are set out in the following Scoring Table.

4.2.5 Weighted Scoring Table

| | AREAS | MAXIMUM POINTS | SCORE ACHIEVED | MULTIPLIER | RESULTING SCORE | MAXIMUM WEIGHTED SCORE |
|--------------|---|----------------|----------------|------------|-----------------|------------------------|
| 1 | Court Leadership and Management | 70 | | 2 | | 140 |
| 2 | Court Planning and Policies | 40 | | 3 | | 120 |
| 3 | Court Resources (Human, Material and Financial) | 80 | | 2 | | 160 |
| 4 | Court Proceedings & Processes | 50 | | 2 | | 100 |
| 5 | Client Needs and Satisfaction | 50 | | 3 | | 150 |
| 6 | Affordable and Accessible Court Services | 60 | | 3 | | 180 |
| 7 | Public Trust and Confidence | 50 | | 3 | | 150 |
| Total | | | | | | 1,000 |

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.

4.2.6 Banding Table

| BAND | SCORE | APPROACH AND DEPLOYMENT | RESULTS |
|------|----------|---|---|
| 1 | 0 | There is no approach and no deployment at all. | There are no results , or results show no improvement trends, or have not met targets. |
| 2 | 1-199 | Court has approaches but they are reactive, not systematic or not deployed. | Poor results ; or some improvement trends in a few indicators; or limited reporting of results for most key indicators/initiatives. |
| 3 | 200-399 | Court has set the direction for planned and prevention-based approaches. There is evidence of approaches being implemented in a few areas. | Performance nears benchmarks in some areas; some improvement trends; and results reported for some key indicators. |
| 4 | 400-599 | Court has sound effective approaches in place with evidence of prevention activities and some innovation. Approaches are aligned with basic organizational needs and there is evidence of implementation in some key areas. | Good performance levels (average or better) against benchmarks; improvement trends in most key indicators; and results are reported for most key indicators. |
| 5 | 600-799 | Court has proven and well-defined approaches overall with evidence of refinement through learning, innovation and improvement which is well integrated with organizational needs. Tangible evidence of implementation in all key areas. | Very good performance levels against benchmarks in most key indicators; improvement trends are sustained in most areas; and results are reported for all key indicators. |
| 6 | 800-1000 | Court has exceptionally well-defined innovative approaches overall with continuous refinement, which is fully integrated with organizational needs. Tangible evidence of both implementation and consistent practice at all levels and across all areas within and outside the court. | Excellent performance levels against benchmarks in all key indicators; exceptional improvement trends in most areas; and results are reported for all indicators. |

4.3 Analysing and 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 improvement 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.** All courts have limited resources and taking on too many reform initiatives may both delay and hamper effective development, consultation and implementation.

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.

4.4 Improvement plan

The assessment and analysis process will have identified a range of issues for the court to address. Many ideas will have arisen during the discussions around assessing particular aspects of a court's operations. The next step is to develop specific responses to those areas that require attention. During this "planning for improvement" phase a court should focus on collaboration and consultation across the court and, where necessary, with relevant outside partners or stakeholders.

The outcome of this phase is the development of an Improvement Plan which will guide the court's "improvement" activities and projects over the following year. The Plan needs to identify the relevant Area of Court Excellence; the nature of the action to be taken and the successful outcome to be achieved; steps necessary to achieve the action and outcome; who will be involved and who will be responsible for ensuring it is done; what is the timeframe for each action; and finally, what is the measure of success.

An Improvement Plan will drive activity directed to improving a court's performance and every effort should be made to ensure actions proposed are likely to assist in moving a court to a more strategic innovative informative and responsive court.

In developing an Improvement Plan the following sample questions may be useful:

- > **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 policies, 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, and 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 analysed? Will the assistance of an outside consultant be needed to develop measurement tools and analyse results?

A court has many tools at its disposal to improve its performance. These tools include its policies and procedures, which often may be inhibiting effective and efficient finalizing of cases. In addition, the manner in which resources are allocated, cases listed and judicial time employed can be reviewed and adjusted to improve performance.

See Appendix B (Model template for an Improvement Plan).

4.5 Review and Refinement

The *Framework* is a process of continuous refinement and the journey to court excellence requires regular stops to assess the extent of progress being made. Quality management is often referred to as “continuous improvement” and this reflects the cyclical nature of the process. Generally about one year after a self-assessment and the preparation of an Improvement Plan it is useful for a court to assess its progress. This involves undertaking a new self-assessment and following the same process as outlined above. Courts will generally have actions which are still underway and some which are completed. It may be easier for a court to update its Improvement Plan noting progress and setting new actions and targets than to develop a whole new plan.

Each court will have its own different pathway to court excellence. The *Framework* is flexible and allows each court to determine its own priorities and therefore its own path to improving its performance. For most courts the most challenging part of the journey to court excellence is at the beginning when there is a need to adopt a new way of viewing the court’s performance and adopting a new culture of innovation, involvement and accountability.

More often than not a court’s initial challenge is dealing with backlogs and delays with additional resources being seen to be the only way to address the problem. **The *Framework* provides the methodology for a court to develop a new culture embracing innovation, collaboration and measurement to approach these problems from an entirely different perspective.** The Improvement Plan should reflect clearly a court’s adoption of a new approach to problem solving and court improvement.

Almost every court faces the same kinds of problems of limited resources and increasing workloads with judges and staff working exceptionally hard and seeing no answer but more resourcing. There is little time for planning or reviewing or for thinking of new approaches to rules and procedures. The Framework requires courts to break this perpetual cycle of “busy-ness” and to replace it with a more considered approach to streamlining procedures, dispensing with inefficient practices and engaging with staff and court users to develop innovative ways to more use limited resources more efficiently. **The process of continually reviewing and refining the court’s approach ensures steady progress toward court excellence.**

The review process must support and encourage innovation as this allows new practices to be adopted, tested and, if successful, deployed across the court. A key factor to ensuring continuous improvement is the adoption of a sound practice of measurement and analysis of a problem and importantly the impact of action taken to address that problem. Management by anecdote and “feelings” has no place in modern management and history has shown that invariably rushed responses exacerbate rather than alleviate problems.

Courts may often be placed under external pressure to react to what are seen as unacceptable delays or backlogs. Adoption of the *Framework* process provides a court with a more orderly proactive response and allows a court to design and develop its own reform agenda. Measurement of both a court’s performance and the progress of its strategies and reform agenda is vital not only to improving a court’s performance but also to a high level of public confidence and respect.

In deciding what needs to change a court should have regard to the wealth of material on the Consortium’s website and the websites of the organizations which have participated in the development of the *Framework*. These organizations are listed in the **Signatories** and website details of those organizations, other courts and court and judicial organizations are listed in the **Resources**.

A court should not be hesitant having identified a problem or area for improvement to look first at what else has been done around the world to address similar court issues. This can save resources and time by providing some ideas of what may or may not work. In the end it is for a court itself to decide what it wishes to do and how it will measure whether it has been successful.

Section 5: Measurement of Performance and Progress

A foundation stone of excellent court planning and performance is the maintenance of accurate, comprehensive and reliable information and databases. It is essential not only to assessing the performance of a court but also assessing whether its strategies or activities for improvement are having a positive effect. In many cases courts may find their existing information systems and databases are not capturing what is truly needed to assess performance and progress.

A court needs to maintain a collection of both quantitative and qualitative data. The nature and complexity of the data and data collection tools required by each individual court may need to be varied or expanded to enable new initiatives to be assessed for their effectiveness. A court should have many sources for data and information, including its case management system, financial system, registry systems and surveys of court employees, attorneys and court users.

Without reliable measurement systems courts will be unable to adequately assess how they are performing or whether any of their strategies or initiatives is actually effective. What may appear to be a sensible solution of requiring greater pre-hearing issues disclosure could well impose unacceptable costs upon parties or add further delay to case finalization. Measurement is vital to effective assessment of performance and progress.

It is important to distinguish between court performance measurement indicators (and tools) and court performance management policies and tools. **Court performance measurement indicators and tools (Appendix C)** assist in the quantitative and qualitative assessment of the functioning of courts. These indicators and tools capture both internal and external aspects of a court's performance with surveys being a good example of direct user feedback on performance.

On the other hand **court performance management policies and tools (Appendix D)** are part of the arsenal of levers and court processes available to a court to use to effect change. A court will adjust these levers, procedures and policies through various strategies directed to improving court performance. Whether these changes have had a positive effect will be measured by relevant court performance measurement indicator.

5.1 Measurement of Performance

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 also 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 user 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.

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. The underlying philosophy of quality management is that while the quality of the entity may be difficult to measure, if all aspects of the entity’s activities and processes are of high quality then there is strong assurance of the high quality of the entity and its outcomes. If a court is performing at a high level in all seven areas of court excellence then it is fair to conclude that the court itself is delivering a high quality of justice.

Reliance on quantitative performance results alone provides a poor picture of a court’s overall performance particularly the quality of its judicial decisions and court services. The *Framework* seeks to encourage courts to assess a wide range of aspects of the functioning of a court and to use both quantitative and qualitative measures and feedback. Not every aspect of a court’s activities may be capable of measurement and a flexible approach may need to be taken to identify how best to assess the effectiveness of particular strategies, initiatives or services.

5.2 Measurement of Progress

The process of regular self-assessment will enable a court to keep a progressive score of how the court is performing under each of the Seven Areas for Court Excellence as well as for the court as a whole. However, it will be necessary for court’s to have a far more rigorous approach to measuring the effect of initiatives or actions it adopts to reform or improve its practices or processes. **Measuring the initial state of affairs and thereby setting a benchmark is essential to determining subsequently whether the initiative or action has had an effect.** Too often courts adopt a new process and later are forced to attempt to retrospectively prove it had a beneficial impact.

An Improvement Plan must contain clear measures (or targets) for each action to enable a court to later measure whether the action has been successful. Courts should avoid adopting measures which simply identify whether a particular action or step has been conducted. For example, providing management education sessions for twenty staff and measuring that this has been done says nothing of whether the sessions were valuable, of high quality or indeed addressed the purpose of raising the skills of staff in this area. Equally setting the target as a date for completion of a task alone does not ensure the task was a success.

The question should always be asked; “why are we doing this?” and a measure or indicator should be identified which reflects the desired outcome. The second question to be asked should be; “if we are successful what will success look like and what will be different?”

In many cases the measurement of the success of an initiative may well be its impact on a measure of court performance but that may not always be the case. **As the *Framework* requires an evidence base to decision making and planning care must always be taken to identify sound measures of success.**

5.3 Court Performance Measurement Indicators and Tools

At the individual court level 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.

A court may wish to develop its own measurement tools to be used in evaluating implementation of the court's plan. However, there are substantial resources available on the internet that identify in detail a wide range of performance measures currently used by courts around the world. The Consortium has sought to identify these resources and a detailed list of websites, resources and tools for measurement of court performance are presented in **Resources**.

To assist courts using the *Framework* the Consortium has also extracted a sample of more frequently used performance measures and mapped these against the corresponding Area for Court Excellence. This comparative matrix of measures is found at **Appendix C**.

Courts may well need assistance in establishing, maintaining and analysing databases and it may be necessary to either engage a suitably qualified analyst or research consultant.

The Consortium is currently developing a set of internationally accepted performance measures which may assist courts in adopting a consistent approach to performance measurement. An international common set of performance measures would also facilitate the meaningful sharing of experiences and innovation between courts across the world. Once finalized, these resources will be available on the Consortium's website (courtexcellence.com).



Section 6: Communication and Reporting

To ensure public respect and confidence a court must be open and transparent about its performance, strategies and its processes. In the early stages of *Framework* implementation a court's performance against its targets or accepted measures may be less than desirable. It is important that courts are open about their current position but more importantly publish details of what actions they are taking to address the problems.

Unsupported requests to government for more resources are rarely successful but where a court has adopted internal measures to improve performance and has clear data to support resource bids success is more likely. By being transparent about its performance, engaging with its users and stakeholders and communicating its reform strategy courts will engender greater confidence and trust in the community and its stakeholders.

A court should communicate widely to the bar, public prosecutors, law enforcement, other governmental and non-governmental agencies, and the general public its commitment to undertaking *Framework* implementation. Governments, business and the community are well aware of quality management processes and a court's open commitment to continuous improvement alone

will be recognized as a positive step to court excellence. Courts should publish the results of its evaluations and its plans for improvement. Annual Reports should also contain detail of a court's role, practice and procedure and performance. Where practical a court throughout the year should keep court users, government and the community informed of its performance and reform initiatives.

An important aspect of an Improvement Plan should be the development of a Communication Plan identifying how a court intends to inform its users and the community. The plan should include not only strategies for publishing material and information but also outline other forms of appropriate communication including:

- regular meetings with key users and legal groups
- the provision of information to the media
- assistance provided to litigants in person or disadvantaged groups
- Feedback and complaint processes

Open communication about court performance and improvement strategy builds public trust and confidence.

Section 7: Conclusion

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 organization are achieved when everyone is focused on the same goals. Creating a court culture that is supportive of reform, service improvement and innovation 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 and as the *Framework* is intended to be a 'living' document suggestions for improvement would be most welcome.

APPENDIX A: Self-Assessment Questionnaire

COURT EXCELLENCE: SELF-ASSESSMENT QUESTIONNAIRE

| | | APPROACH AND DEPLOYMENT | | | | | | RESULTS | | | | | | | |
|-----------------|---|-------------------------|----------|---------|------------|---------|------------|---------|-----------------|---------|------|------|-----------|-----------|-------|
| | | NONE | REACTIVE | DEFINED | INTEGRATED | REFINED | INNOVATIVE | TOTAL | NONE | LIMITED | FAIR | GOOD | VERY GOOD | EXCELLENT | TOTAL |
| Area 1 | Court Leadership and Management | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL |
| 1.1 | Court has published a statement of its vision and mission (purpose) together with details of how it meets its fundamental values (such as accessibility, timeliness and fairness) | | | | | | | | | | | | | | |
| 1.2 | Court's leadership is actively involved in setting time and service standards and reviewing judicial and administrative performance against those standards | | | | | | | | | | | | | | |
| 1.3 | Court holds regular meetings with court users to provide information on the court and seek feedback | | | | | | | | | | | | | | |
| 1.4 | Court actively informs the community and court users on its services, standards and performance and seeks feedback to improve its services | | | | | | | | | | | | | | |
| 1.5 | Data is kept and published on key aspects of the court's work | | | | | | | | | | | | | | |
| 1.6 | Court plans for the future, reviews feedback and its performance and identifies areas for improvement | | | | | | | | | | | | | | |
| 1.7 | Court and its leaders promote a culture of innovation | | | | | | | | | | | | | | |
| Subtotal | | | | | | | | | Subtotal | | | | | | |

COURT EXCELLENCE: SELF-ASSESSMENT QUESTIONNAIRE

| | | APPROACH AND DEPLOYMENT | | | | | | RESULTS | | | | | | | |
|-----------------|--|-------------------------|----------|---------|------------|---------|------------|---------|-----------------|---------|------|------|-----------|-----------|-------|
| | | NONE | REACTIVE | DEFINED | INTEGRATED | REFINED | INNOVATIVE | TOTAL | NONE | LIMITED | FAIR | GOOD | VERY GOOD | EXCELLENT | TOTAL |
| Area 2 | Court Planning and Policies | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL |
| 2.1 | Court has a strategic plan setting out its goals, targets and plans for improvement | | | | | | | | | | | | | | |
| 2.2 | Court actively involves judges and staff in planning and problem solving tasks | | | | | | | | | | | | | | |
| 2.3 | Court regularly reviews the plan and its performance against its targets | | | | | | | | | | | | | | |
| 2.4 | Court has published judicial and court policies that support its values, targets and plans | | | | | | | | | | | | | | |
| 2.5 | Court regularly reviews its policies to ensure their continuing effectiveness | | | | | | | | | | | | | | |
| 2.6 | Court has a court innovation strategy as an integral part of its strategic planning | | | | | | | | | | | | | | |
| Subtotal | | | | | | | | | Subtotal | | | | | | |

COURT EXCELLENCE: SELF-ASSESSMENT QUESTIONNAIRE

| | | APPROACH AND DEPLOYMENT | | | | | | RESULTS | | | | | | | |
|-----------------|--|-------------------------|----------|---------|------------|---------|------------|---------|-----------------|---------|------|------|-----------|-----------|-------|
| | | NONE | REACTIVE | DEFINED | INTEGRATED | REFINED | INNOVATIVE | TOTAL | NONE | LIMITED | FAIR | GOOD | VERY GOOD | EXCELLENT | TOTAL |
| Area 3 | Court Resources (Human, Material and Financial) | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL |
| 3.1 | Court manages resources proactively to balance judicial and administrative workloads with timely and quality decision making | | | | | | | | | | | | | | |
| 3.2 | Court has identified training needs of court staff and meets them | | | | | | | | | | | | | | |
| 3.3 | Court conducts regular professional development for judges and staff | | | | | | | | | | | | | | |
| 3.4 | Court provides access to information to support judicial decision making | | | | | | | | | | | | | | |
| 3.5 | Court effectively manages material resources | | | | | | | | | | | | | | |
| 3.6 | Court facilities are adequate and safe | | | | | | | | | | | | | | |
| 3.7 | Court has an appropriate budget process and regularly monitors expenditure | | | | | | | | | | | | | | |
| 3.8 | Court provides training, support and recognition for innovation | | | | | | | | | | | | | | |
| Subtotal | | | | | | | | | Subtotal | | | | | | |

COURT EXCELLENCE: SELF-ASSESSMENT QUESTIONNAIRE

| | | APPROACH AND DEPLOYMENT | | | | | | RESULTS | | | | | | | |
|-----------------|---|-------------------------|----------|---------|------------|---------|------------|---------|-----------------|---------|------|------|-----------|-----------|-------|
| | | NONE | REACTIVE | DEFINED | INTEGRATED | REFINED | INNOVATIVE | TOTAL | NONE | LIMITED | FAIR | GOOD | VERY GOOD | EXCELLENT | TOTAL |
| Area 4 | Court Proceedings and Processes | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL |
| 4.1 | Court ensures it deals with matters efficiently while maintaining quality of decisions | | | | | | | | | | | | | | |
| 4.2 | Court has a system for actively managing its cases and looks for improved ways to resolve cases effectively | | | | | | | | | | | | | | |
| 4.3 | Court successfully balances workload of judges and court staff | | | | | | | | | | | | | | |
| 4.4 | Court maintains efficient case files and records systems | | | | | | | | | | | | | | |
| 4.5 | Court encourages innovation in case management | | | | | | | | | | | | | | |
| Subtotal | | | | | | | | | Subtotal | | | | | | |

COURT EXCELLENCE: SELF-ASSESSMENT QUESTIONNAIRE

| | | APPROACH AND DEPLOYMENT | | | | | | RESULTS | | | | | | | |
|-----------------|--|-------------------------|----------|---------|------------|---------|------------|---------|-----------------|---------|------|------|-----------|-----------|-------|
| | | NONE | REACTIVE | DEFINED | INTEGRATED | REFINED | INNOVATIVE | TOTAL | NONE | LIMITED | FAIR | GOOD | VERY GOOD | EXCELLENT | TOTAL |
| Area 5 | Client Needs and Satisfaction | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL |
| 5.1 | Court surveys and seeks regular feedback from all court users | | | | | | | | | | | | | | |
| 5.2 | Court implements changes identified by surveys and feedback | | | | | | | | | | | | | | |
| 5.3 | Court reports publicly and regularly on changes made in response to surveys and feedback | | | | | | | | | | | | | | |
| 5.4 | Court surveys its users on their satisfaction with its processes, procedures and services | | | | | | | | | | | | | | |
| 5.5 | Court uses technology and innovation to deliver higher quality services to all court users | | | | | | | | | | | | | | |
| Subtotal | | | | | | | | | Subtotal | | | | | | |

COURT EXCELLENCE: SELF-ASSESSMENT QUESTIONNAIRE

| | | APPROACH AND DEPLOYMENT | | | | | | RESULTS | | | | | | | |
|-----------------|---|-------------------------|----------|---------|------------|---------|------------|---------|-----------------|---------|------|------|-----------|-----------|-------|
| | | NONE | REACTIVE | DEFINED | INTEGRATED | REFINED | INNOVATIVE | TOTAL | NONE | LIMITED | FAIR | GOOD | VERY GOOD | EXCELLENT | TOTAL |
| Area 6 | Affordable and Accessible Court Services | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL |
| 6.1 | Court has processes in place that promote affordable court proceedings | | | | | | | | | | | | | | |
| 6.2 | Court publishes information on court services and access | | | | | | | | | | | | | | |
| 6.3 | Physical access to court buildings is easy | | | | | | | | | | | | | | |
| 6.4 | Court provides support for people with disabilities to ensure easy access to its services | | | | | | | | | | | | | | |
| 6.5 | Court has policies to ensure equal treatment for all court users | | | | | | | | | | | | | | |
| 6.6 | Court provides information to assist those who are unrepresented | | | | | | | | | | | | | | |
| 6.7 | Court uses plain language to assist all court users | | | | | | | | | | | | | | |
| 6.8 | Court has electronic and remote access available | | | | | | | | | | | | | | |
| 6.9 | Court uses technology and innovation to improve access for all court users | | | | | | | | | | | | | | |
| Subtotal | | | | | | | | | Subtotal | | | | | | |

**COURT EXCELLENCE:
SELF-ASSESSMENT QUESTIONNAIRE**

| | | APPROACH AND DEPLOYMENT | | | | | | RESULTS | | | | | | | |
|-----------------|---|-------------------------|----------|---------|------------|---------|------------|---------|-----------------|---------|------|------|-----------|-----------|-------|
| | | NONE | REACTIVE | DEFINED | INTEGRATED | REFINED | INNOVATIVE | TOTAL | NONE | LIMITED | FAIR | GOOD | VERY GOOD | EXCELLENT | TOTAL |
| Area 7 | Public Trust and Confidence | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL | 0 | 1 | 2 | 3 | 4 | 5 | TOTAL |
| 7.1 | Court publicly accounts for its role and performance | | | | | | | | | | | | | | |
| 7.2 | Court makes information on performance against time and service standards available | | | | | | | | | | | | | | |
| 7.3 | Court ensures all court users understand the court's processes, services and any decisions made | | | | | | | | | | | | | | |
| 7.4 | Court has a complaints policy and reports on its handling of complaints | | | | | | | | | | | | | | |
| 7.5 | Court conducts regular independent audits on expenditure | | | | | | | | | | | | | | |
| Subtotal | | | | | | | | | Subtotal | | | | | | |



APPENDIX B: Sample Template for an Improvement Plan*

| | AREAS OF COURT EXCELLENCE (& SELF-ASSESSMENT SCORES IN MARCH 09) | ACTION TO BE UNDERTAKEN AND EXPECTED OUTCOME | STEPS TO ACHIEVE ACTION AND OUTCOME | RESPONSIBILITY/ PARTICIPANTS | TIMING OF STEPS | PERFORMANCE INDICATOR |
|-----|---|--|--|--|--|--|
| 1 | Area 1: Court Leadership and Management | To provide organisational leadership that promotes a proactive and professional management culture, pursues innovation and is accountable and open. | | | | |
| 1.1 | Articulating the court's purpose (1-1-1) Court has published a statement of its vision and mission (purpose) together with details of how it meets its fundamental values (such as accessibility, timeliness and fairness) | 1.1.1 Statement of purpose Develop, adopt and publicise a statement describing the Court's purpose. | Develop statement. Adopt statement. Publicise statement. | LEC, IFCE Working Group LEC, IFCE Working Group Registrar Gray | 30.06.09 31.07.09 30.09.09 | Action taken by target date. Action taken by target date. Action taken by target date. |
| 1.2 | Pursuing working relationships with professional participants and users (2-2-3) Court holds regular meetings with court users to provide information on the court and seek feedback | 1.2.1 Court users' group Continue regular meetings of the Court users' group. | Hold meetings. | Justice Preston | | Four meetings a year. |
| | | 1.2.2 Mining users' group Establish a specialist Court users' group for mining matters in the Court and hold regular meetings. | Identify group and invite to first meeting. Hold first meeting, identify dates for future meetings to 30.06.10 and issue dates. | Senior Commissioner Moore | 31.07.09 31.08.09 | Action taken by target date. Four meetings a year, first meeting on 31.08.09. |
| | | 1.2.3 Additional users' group Consider desirability of other specialist users' groups. | LEC Rules Committee to meet and decide. | LEC Rules Committee | 30.09.09 | Action taken by target date. |

* Land and Environment Court of NSW, Australia (actual extract has been amended to match revised *Framework*).

APPENDIX C: Performance Measures aligned to the Seven Areas for Court Excellence

| LEADERSHIP AND MANAGEMENT | |
|---|--|
| OUTCOME | MEASURE |
| Ensuring judicial officers access to relevant education | % of judicial officers rating access to education as above average or benchmark |
| | % of judicial officers undertaking education programs and number of days attended |
| | % of judicial officers who have undertaken relevant management training |
| Ensuring staff have access to relevant education | % of staff rating access to education as above average of benchmark |
| Ensuring access to personal support | % of judicial officers rating peer support as above average or benchmark |
| High level of internal communication | % of staff and judges rating communication of information within the court as above average or benchmark |

| COURT PLANNING AND POLICIES | |
|--|--|
| OUTCOME | MEASURE |
| Regular review of policies | % and number of court policies which have been reviewed within last 12 months |
| Use of feedback in review of policies | % and number of court user surveys which have been considered in court policy reviews |
| Effective use of performance reports to inform court policies and planning | % and number of judicial management meetings at which court performance reviews are considered |

COURT RESOURCES (HUMAN, MATERIAL AND FINANCIAL)

| OUTCOME | MEASURE |
|---|--|
| Efficient file maintenance | % and number of case files that can be retrieved within established time standard |
| | % and number of case files that meet standards for accuracy, completeness, currency and accessibility |
| Employee satisfaction | % of staff rating satisfaction with work environment and management above average or benchmark |
| | % of judicial officers and court employees who indicate they are productively engaged in the mission and work of the court |
| Reasonable costs/efficient use of resources | Average cost of processing a single case by case type |
| | Gross recurrent expenditure per finalized case |
| | Gross recurrent expenditure per matter on hand |
| | Gross recurrent expenditure per full time equivalent judicial officer |
| | Money expenditures per case (net cost per finalization) |
| Efficient use of assets | Average utilization rate as % of available court room time |
| Reasonable resourcing | Number of full time equivalent judicial officers per 100 finalisations |
| | Number of full time equivalent staff (chambers and registry) per full time equivalent judicial officer |
| | Number of full time equivalent staff per 100 finalisations |

COURT PROCEEDINGS AND PROCESSES

| OUTCOME | MEASURE |
|--|--|
| Timely disposition of cases | Number of finalized (outgoing) cases as a percentage of registered/filed (incoming) cases (clearance rate) |
| | % and number of cases finalised within established time standards |
| | % and number of cases where first trial occurs within established time standards |
| | Average elapsed time criminal defendants are in gaol awaiting trial commencement |
| Low level of aged profile of pending cases | % of cases in the court system longer than established time standards for completion (pending cases) |
| | % and number of active cases pending (from date of filing) by type and age (by selected time periods: less than 6 months, between 6 to 12 months, etc) |
| | % of payments collected and distributed with established time standards |
| Certainty of listing | % of important case processing events/trials that are held when first scheduled (adjournment rate) |
| | Average number of times cases disposed by trial have been scheduled for trial |
| Timely judgments | % and number of judgments delivered within established time standard from end of trial |
| Low level of outstanding judgements | % and number of judgments outstanding by age (by selected time periods: less than 6 months, between 6 to 12 months, etc) |

CLIENT NEEDS AND SATISFACTION

| OUTCOME | MEASURE |
|---------------------------------|--|
| Clients satisfied with services | % of users who believe that the court provides procedural justice |
| | Number and frequency of user surveys |
| | Number and frequency of “mystery shopping” tests of service and % of results against established benchmark |
| Timely resolution of complaints | % and number of complaints resolved within established time standard |

AFFORDABLE AND ACCESSIBLE COURT SERVICES

| OUTCOME | MEASURE |
|---|---|
| Improved access through minimising cost to user | Average court fees paid by court user per civil case |
| | % of court users rating cost and access above average or benchmark |
| Fully accessible court rooms | % of court rooms rated as fully physically wheelchair accessible |
| | % of court rooms rated as equipped with suitable hearing assistance devices |
| Full support to vulnerable users | % and number of requests for interpreter assistance which were met |
| | % and number of information documents available in other languages |
| Effective use of technology | % of website users rating the site as above average or benchmark |
| | % of legal practitioners rating available technology (including wireless access and on line services) as above average or benchmark |

PUBLIC TRUST AND CONFIDENCE

| OUTCOME | MEASURE |
|---------------------------------------|--|
| Citizens have confidence in the court | % of eligible citizens who report for jury duty |
| | % of eligible and reporting jurors who are used at least once in a trial |
| | % of citizens surveyed who rate confidence and trust in the court above average or benchmark |
| | Recovery of criminal and civil court fees as a % of fees imposed |

APPENDIX D: Court Performance Management Policies and Tools (examples)

Leadership and Management

- court culture policies
- leadership styles
- role of court managers in the court

Court Planning and Policies

- promotion of monitoring of court performance (incl. court dashboards)
- application of strategic and operational court planning policies

Court Resources (Human, Material and Financial)

- HR policies for judges and court staff (incl. judicial performance evaluation)
- application of workload models
- management of material resources policies (incl. e-justice policies)
- management of financial resources by a planning and control approach (incl. cost per case approach)
- education/training systems, requirements and policies

Court Proceedings and Processes

- application of time management standards
- use of backlog reduction and prevention programs
- promoting active role of the judge
- stimulation of mediation policies
- use of different court tracks (fast track, regular track and mixed track)

Client Needs and Satisfaction

- user survey policies
- use and availability of technology policies
- policies directed to innovation and use of feedback

Affordable and Accessible Court Services

- provision of free legal services
- small claims procedures
- electronic procedures for uncontested claims
- use of a court location policy to ensure access to justice
- dedicated policies for new buildings (with a high level of comfort)

Public Trust and Confidence

- application of general opinion polls
- publication of annual reports and court performance information
- publication of additional functions of judges
- policies for courts and media

APPENDIX E: Self-Assessment Checklist

How to undertake the self-assessment

Involve

Courts should seek to involve as many of the Court's judges, registrars, court officials and administrative staff as possible in the self-assessment process. A copy of the Checklist should be given to each member of the court participating in the self-assessment (self-assessment team).

Plan

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 Checklist to identify the basic information that needs to be gathered to facilitate the process of self-assessment.

Assess

Based on the information gathered and their observations and judgment, each member of the self-assessment team should consider each of the Seven Areas for Court Excellence and the Checklist actions identified for each Area and determine the extent of implementation for each action. They then need to consider in relation to each item whether the court has taken action to implement the item and the extent of success of each action taken and results achieved.

It needs to be remembered that these items are simply a checklist and a distinction must be made between things done and things done well. It is important in carrying out the self-assessment that the court asks itself whether a particular action could have been more effective or improved in some way. The appropriate box should then be ticked. To claim a checklist item as being met there should be documentary or other evidence that supports the claim. Similarly a claim that a particular action is effective requires evidence by way of measurement or other objective facts demonstrating the positive impact of the action.

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

Having completed the Self-Assessment Checklist, 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, prioritising court issues is highly recommended. This will allow the reform process to focus on specific performance areas over a period of time.

Clearly those Areas with the lowest total score relative to the possible maximum score should receive initial attention. However, it is important to appreciate that some of the Areas for Court Excellence are regarded as being of greater relative importance to a court's success. The following list reflects the relative order of importance of the Seven Areas:

- Area 7 (Public Trust and Confidence)
- Area 5 (Client Needs and Satisfaction)
- Area 6 (Affordable and Accessible Court Services)
- Area 1 (Court Leadership and Management)
- Areas 2, 3 and 4

In settling the priorities for improvement action courts should have regard both to the scores identifying greatest potential for improvement as well as the relative importance of the areas. Lower scores in Areas 1, 5, 6 and 7 should generally receive priority attention. To assist courts the following table has been devised to enable proper weighting of scores obtained and to also give a final total score out of 1,000 points. Scores should be retained and used as a benchmark to enable a court to track its progress when undertaking a subsequent self-assessment.



Weighted Scoring Table

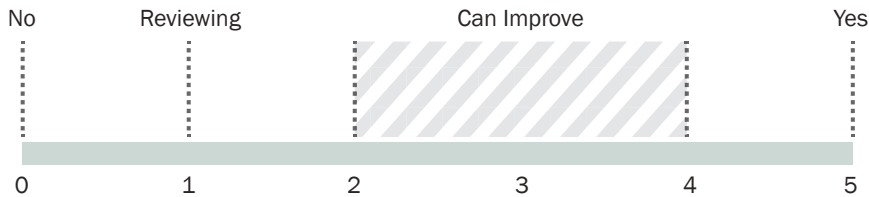
| | AREAS | MAXIMUM POINTS | SCORE ACHIEVED | MULTIPLIER | RESULTING SCORE | MAXIMUM WEIGHTED SCORE |
|--------------|---|----------------|----------------|------------|-----------------|------------------------|
| 1 | Court Leadership and Management | 70 | | 2 | | 140 |
| 2 | Court Planning and Policies | 40 | | 3 | | 120 |
| 3 | Court Resources (Human, Material and Financial) | 80 | | 2 | | 160 |
| 4 | Court Proceedings & Processes | 50 | | 2 | | 100 |
| 5 | Client Needs and Satisfaction | 50 | | 3 | | 150 |
| 6 | Affordable and Accessible Court Services | 60 | | 3 | | 180 |
| 7 | Public Trust and Confidence | 50 | | 3 | | 150 |
| Total | | | | | | 1,000 |

Sample of Weighted Scoring Results



Score and Prioritise

Checklist Scoring Scheme



The scoring scheme above represents a sliding scale and courts should assess whether some action has been taken and if so how much more needs to be done. A score for “can improve” should be given between 2 and 4 points which reflects how much improvement remains to be made. The Checklist should be used to undertake the self-assessment (initial health check) of a court.

Self-Assessment

Each of the Seven Areas of Court Excellence is listed on the following page with statements of court practices that embody the accepted court values. They represent the ultimate goals courts should be striving to achieve. It is excellence in each of these areas that a court should be striving for and as this is a continuing process there will always be new and innovative ways for a court to improve its performance.

The statements for each area are followed by a Checklist of actions or activities courts are expected to have implemented to achieve Framework expectations. The actions/activities are not exhaustive but are indicative and provide initial guidance. Courts will identify their own actions as they become more familiar with the Framework approach. The statements are identical to those contained in the full Framework Self-Assessment Questionnaire.

1. COURT LEADERSHIP AND MANAGEMENT

- 1.1 Court has published a statement of its vision and mission (purpose) together with details of how it meets its fundamental values (such as accessibility, timeliness and fairness)
- 1.2 Court’s leadership is actively involved in setting time and service standards and reviewing judicial and administrative performance against those standards
- 1.3 Court holds regular meetings with court users to provide information on the court and seek feedback
- 1.4 Court actively informs the community and court users on its services, standards and performance and seeks feedback to improve its services
- 1.5 Data is kept and published on key aspects of the court’s work
- 1.6 Court plans for the future, reviews feedback and its performance and identifies areas for improvement
- 1.7 Court and its leaders promote a culture of innovation

Actions

| | | Assess Using Points Below | | | | |
|--|---|---------------------------|------------------------|--------------------------------|-------------------|----------------|
| | | NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Court Leadership and Management | | | | | | |
| 1 | Our court leaders have defined the vision, mission and core values of our courts. | | | | | |
| 2 | Our court leaders communicate the vision, mission and core values to all staff and stakeholders. | | | | | |
| 3 | Our court leaders demonstrate the core values of the courts. | | | | | |
| 4 | We have developed a court culture consistent with our court values. | | | | | |
| Setting Performance Standards and Obtaining Users' Feedback | | | | | | |
| 5 | We set time and service delivery standards and targets for case management aiming to meet and exceed user expectations. | | | | | |
| 6 | We measure our performance on a regular basis against these standards and targets. | | | | | |
| 7 | We obtain feedback from court users regularly. | | | | | |
| 8 | We review our performance data and feedback on a regular basis. | | | | | |
| 9 | We use data and feedback to plan improvements in our performance, procedures and processes. | | | | | |
| Engaging Court Staff and the Community | | | | | | |
| 10 | We regularly provide information to court users and the community. | | | | | |
| 11 | Our senior judicial officers are actively involved in our review, planning, court user and community education processes. | | | | | |
| Innovation | | | | | | |
| 12 | Our leaders actively promote an innovation culture in our courts. | | | | | |
| 13 | We have developed a court culture consistent with our court values. | | | | | |
| 14 | Our leaders demonstrate and reinforce their commitment to court innovation in day-to-day activities. | | | | | |
| | | | | | Total | |

2. COURT PLANNING AND POLICIES

- 2.1 Court has a strategic plan setting out its goals, targets and plans for improvement
- 2.2 Court actively involves judges and staff in planning and problem solving tasks
- 2.3 Court regularly reviews the plan and its performance against its targets
- 2.4 Court has published judicial and court policies that support its values, targets and plans
- 2.5 Court regularly reviews its policies to ensure their continuing effectiveness
- 2.6 Court has a court innovation strategy as an integral part of its strategic planning

Actions

| | | Assess Using Points Below | | | | Total Score |
|-----------------------|--|---------------------------|------------------------|--------------------------------|-------------------|-------------|
| | | NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | |
| Court Planning | | | | | | |
| 1 | We have a strategic plan that identifies the court's values, targets and plans. | | | | | |
| 2 | We involve judges and court staff in the court's review and planning processes. | | | | | |
| 3 | We have a process for monitoring and reviewing the strategic plan. | | | | | |
| 4 | We allocate resources for actions identified in our strategic plan. | | | | | |
| Court Policies | | | | | | |
| 5 | We have judicial and court policies to support our values, targets and plans. | | | | | |
| 6 | We publish our policies and monitor compliance. | | | | | |
| 7 | We review our policies regularly to ensure court quality and efficiency. | | | | | |
| Innovation | | | | | | |
| 8 | We have put in place a court innovation strategy, with short and long term goals, as an integral part of our planning that is aligned with our court's objectives and goals. | | | | | |
| Total | | | | | | |

3. COURT RESOURCES (HUMAN, MATERIAL AND FINANCIAL)

- 3.1 Court manages resources proactively to balance judicial and administrative workloads with timely and quality decision making
- 3.2 Court has identified training needs of court staff and meets them
- 3.3 Court conducts regular professional development for judges and staff
- 3.4 Court provides access to information to support judicial decision making
- 3.5 Court effectively manages material resources
- 3.6 Court facilities are adequate and safe
- 3.7 Court has an appropriate budget process and regularly monitors expenditure
- 3.8 Court provides training, support and recognition for innovation

Actions

| Assess Using Points Below | | | | |
|--|---|--------------------------------|-------------------|----------------|
| NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Managing Court Resources and Workload | | | | |
| 1 | We manage the workload of judges and court staff so cases are decided in a timely and quality manner. | | | |
| 2 | We predict and manage our resources to meet anticipated workloads. | | | |
| 3 | We manage our financial resources efficiently and effectively. | | | |
| Staff Training and Development | | | | |
| 4 | We have a professional development program for judges and court staff. | | | |
| 5 | We provide continuing professional education including management training to our judges and court staff. | | | |
| 6 | Our judges learn from, and communicate with, each other. | | | |
| 7 | We provide judges with the information necessary to make fair decisions. | | | |
| 8 | We have identified the training needs of court staff and our training program meets those needs. | | | |

table continued on next page

3. COURT RESOURCES (HUMAN, MATERIAL AND FINANCIAL) continued

| Actions | | Assess Using Points Below | | | | |
|----------------------------|---|---------------------------|------------------------|--------------------------------|-------------------|----------------|
| | | NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Employee Commitment | | | | | | |
| 9 | Court staff and judges are committed to quality of work. | | | | | |
| Courtrooms | | | | | | |
| 10 | We have sufficient courtrooms to permit the timely processing of cases. | | | | | |
| 11 | Court users feel safe in our courtrooms. | | | | | |
| Court Budget | | | | | | |
| 12 | We allocate our budget efficiently and effectively to ensure that there is money for court initiatives and court innovation activities. | | | | | |
| 13 | We have a policy on the collection of fees and fines. | | | | | |
| Innovation | | | | | | |
| 14 | We have strategies and mechanisms to engage staff in innovation. | | | | | |
| 15 | We deliver programmes to meet the learning and development needs for court staff for court innovation. | | | | | |
| 16 | We recognise and reward staff for contribution towards court innovation. | | | | | |
| | | | | | Total | |



4. COURT PROCEEDINGS AND PROCESSES

- 4.1 Court ensures it deals with matters efficiently while maintaining quality of decisions
- 4.2 Court has a system for actively managing its cases and looks for improved ways to resolve cases effectively
- 4.3 Court successfully balances workload of judges and court staff
- 4.4 Court maintains efficient case files and records systems
- 4.5 Court encourages innovation in case management

Actions

| Assess Using Points Below | | | | |
|--|---|--------------------------------|-------------------|----------------|
| NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Efficiency and Effectiveness of Court Proceedings and Processes | | | | |
| 1 | We manage cases against established benchmarks of timely case processing. | | | |
| 2 | We review the role of judges and court staff to ensure efficiency of processes. | | | |
| 3 | We regularly review our processes and procedures. | | | |
| 4 | People are able to get their business with the court done in a reasonable time. | | | |
| 5 | We endeavour to list cases and manage cases so as to minimise inconvenience and expense to court users. | | | |
| 6 | Court orders are enforced in cases of non-compliance. | | | |
| Court Records Management | | | | |
| 7 | Court records and case files are complete, accurate, able to be retrieved quickly and maintained safely. | | | |
| 8 | Decisions by our court are written clearly and accurately apply the law. | | | |
| Innovation | | | | |
| 9 | We have a policy and procedure in place to generate, gather and screen innovative ideas from all sources. | | | |
| 10 | We evaluate and improve the court innovation process on a regular basis. | | | |
| Total | | | | |

5. CLIENT NEEDS AND SATISFACTION

- 5.1 Court surveys and seeks regular feedback from all court users
- 5.2 Court implements changes identified by surveys and feedback
- 5.3 Court reports publicly and regularly on changes made in response to surveys and feedback
- 5.4 Court surveys its users on their satisfaction with its processes, procedures and services
- 5.5 Court uses technology and innovation to deliver higher quality services to all court users

Actions

| | | Assess Using Points Below | | | | |
|-------------------------------------|--|---------------------------|------------------------|--------------------------------|-------------------|----------------|
| | | NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Users' Feedback | | | | | | |
| 1 | We use feedback on a regular basis (including surveys, focus groups and dialogue sessions) to measure satisfaction of all court users. | | | | | |
| 2 | We use feedback on a regular basis to improve our services to all court users including: court website users and the media; litigants, prosecutors and lawyers representing users; witnesses and court experts; and registry/office users. | | | | | |
| 3 | We analyse surveys and adjust policies and procedures. | | | | | |
| Communication to Court Users | | | | | | |
| 4 | We report publicly on changes we implement in response to the results of surveys. | | | | | |
| 5 | We communicate clearly to defendants and their lawyers. | | | | | |
| 6 | We listen to court users and treat them with respect. | | | | | |
| Court Users' Satisfaction | | | | | | |
| 7 | Advocates and court users assess the court's actions as fair and reasonable. | | | | | |
| 8 | There is a high level of court users' satisfaction with the court's administration of justice. | | | | | |
| 9 | There is a high level of court users' satisfaction with the court's services. | | | | | |
| Innovation | | | | | | |
| 10 | We have leveraged on innovation and technology in understanding the needs of our court users better and to enhance the delivery of services to court users. | | | | | |
| Total | | | | | | |

6. AFFORDABLE AND ACCESSIBLE COURT SERVICES

- 6.1 Court has processes in place that promote affordable court proceedings
- 6.2 Court publishes information on court services and access
- 6.3 Physical access to court buildings is easy
- 6.4 Court provides support for people with disabilities to ensure easy access to its services
- 6.5 Court has policies to ensure equal treatment for all court users
- 6.6 Court provides information to assist those who are unrepresented
- 6.7 Court uses plain language to assist all court users
- 6.8 Court has electronic and remote access available
- 6.9 Court uses technology and innovation to improve access for all court users

Actions

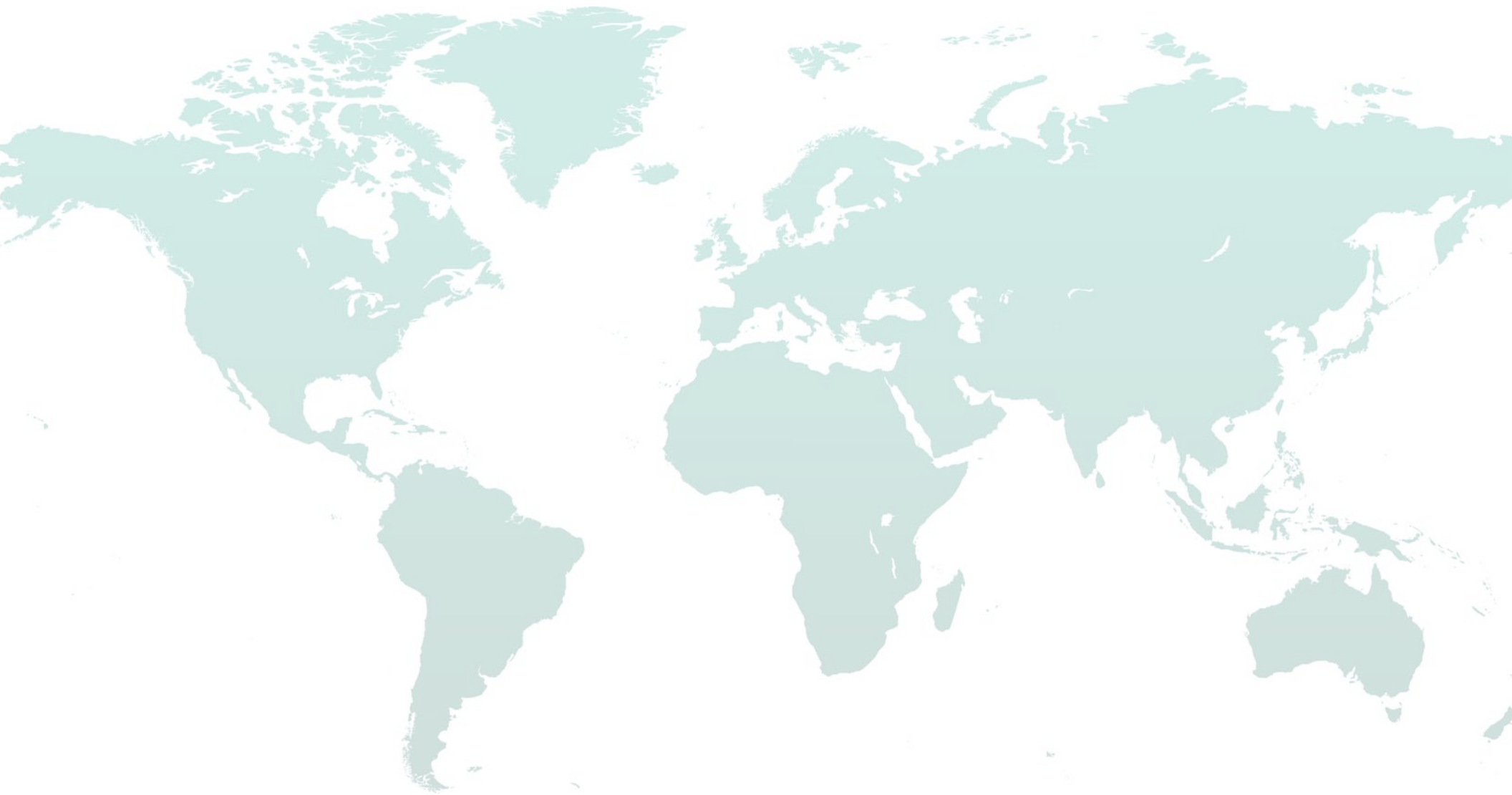
| | | Assess Using Points Below | | | | |
|-----------------------------------|---|---------------------------|------------------------|--------------------------------|-------------------|----------------|
| | | NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Affordable Court Services | | | | | | |
| 1 | We review court policies on court fees to ensure that court services are affordable. | | | | | |
| 2 | We ensure court proceedings are resolved in a timely manner to minimise costs to litigants. | | | | | |
| 3 | We endeavour to limit the court's requirements to what is necessary to resolve cases efficiently. | | | | | |
| 4 | We have a clear and published policy on the charging, waiver or postponement of fees. | | | | | |
| Accessibility of the Court | | | | | | |
| 5 | We make it easy for people to find the relevant courtroom in which a hearing is taking place. | | | | | |
| 6 | We provide people with disabilities with support and easy access to the court and our services. | | | | | |
| 7 | Our hours of operation make it easy for users to get their business done. | | | | | |
| 8 | Our website is easy to negotiate, contains relevant information and is useful to users. | | | | | |
| 9 | We treat members of minority groups the same as everyone else. | | | | | |
| 10 | We provide information to assist litigants without representation. | | | | | |
| Innovation | | | | | | |
| 11 | We have leveraged on innovation and technology to make our court services more affordable. | | | | | |
| 12 | We have leveraged on innovation and technology to make our court services more accessible. | | | | | |
| Total | | | | | | |

7. PUBLIC TRUST AND CONFIDENCE

- 7.1 Court publicly accounts for its role and performance
- 7.2 Court makes information on performance against time and service standards available
- 7.3 Court ensures all court users understand the court’s processes, services and any decisions made
- 7.4 Court has a complaints policy and reports on its handling of complaints
- 7.5 Court conducts regular independent audits on expenditure

Actions

| | | Assess Using Points Below | | | | |
|------------------------------------|--|---------------------------|------------------------|--------------------------------|-------------------|----------------|
| | | NO (0 points) | REVIEWING (1 point) | CAN IMPROVE (2-4 points) | YES (5 points) | Total Score |
| Public Trust and Confidence | | | | | | |
| 1 | We publish our performance against time/service standards and other benchmarks. | | | | | |
| 2 | We respond promptly to requests for information from court users. | | | | | |
| 3 | We can demonstrate that people leaving court understand the court programs and services they have experienced. | | | | | |
| 4 | We have a policy, which we adhere to, that outlines the process for making and dealing with complaints and we report on complaints received and their resolution. | | | | | |
| 5 | We publish information on court procedures and our complaints policy. | | | | | |
| 6 | We publish details of our services, fees and related court requirements. | | | | | |
| 7 | Our accounts/expenditures are independently audited annually. | | | | | |
| 8 | Our published annual report includes: a) Performance data and survey feedback b) Details of our purpose, role and procedures c) Information on court reforms/improvements | | | | | |
| 9 | There is a high level of public trust and confidence in the fair administration of justice in our courts. | | | | | |
| Innovation | | | | | | |
| 10 | We engage the public and court users in an innovative manner, so as to build up public trust and confidence. | | | | | |
| Total | | | | | | |



THE INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE