



COURT PERFORMANCE PLANNING AND MEASUREMENT STRATEGY PAPER

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**FEDERAL COURT
OF AUSTRALIA**

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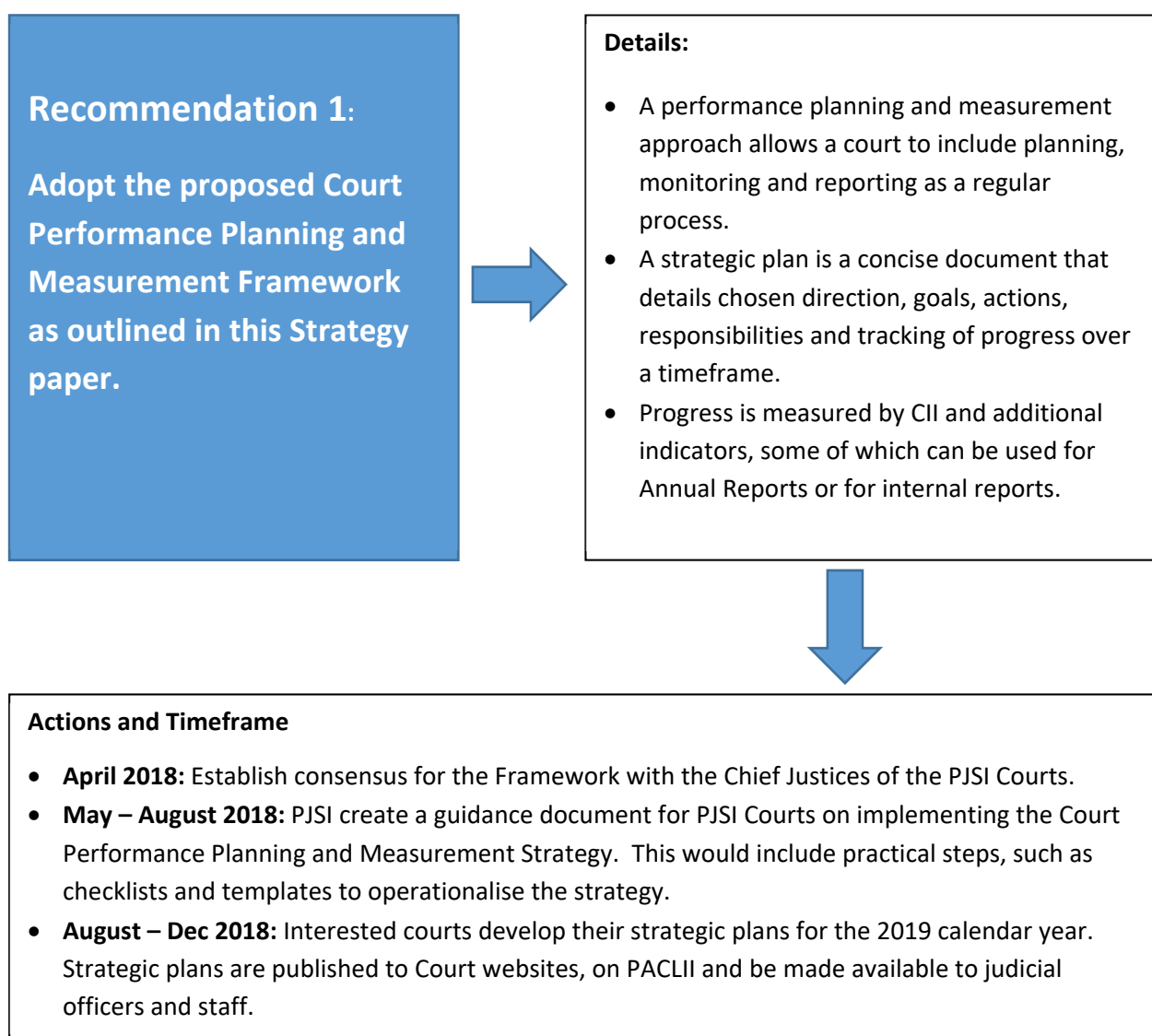
Executive Summary

This strategy paper has been prepared with the objective of improving transparency for Pacific Island Countries (PIC) courts in planning, monitoring, evaluating and reporting court performance. Consideration has been given to current global thinking for court indicators, including the current Cook Island Indicators (CII). A suggested approach is provided detailing the next steps for PIC Courts to use in performance planning and measurement to continue building trust and confidence in their work.

Performance planning requires looking ahead towards desired goals; performance measurement looks back at achievements. Combining performance planning and measurement creates a continuous process of improvement which strengthens justice and the rule of law in PICs.

The three key recommendations are outlined below with the other secondary recommendations detailed in Section 6 of this paper.

Key Recommendations



Recommendation 2:
Where possible and where relevant, continue the disaggregation of data for the existing Cook Island Indicators



Details:

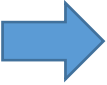
- Continue the disaggregation of data for identified indicators as sub-indicators by sex, age (juvenile/non juvenile) and disability to strengthen insights.
- Where possible, provide disaggregated data by location as sub-indicators for some performance measures (such as complaints) to measure consistency of service across the court.
- Where possible, use benchmarks.



Actions and Timeframe

- **April 2018:** Agreement that disaggregation and further categories of disaggregation should continue and be further explored for the insights that are potentially provided.
- **May - Dec 2018:** Courts use the relevant toolkits, for example, Annual Court Reporting, Backlog, Efficiency, Gender and Family Violence and Human Rights Toolkits as well as chart creators and checklists to support capture of disaggregated data.
- **Jan – April 2019:** Courts monitor (internally) and report (externally within 2018 Annual Reports) upon disaggregated data based on Court Performance Planning and Measurement Implementation Strategy.

Recommendation 3:
Adoption of five additional indicators to augment the existing Cook Island Indicators



Details:

- Additional indicators under the pillars of case management, client needs/engagement and court resources are adopted.
- The additional indicators work towards providing a holistic and balanced court performance story.
- Additional indicators will help courts and their interested stakeholders have a broader picture to assess which actions work well and which did not work well.



Actions and Timeframe

- **April 2018:** Agreement to the five additional indicators to the suite of current indicators by the Chief Justices of the PJSI Courts.
- **May 2018 – December 2018:** Court Performance Planning and Measurement Implementation Strategy will be developed to detail practical steps and approaches to PJSI courts on how to adopt the additional indicators including what current work could be built upon and will involve one interested court in implementing the strategy.

Recommended new indicators

The following table details the current indicators, the disaggregated sub indicators (some used now and some are potentially new) and the postposed five new indicators. The rationale for the new indicators is contained in 6.2 Suggested changes to indicators.

Theme	Current CII Indicators	Current and potential CII sub indicators	Proposed new indicators
Case Management	Clearance rate	Disaggregated by location Disaggregated by sex Disaggregated by age (juvenile /non juvenile) and role of juvenile in the case Disaggregated by whether the client is a person living with a disability Disaggregated by type of case (civil, criminal, family , family violence, protection order and juvenile) Benchmark developed for the Court % of cases finalised within the benchmark	
Case Management	Average case duration (days)	Disaggregated by location Benchmark developed for the Court % of cases finalised below the benchmark	
Case Management	Percentage of cases appealed	Disaggregated by location of the first instance court	
Case Management	Appeal overturn rate	Disaggregated by sex	
			Age of active pending caseload
Affordability and Accessibility	Percentage of cases granted fee waiver	Disaggregated by sex and by case type	
Affordability and Accessibility	Percentage of cases disposed via circuit	Disaggregated by type of case - Criminal/ Civil, Family Case	

Theme	Current CII Indicators	Current and potential CII sub indicators	Proposed new indicators
		Disaggregate by sex by case type	
Affordability and Accessibility	Percentage of cases received legal aid		
Published procedures	Documented complaints processed		
Published procedures	Complaints against Judicial Officer	Disaggregated by sex and by location	
Published procedures	Complaints against staff	Disaggregated by sex and by location	
Client needs/engagement			% of complaints that have been handled within an agreed timeframe is reported annually
Client needs/engagement			Total number of compliments and positive feedback received by the court
Human Resources	Average cases per Judicial Officer		
Human Resources	Average cases per staff		
Human Resources			The range and uptake rate of development opportunities across the workforce
Court Resources			% Use rate of courtrooms - Number of hours a courtroom is used/ total available hours of that courtroom x100
Transparency	Annual Report		
Transparency	Information on court services is public		
Transparency	Publishes judgments on internet		

Glossary

CEPEJ	European Commission for the Efficiency of Justice
CII	Cook Island Indicators
CJ	Chief Justices
CJLF	Chief Justices' Leadership Forum
COE	Council of Europe
COE	Council of Europe
ECHR	European Convention on Human Rights
EFQM	European Foundation for Quality Management's
EU	European Union
GFV	Sex and Family Violence
IFCE	International Framework for Court Excellence
NCSC	National Centre for State Courts
PacLii	Pacific Legal Information Institute
PIC/s	Pacific Islands Country/ies
PJDP	Pacific Judicial Development Programme
PJSI	Pacific Judicial Strengthening Initiative
TCPS	Trial Court Performance Standards
WJP	World Justice Project

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1. Introduction

Pacific Island Countries (PICs) within the Pacific Judicial Strengthening Initiative (PJSI) are focusing on extending the implementation of court performance planning and measures to boost their progress on becoming great governance institutions of their countries. In order to guide courts to assess whether they are achieving their aims and goals, it is important for them to be able to plan and map progress against contextually relevant indicators for measuring outcomes and impacts.

The development of the expanded indicators offers courts a valuable tool for undertaking appropriate data collection that will inform business as usual (BAU) and improvement work, enabling them to monitor progress towards being healthy and robust courts. In addition, data collected by the courts can feed back into reporting required by the public, governments and international bodies. The proposed framework additionally provides a structure for advancing the goals of the courts towards operational and administrative excellence.

2. Background and context

What is court performance planning and measurement?

Court performance planning and measurement involves an integrated system of planning and reporting that is orientated towards achieving outcomes and creating positive impacts. By using planning processes, measures, data, monitoring, analysis and reporting on a regular basis, courts can improve the effectiveness, efficiency and quality of their operations.¹ Hand in hand with a commitment to continuous improvement to a court's operations is the understanding and responding to the needs of Court users and related stakeholders. These two components: performance planning and measurement as well as responsiveness to users' needs provide a practicable and holistic framework for determining how well the operations of a court are being carried out. Courts can work toward excellence by identifying court activities that align with the court's vision and values, detailing the activities' intended goals, selecting indicators to measure the degree to which the goals are attained then monitoring and reporting upon the measures.

Court performance planning and measurement for the Pacific Islands to date

Within the Pacific Judicial Development Programme (PJDP) operating from 2011 to 2014, a key goal was the "strengthened governance and rule of law in Pacific Island Countries through enhanced access to justice and professional judicial officers who act independently according to legal principles."²

The PJDP worked to assist within 14 Pacific Island Countries (PICs) courts to provide baseline data.³ This baseline data would be used to improve administration of justice across the regions.

¹ The adjudicative function of a court or the decisions of the court are not within the scope of this paper's approach to court performance planning and measurement.

² 2014 Trend Report, p26

It would also assist to address needs of marginalised and/or disadvantaged prospective court users who faced a range of barriers in accessing the courts.

In 2011, 15 indicators (the Cook Island Indicators - CIIs) were selected by PJDP judicial counterparts as essential data that jurisdictions, ranging from large or small, should have the capacity to collect, analyse and present in their annual reports. Annual reports were the chosen means through which courts reported upon the work they had completed during the year as well as support the courts' commitment to accountability and transparency.⁴ By 2014 and the end of the Program, 10 PJDP Courts had provided an annual report and 12 PJDP Courts could report on 10 or more of the CIIs.

The Pacific Judicial Strengthening Initiative (PJSI) was launched in June 2016 following on from the Pacific Judicial Development Programme (PJDP) to continue endeavouring to build fairer societies across the Pacific. The goal of Pacific Justice Strengthening Initiative (PJSI) is to support the courts in 14 PICs develop more accessible, just, efficient and responsive justice services.⁵ PJSI will address numerous and diverse needs of the courts that relate to three major development challenges. These are:

1. expanding access to justice to and through the courts;
2. building competent provision of substantive justice outcomes; and
3. increasing efficient delivery of procedural justice services.

To address these challenges, PJSI will focus on supporting two long-term objectives:

- Judicial Leadership where courts are capable of leading and managing change, and
- Performance - where court services are accessible, responsive, fair, and efficient.

There is a reoccurring principle that the Initiative will deliver services to support the courts to attain these objectives using strategies to transfer, build, devolve and localise capacity. Five thematic foundations - judicial leadership, access to justice, professionalisation, substantive justice and procedural justice inform the strategies used to realise the Initiative's objectives.

The medium term inputs and outcomes are, amongst others, improving access to justice in and through courts for marginal and vulnerable groups, courts operating with a higher level of professionalism, responsive and just behaviour and treatment of court users, particularly those whose human rights have been violated and efficiency in operations.⁶

Significant progress has been made with many countries already achieving some baseline reporting, however, there is a longer path of further improvements for court performance planning and reporting in this next stage. By planning and setting performance management measures for judicial excellence and excellence in court service delivery, together with other PJSI activities, there is

³ These PICs are the Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

⁴ 2011 PJDP Baseline Report

⁵ PJSI Annual Progress Report June 2017

⁶ *ibid*

potential to address the current challenges in court administration and administration of justice by introducing long term and sustainable improvement initiatives, by strengthening the ability of courts and the judiciary to resolve cases efficiently and fairly.

3. Existing Court Performance Framework

In 2011, the PJDP judicial counterparts selected 15 uniform performance measures on which PJSI courts could report upon in their Annual Reports.

These are:

1. Case management issues. PJDP judicial counterparts selected the following four indicators:
 - a. Case finalisation or clearance rate.
 - b. Average duration of a case from filing to finalisation.
 - c. The percentage of appeals.
 - d. Overturn rate on appeal.
2. Affordability and Accessibility for court clients.
 - a. Percentage of cases that are granted a court fee waiver.
 - b. Percentage of cases disposed through a circuit court.
 - c. Percentage of cases where a party receives legal aid
3. Published procedures for the handling of feedback and complaints
 - a. Documented process for receiving and processing a complaint that is publicly available.
 - b. Percentage of complaints received concerning a judicial officer.
 - c. Percentage of complaints received concerning a court staff member.
4. Human Resources
 - a. Average number of cases per judicial officer.
 - b. Average number of cases per member of court staff.
5. Transparency
 - a. Court produces or contributes to an Annual Report that is publicly available.
 - b. Information on court services is publicly available.
 - c. Court publishes judgments on the Internet (own website or on PacLII)

The 15 indicators were based, in part, on the International Framework of Court Excellence (IFCE). The indicators also cover the missions of the Pacific island judiciaries and reflect key judicial values stated by the *Bangalore Principles of Judicial Conduct* and the *Suva Statement on the Principles of Judicial Independence and Access to Justice*. Both international standards were used to identify principles and values to be measured by the indicators. Further, jurisdictions that were able to capture data disaggregated by sex or age (juvenile/non juvenile clients) were encouraged to include this information in their reporting.

The other outcome envisaged by the collection of baseline data over a number of year is that it enables courts to set performance standards. The performance standard would become the benchmark from which a court can monitor their operations and set internal and external expectations.

Over the period of PJDP, 12 courts could report on 10 or more of the CII. The 2014 Trend Report⁷, however, identified the following areas of need in terms of reporting and use of the indicators:

- Two PICs had not yet produced annual reports and the need to ensure ongoing commitment to produce annual reports
- Support for PIC courts not able to collect data on CII
- Sustaining the efforts within collecting PICS
- Support PICs to develop systems, capacity and commitment to collect and report on sex disaggregated data on family violence, juvenile justice & other identified areas of need
- Extending CII towards full framework of court performance that is suitable and in particular extend the indicators in consonance with the capacity of the courts to collect, analyse, monitor and report on court performance data in more sophisticated ways⁸
- Establishment of performance standards against all CII with the ability to implement and report results
- Use of the CII and extension as a Monitor and Evaluation framework
- A support system using a regular review of external court stakeholder perceptions about court services, and
- Support of further richness and depth of annual reporting across the PICs including financial reporting.

Some PJSI courts wish to improve further their transparency by enhanced internally monitoring and evaluation of court performance as well as collecting and externally publishing annual court performance knowledge. Enhancement activities only further strengthened the capacity of courts for efficient and effective court administration, improve case management flow and justice disposition.

4. Current approaches to court indicators - global context

The question that guides this section of the paper is - what themes and indicators are used globally for court performance? Five models have been examined and should be considered in the development of a Performance Planning and Measurement Framework for PICs. These models are:

1. International Framework of Court Excellence - Global Measures
2. European Union - CEPEJ and EU Justice Scorecard
3. Rule of Law - World Justice Project indicators
4. CourTools
5. World Bank - Doing Business

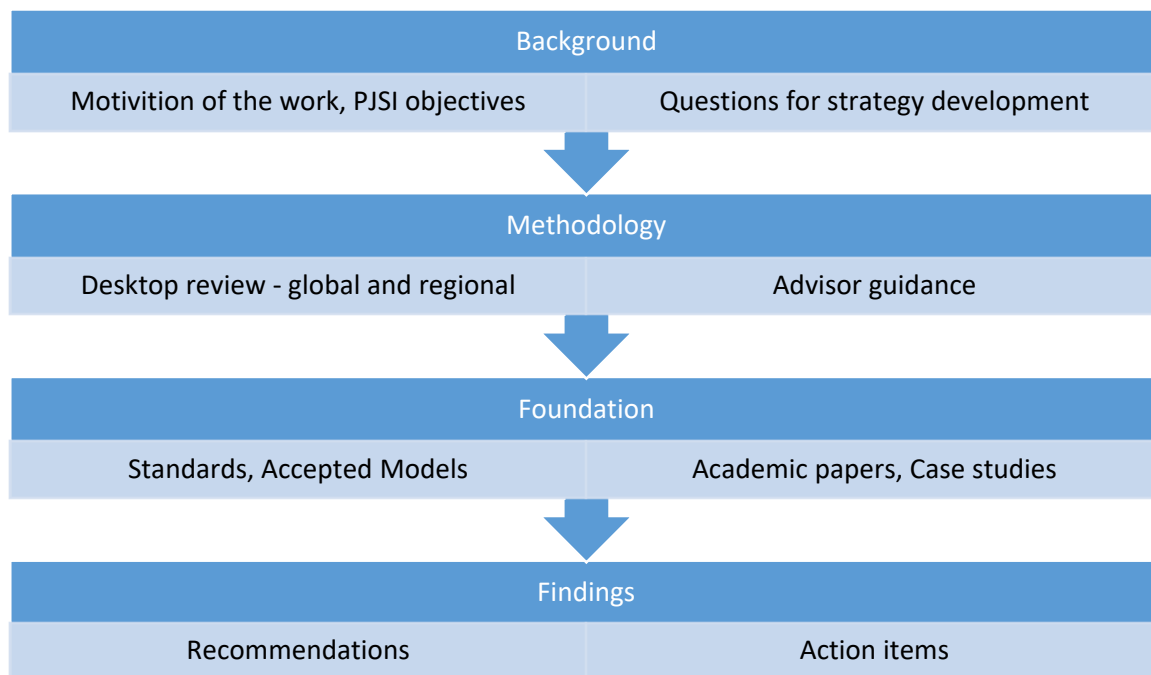
⁷ PJSI, 2014 Court Trend Report

⁸ PJSI courts currently able to collect data on all CII to implement expanded framework include Republic of Marshall Islands, Palau, Kiribati and Tonga.

All models have common themes of access to justice, resourcing of courts, organisation of the court system, performance and workload of the courts, timeliness, efficiency, independence, effectiveness, integrity, public trust and quality of judicial processes. Other not common themes were Alternative Dispute Resolution and use of information technology in courts.

4.1 Research map

The following diagram illustrates the clear systematic research design applied when formulating this strategy paper.



4.2 International Framework for Court Excellence

The International Framework for Court Excellence (IFCE) has provided a means for court accountability through self-assessment and self-improvement without compromising judicial independence.⁹ The IFCE was developed by an international consortium of courts and judicial administration guidance bodies as a common model for measuring and managing court performance. The Framework is built around collective court ideals such as impartiality, fairness, accountability, transparency and timeliness.

The Framework represents a resource to assist an individual court or court system in assessing its performance against seven areas of court excellence as well as a model methodology for continuous improvement. The Framework also uses a 'quality management' system as its core which is designed to help courts to improve their performance in an all-encompassing approach.

In 2013, the IFCE launched the second edition of the Framework, which incorporated the latest developments in international court improvement strategies. It was at this time that the consortium

⁹ The Aspiration of Excellence, 2016, The Hon. Marilyn Warren AC Chief Justice of Victoria, Judiciary of the Future – International Conference on Court Excellence, Singapore 28-29 January 2016

who developed the Framework took the opportunity to link closely globally accepted performance measures to the Framework methodology by introducing the Global Measures of Court Performance.¹⁰

Global Measures of Court Performance (The Measures)

The IFCE notes that courts can and do measure their performance in various ways which can be mapped against the seven areas for court excellence. To promote a consistent approach to performance measurement, the IFCE is developing a set of internationally accepted performance measures. The Global Measures of Court Performance are a suite of eleven "focused, clear, and actionable core court performance measures aligned with the values and areas of court excellence of the Framework."¹¹

The ultimate aim of the measures is "to establish international standards and common definitions of court performance measurement,"¹² both to "provide individual courts ... [with] a guide of good practices for successful performance measurement and management" and to 'encourage comparative analysis and benchmarking across different jurisdictions'.¹³

A full list of the indicators is available at Annex One - Global Measures of Court Performance (The Measures) but below is a selection of indicators potentially relevant to PIC Courts:

Name	Description
Trial Date Certainty	The certainty with which important case processing events occur when scheduled, expressed as a proportion of trials that are held when first scheduled.
Court User Satisfaction	The percent of court users who believe that the court provides procedural justice, i.e., accessible, fair, accurate, timely, knowledgeable, and courteous judicial services

One of the features of these measures (and the full suite of measures) is that they extend beyond input and output measurements and focus on outcomes. However, as the Consortium points out to focus on outcomes and impacts court must have a clear understanding of what they do¹⁴, in an organisational planning sense, 'their value proposition'.¹⁵

An advance copy of the second edition of Global Measures of Court Performance was issued in July 2017. The second edition contains more detail on the subject matter of performance measurement

¹⁰ <http://www.courtexcellence.com/> [Retrieved 17/01/18]

¹¹ *ibid*

¹² Global Measures of Court Performance Discussion Draft Version 3 November 9, 2012 Prepared by Dan H. Hall and Ingo Keilitz [Retrieved 17/01/18]

http://courtexcellence.com/~media/Microsites/Files/ICCE/Global%20Measures_V3_11_2012.ashx

¹³ *ibid*

¹⁴ *ibid*

¹⁵ Schaltegger, S., Hansen, E.G. and Lüdeke-Freund, F., 2016. Business models for sustainability: Origins, present research, and future avenues p4

and management. The same eleven core measures that are included in the first edition appear in the second edition but either have been updated or expanded. Further, in 2017 the Consortium sought to collate the different approaches to the IFCE being taken by members with most members modifying the Framework in some way in the process of implementation.¹⁶

4.3 European Union - CEPEJ and EU Justice Scorecard

Court performance for the European Union (EU) is measured largely by data collected by the European Commission for the Efficiency of Justice (CEPEJ).

The formation of the CEPEJ has human rights origins. The Council of Europe (COE) established the CEPEJ in 2002 as a means for improving the judicial protection granted by European Convention on Human Rights (ECHR) particularly in the areas of Article 5: Right to liberty and security, Article 6: Right to a fair trial and Article 13: Right to an effective remedy. The human rights doctrine on access to justice is essential to the work of CEPEJ.¹⁷

Now in its fifteenth year of operation, CEPEJ main fields of work have been:

- statistical evaluation of the judicial systems of the EU member states,
- identifying and developing measures to reduce delays and improve time management,
- improving the quality of the overall management of judicial work,
- improving the enforcement systems, and
- extending the use of mediation as a means to reduce court use.

The CEPEJ dataset collects, among other things, data on flow of cases, access to court, organisation of the court system, workload and lawyers’ status. This data and contextual information is reported in the CEPEJ Report biannually.

A full list of the indicators is available at Annex Two - European Commission for the Efficiency of Justice (CEPEJ) Indicators but below is a selection of indicators potentially relevant to PIC Courts:

Pillar	Name	Description
<p>Use of information technology in courts</p>	<p>Level of computer facilities used within the courts</p>	<p>Facilities used for direct assistance to the judge and court staff Facilities used for the administrations of the court Facilities used for communication between the court and the parties Calculate - Percentage of coverage</p>

¹⁶ E Richardson, The Use, Modification and Impact of the International Framework for Court Excellence: A Research Paper (International Consortium for Court Excellence, June 2017).

¹⁷ Johnsen, T., 2012. The European Commission for the Efficiency of Justice (CEPEJ). Reforming European Justice System. International Journal For Court Administration, pp.5

Pillar	Name	Description
		of facilities by courts
Performance and workload of the courts	Case flow	Average length (from the date the application for judicial review is lodged) between first instance, second instance and third instance proceedings
	Total backlog	Cases remaining unresolved at the end of the period, defined as difference between the total number of pending cases at the beginning of the period, and the cases resolved within the same period.
	Backlog resolution	The time needed to resolve the total backlog in months or days, calculated as the relationship between the number of cases and the clearance time.
	Standard departure (SD)	Departure from the set targets per type of case in the given period, in percentage or days.
Alternative dispute resolution	Types of alternative dispute resolution available in the legal system	Suggested types are: <ul style="list-style-type: none"> • Judicial mediation • Mediation other than judicial mediation • Arbitration • Conciliation • Other ADR

The CEPEJ data (amongst many other sources) is also used in the EU Justice Scorecard (the Scorecard) providing comparison data on the independence, quality, and efficiency of national justice systems within the member states. The Scorecard also mainly focuses on civil, commercial and administrative cases to assist efforts within the EU to smooth the way for a more investment, business and citizen-friendly environment. Regardless of the model of the member state national justice system or the legal tradition in which it is anchored, timeliness, independence, affordability and user-friendly access have been chosen for the Scorecard as essential parameters of an effective justice system.¹⁸

¹⁸ Dori, Adriani, The EU Justice Scoreboard - Judicial Evaluation as a New Governance Tool (August 14, 2015). MPI Luxembourg Working Paper Series, 2 (2015) p

A full list of the indicators is available at Annex Three - European Union Justice Scorecard but below is a selection of indicators potentially relevant to PIC Courts:

Pillar	Name	Description
Efficiency of Justice	Length of proceedings	Time to resolve litigious civil and commercial cases (1 st instance/days)
Quality of justice systems	Assessment tools	Availability of monitoring and evaluation of court activities including: <ul style="list-style-type: none"> • Annual activity statement • Number of postponed cases • Performance and quality indicators • Regular evaluation systems • Specialised court staff for quality management • Other elements
	Quality standards	Standards on information provided about case progression including: <ul style="list-style-type: none"> • Timetable of court proceedings • Information about delays • Information about the progress of a case • Other

4.4 Other indicators

Rule of Law Index - World Justice Project indicators

The World Justice Project (WJP) Rule of Law Index is a quantitative assessment tool designed to offer a detailed picture of the extent to which countries adhere to the rule of law in practice¹⁹. The methodology used to build the WJP Rule of Law Index provides data on nine dimensions of the rule of law including limited government powers, absence of corruption, order and security, fundamental rights, open government, regulatory enforcement, access to civil justice, effective criminal justice, and informal justice.

This information is compiled from original surveys of the general public and local legal experts. For the purpose of this paper, the data collection of the dimensions of fundamental rights, open government, access to civil justice and effective criminal justice and the related variables are focused upon.

A full list of the indicators is available at Annex Four - World Justice Project Rule of Law Index - Measures but below is a selection of indicators potentially relevant to PIC Courts:

Pillar	Name	Description/Measures
Open	Publicised laws and data	<ul style="list-style-type: none"> • Information in plain language, publicised laws

¹⁹ Botero, J.C. and Ponce, A., 2011. Measuring the rule of law p2

Pillar	Name	Description/Measures
Government	Complaint mechanisms	<ul style="list-style-type: none"> • Policies are in place and are publicised
Civil Justice	People can access and afford civil justice	<ul style="list-style-type: none"> • People are aware of formal justice mechanisms through which a grievance can be addressed • Public information about court procedures • Access to legal aid or pro bono services • Lawyers charges as a percentage of GNI per capita • Access to class actions • Access - procedures too complex and cumbersome • Access - language barriers • Access - locations of courts • Costs - expected courts costs expressed as percentage of GDP per capita
	Civil justice is free of discrimination	No discrimination for: <ul style="list-style-type: none"> • Socio-economic status • Sex • Ethnicity • Religion • Foreign nationality • Sexual orientation
	Civil justice is not subject to unreasonable delay	<ul style="list-style-type: none"> • Timeframe for receiving a decision or judgement for a civil lawsuit • Timeframe for receiving a decision or judgement for a small claims court • Timeframe for enforcement
	Civil justice is effective enforced	<ul style="list-style-type: none"> • Difficulty of enforcing for a regular civil court, for a small claims court
	Alternative dispute resolution mechanisms are accessible, impartial and effective	<ul style="list-style-type: none"> • Cost of ADR • ADR is free from corruption • ADR is efficient and timely • ADR outcomes are enforceable
Criminal Justice	Criminal adjudication system is timely and effective	<ul style="list-style-type: none"> • Timeliness of trials • Quality of decision making by criminal judges • Likelihood of a perpetrator to be prosecuted
	Criminal system is impartial	<ul style="list-style-type: none"> • Bias against marginalised people
	Judges are free of improper influence	<ul style="list-style-type: none"> • Influence on judges by organised crime • Influence on judges by political or profession pressure • Perception of judicial officer’s decision making • Judiciary are independent

Pillar	Name	Description/Measures
	Due process of law and rights of the accused	<ul style="list-style-type: none"> • Presumption of innocence • Quality of judicial decision making • Accused allowed to challenge evidence in court • Access to a public defender • Adequate training for ProBono/ Legal Aid lawyers • Access to an interpreter for the accused

CourTools

Another well-used set of indicators is *CourTools*. *CourTools* was developed by the National Centre for State Courts (NCSC) as a first effort toward providing a common set of ten indicators and clear methods to measure court performance. The NCSC draws on the civic ideals for courts and major performance areas unique to courts. The Trial Court Performance Standards (TCPS) first developed in the late 1980s informed this work. Many of the *CourTools* indicators have been replicated the IFCE Court Performance Measures.

A full list of the indicators is available at Annex Five - *CourTools* but below is a selection of indicators potentially relevant to PIC Courts:

Pillar	Name	Description
Access to Justice	M1: Access and Fairness	Access and Fairness is measured by a survey conducted with court users that captures individual satisfaction with the ability to make use of the court’s dispute resolution services (access) and how the legal process dealt with their issue, interest, or case (fairness).
Efficiency	M3: Time to Disposition	Calculates the length of elapsed time from case filing to case resolution, with the recommendation that the result be compared to some stipulated or agreed-upon case-processing time standard.
Timeliness	M4: Age of Active Pending Caseload	The age of the active cases pending before the court, measured as the number of filing until the time of the measurement.

World Bank - Doing business

An international suite of indicators, which was updated in 2017 to include six components, is the World Bank’s *Doing Business* measures. These are objective measures of business regulations and their enforcement across 190 economies and selected cities at the subnational and regional level.²⁰ Of particular relevance is *Doing Business - Enforcing Contracts* indicators. The World Bank uses three indicators of equal weighting - time, cost and quality of judicial processes. The indicators measure the time and cost for resolving a commercial dispute through a first instance court and quality of judicial process index which evaluates whether each country adopted a series of good practices that promote quality and efficiency in the court system. The data is collected through study of court regulations and codes of civil procedure, use of a scenario to measure time and costs, as well as questionnaires completed by local litigation lawyers and judges.



A full list of the indicators is available at Annex Six - World Bank - Doing Business but below is a selection of indicators potentially relevant to PIC Courts:

Pillar	Name	Description
Quality of judicial processes	Court Structure and Proceedings Index	<ul style="list-style-type: none"> • Availability of specialised court, division or section • Availability of small claims court or simplified procedure for small claims • Criteria used to assign cases to judges • Evidentiary weight of women’s testimony
	Case Management Index	<ul style="list-style-type: none"> • Regulations setting time standards for key court events: <ul style="list-style-type: none"> ○ Service of process ○ First hearing ○ Completion of evidence period ○ Filing of testimony of expert ○ Submission of the final judgment • Regulations on adjournment and continuances <ul style="list-style-type: none"> ○ Maximum number of adjournments granted

²⁰ World Bank. 2017. *Cost of doing business 2017 (English)*. Washington, D.C.: World Bank Group. <http://documents.worldbank.org/curated/en/143091490274330765/Cost-of-doing-business-2017> [Retrieved 2 February 2018]

Pillar	Name	Description
		<ul style="list-style-type: none"> • Availability of performance measurement reports (and are publically available) <ul style="list-style-type: none"> ○ Time to disposition report ○ Clearance rate report ○ Age of pending cases report; (a snapshot of all pending cases according to case type, case age, last action held and next action scheduled); and ○ Single case progress report (providing a snapshot of the status of one single case) • Availability of pre-trial conference • Availability of electronic case management system for judges and lawyers
	Court Automation Index	<ul style="list-style-type: none"> • Ability to file initial complaint electronically • Ability to service initial complaint electronically • Ability to pay court fees electronically • Publication of judgments
	Alternative Dispute Resolution	<ul style="list-style-type: none"> • Arbitration available • Voluntary mediation and/or conciliation available

4.5 Comparison table

The following is a comparison table between the five different models of justice and court performance indicators. This table indicates what indicators are found in which model. The models used are IFCE (Global Measures) combined with CourTools due to their similarities, Cook Island Indicators (CII), EU (CEPEJ and EU Justice Scorecard), Rule of Law Index World Justice Project measures and World Bank *Doing Business* - Enforcement of a Contract. The first column of the table lists the indicator in alphabetical order with the subsequent indicating whether the model which includes that indicator.

Indicator	IFCE Measures/ CourTools	CII	EU	World Justice Project	World Bank - Doing Business
Access Fees	Yes but not CourTools				
Alternative Dispute Resolution			Yes	Yes	Yes
Appointment of judges			Yes		
Availability of specialist court					
Average Duration of a Case		Yes			
Average Number of Cases Per Judicial Officer		Yes	Yes		
Average Number of Cases Per		Yes			

Indicator	IFCE Measures/ CourTools	CII	EU	World Justice Project	World Bank - Doing Business
Member of Court Staff					
Case Backlog	Yes	In chart creator	Yes		
Clearance Rate	Yes	Yes	Yes		
Complaints		Yes			
Compliance with Court Orders	Yes				
Cost Per Case	Yes				
Court File Integrity	Yes				
Court locations			Yes		
Court process free from corruption				Yes	
Court process free from improper influence				Yes	
Court Services Information Available		Yes		Yes	
Court User Satisfaction	Yes	In Annual Report toolkit			
Documented Process for Receiving and Processing a Complaint That is Publicly Available		Yes		Yes	
Employee Engagement	Yes				
Equal treatment and absence of discrimination				Yes	
Evidentiary weight of women's testimony					Yes
Legal costs				Yes	Yes
Monitoring, Evaluation and Reporting such as Annual Reports		Yes	Yes	Yes	Yes
Number of Citizens Selected for Jury Service Qualified and Available to Serve	CourTools only				
Number of staff		In Annual Report Toolkit	Yes		

Indicator	IFCE Measures/ CourTools	CII	EU	World Justice Project	World Bank - Doing Business
On-Time Case Processing	Yes		Yes		Yes
Overturn Rate on Appeal		Yes			
Percentage of Appeals		Yes			
Percentage of Cases Disposed Through a Circuit Court/ Small Claims Court		Yes		Yes	Yes
Percentage of Cases that are Granted a Court Fee Waiver		Yes			
Percentage of Cases Where a Party Receives Legal Aid		Yes	Yes	Yes	
Pre-Trial Custody	Yes but not CourTools			Yes	
Publication of Judgments		Yes		Yes	Yes
Resources and Budget available to Courts		In Annual Report Toolkit	Yes		Yes
Salaries of Judges					
Training of Judges			Yes		
Trial Date Certainty	Yes			Yes	
Use of ICT systems for Courts and their users			Yes		Yes

5. Building on the Cook Island Indicators

The previous analysis was undertaken to understand the diversity of various existing performance assessment frameworks and measures available. This analysis allowed the identification of international level frameworks that were relevance to PICS with regard to court performance planning and measurement. Having considered the range of performance frameworks, indicators and measurements used by a range of organisations across the global, now an assessment is needed as to their suitability for the PIC Courts within PJSI.

5.1 Considerations on an Excellence Framework

The work of the IFCE sits under the umbrella framework of ISO 9000:2000 *Principles of quality management* while the work of the CEPEI/EU Justice Scorecard sits under a broader excellence framework of the European Foundation for Quality Management's (EFQM) *Excellence Model 2013*.

The principles used for organisational improvement for each model are:

ISO 9000:2000 <i>Principles of quality management</i>	EFQM excellence
Customer focus	Customer focus
Leadership	Leadership and Constancy of Purpose
Engagement of people	Management by Processes and Facts
Process approach	People Development and Involvement
Improvement	Continuous Learning, Innovation and Improvement
Evidence-based decision making	Partnership Development
Relationship management	Public Responsibility
	Result Orientation

The table above illustrates similarities and differences (seen above in my bold) between the two models. These differences have in turn influenced the indicators that have developed in the Global Measures and CEPEI/EU Justice Scorecard. EFQM is more holistic and the more complex of the two. However, two interesting differences warrant further commentary as to their applicability to PJSI's work. Both models consider continuous improvement as the way to optimise operations but EFQM also includes continuous learning and innovation as necessary principles in the quest for excellence. The second difference is relationships. In EFQM partnership development is not just limited to those with direct linkages to the organisation. The principle is much broader because it recognises all partnerships as beneficial - primary stakeholders as well as secondary and peripheral. This approach of considering hierarchy's of linkages aligns with impact analysis techniques such as Ripple Method²¹ when measuring impacts (intended or unintended) of a change, a program of work or a collaboration by an organisation.

5.2 Which model?

In the initial work for development of the original Cook Island Indicators, the International Framework for Court Excellence (IFCE) was one of three statements used to identify and develop these core and essential characteristics which relate to case management, appeals, access, complaints, human resources and judicial transparency. Several PJSI courts are member organisations of the consortium and have embarked on work to meet the requirements of the

²¹ Kollock, D.H., Flage, L., Chazdon, S., Paine, N. and Higgins, L., 2012. Ripple effect mapping: A "radiant" way to capture program impacts. *Journal of Extension*, 50(5), pp.1-5.

Framework.²² However, to a certain extent, some of the components of the IFCE performance measures are not relevant or useful for the current PIC courts' context.²³

The CEPEJ Performance Framework is complex and is closely aligned the evolution of the legal environment across the EU. It would be unsuitable for implementation across PIC courts. CourTools has an output focus while the *Doing Business* measures focus solely on a court's commercial work. The Rule of Law - World Justice Project and their indicators are often criticised for their collection approach of wholly using surveys.²⁴ Citizen surveys, for example, can capture perceptions on a justice system that may not have empirical foundations.

The process of determining whether to consider, adapt or adopt models should be grounded in local priorities, reforms that are already being undertaken and the courts capacity to collect, analysis and report upon required data and information. There is an opportunity to build upon the work undertaken in PJDP or earlier iterations and work planned in PJSI to create a 'bridging' framework that is flexible enough to accommodate the needs of PIC Courts that are member organisations of IFCE, that 'cherry picks' elements from other models that align with work undertaken or proposed and strengthens performance of all PIC courts.

For courts already achieving consistent and detailed reporting, have implemented improvement projects or contemplated how to improve their performance planning, the 'bridging' framework allows them to move from a retrospective to a forward thinking footing. The framework allows courts to commit to continuous improvement cycle where small, ongoing improvements will result in sustainable excellence.

5.3 Guiding principles for a proposed court performance planning and measurement framework

The general guiding principles for development of a 'bridging' court performance planning and measurement framework are as follows:

- a. The framework should increase performance management value and effectiveness for PIC Courts.
- b. The framework should link planning and reporting as a necessary requirement for continuous improvement.
- c. The framework should integrate with or draw upon existing systems, structures, actions or work. There should be an avoidance of any duplication of effort.
- d. The framework should be relevant and practical to the PIC Court environments.

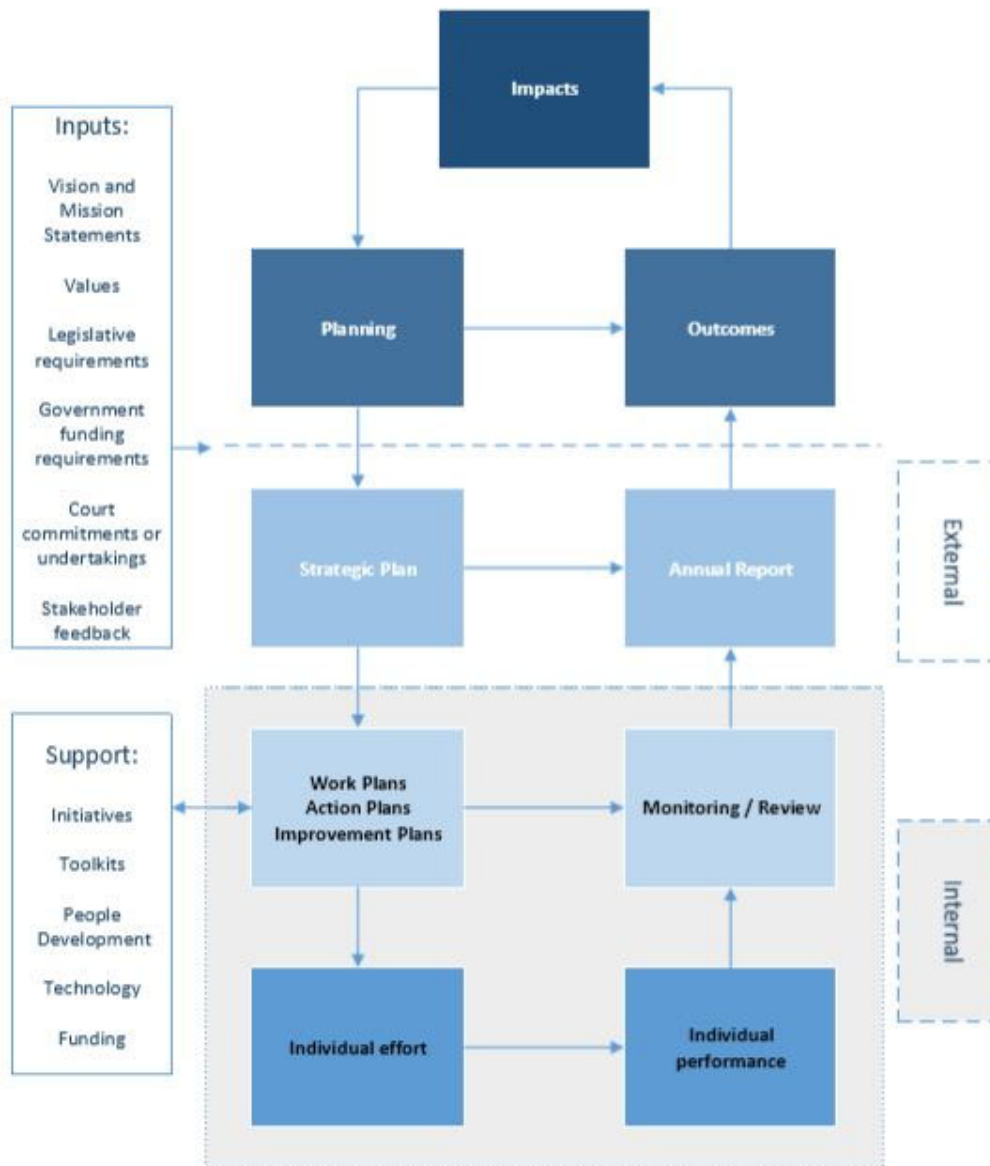
²² Republic of Marshall Islands, Magistrates Service of Papua New Guinea (PNG), Supreme and National Court of Papua New Guinea (PNG) and Palau Supreme Court.

²³ Citizens that report to jury duty, mystery shopping and cost per cost are examples of three measure deemed not suitable.

²⁴ Ginsburg, T. (2011) "Pitfalls of Measuring the Rule of Law," Hague Journal on the Rule of Law. Cambridge University Press, 3(2), pp. 279

6. Proposed Court Performance Planning and Measurement Framework

The proposed court performance planning and measurement framework below is a mechanism by which internal and external planning and reporting activities can further provide information on the courts' operations and performance. This then links to the outcomes and impacts that the court's work can have furthering the courts' integrity and accountability, reinforcing court values and maintaining public trust. The relationship between these activities is illustrated below.



6.1 Features and elements of the proposed Court Performance Planning and Measurement Framework

The following are **key features** of the proposed Framework. It will:

- Be based on a conceptual model that planning and reporting are in perpetual cycles
- Put courts on a forward thinking frame of reference
- Build upon established reporting vehicles such as Annual Reports
- Allow courts to draw together their various plans and understand how they interact.
- Give maximum advantage to courts for their efforts by planning holistically for the future
- Build a comprehensive picture of court performance
- Encourage of local leadership in driving change locally
- Make reporting easier to understand as the Framework allows courts to set out what improvements they plan to do at the beginning of the reporting period and then report on what they have achieved by the end of the reporting period
- Opportunity to mitigate poor performance through monitoring
- Provide visibility to external stakeholders of a court's willingness to commit to improvement
- Enhance the use of the data collected already, and
- Create a base to extend performance planning and measurement to an individual level.

Two elements organise the proposed Framework cycle:

1. **Planning** - planning is part of an annual or biannual process undertaken by the senior leaders of the organisation with input from judiciary, court staff and key stakeholders as to the high level goals of the court over an agreed timeframe. The strategic plan is a concise document that details vision/mission statement of the court, the goals over the time period - what the court would like to achieve, the strategies and activities - how the court will achieve these goals and reporting - measures/indicators that indicate that the court is on track. An example of a court's strategic planning and example of a potential strategic plan template is available at Annex Seven - Example of a court's strategic planning. Cascading from strategic plans is the activity-based plans such as work plans, action plans or improvement plans for specific priority areas of the court's work. Below this level of planning is staff work plans which should be designed to contribute to the achievement of the Court's goals.
2. **Outcomes** - what has been achieved is part of the perpetual monitoring, review and reporting of a court's performance. The Annual Report is fed by agreed core performance indicators such as CII as well as the performance and progress indicators used in a court's work, action or improvement plans. For Annual Reports this reporting is undertaken yearly and is available externally.

For specific activities, work or actions plans, the indicators should be delivered that can monitored regularly by an internal audience. Courts can consider the appropriate mechanism for doing this monitoring, whether it is status reports for relevant committees or for the senior leadership. Again, cascading from this is the opportunity to monitor individual performance in working to achieving the Court's goals.

Aligning with existing work and initiatives, the Framework would reuse the five themes of the CII for performance management measures:

1. Case management issues
2. Affordability and accessibility for court clients
3. Feedback and complaints
4. Human Resources
5. Transparency

However, there is potential to rename ‘Human Resources’ to ‘Court Resources’ and ‘Feedback and Complaints’ to ‘Client Needs’ with an additional theme for ‘Leadership’.

6.2 Suggested changes to indicators

Following from the 2014 PJDP Court Trends Report, the content covered in the desktop review and alignment with the proposed Framework, these are some suggested extensions of existing indicators and some new indicators for monitoring and reporting. A rationale is provided for each new indicator.

The existing Cook Island Indicators and sub indicators

The Cook Island indicators and the Annual Reporting Toolkit provide a range of tools and suggested approaches for courts on collecting, analysing and publishing court performance data in their Annual Reports. The Annual Reporting Toolkit illustrates how both quantitative and qualitative data is important for courts in assessing their performance. The reflections of those PIC courts that have undertaken court user surveys as well as examples of court user surveys are included in the Annual Reporting Toolkit and PJDP Baseline and Trend Reports.

Theme	Description of CII	Sub indicators of this CII
Case management issues	Case finalisation or clearance rate	Disaggregated by location Disaggregated by sex Disaggregated by age (juvenile /non juvenile) and role of juvenile in the case Disaggregated by whether the client is a person living with a disability Disaggregated by type of case (civil, criminal, family , family violence, protection order and juvenile) Benchmark developed for the Court/% of cases finalised within the benchmark
	Average duration of a case from filing to finalisation	Disaggregated by location Benchmark developed for the Court/ % of cases finalised below the benchmark
	The percentage of appeals	Disaggregated by location of the first instance court
	Overtake rate on appeal	

Theme	Description of CII	Sub indicators of this CII
Affordability and Accessibility for court clients	Percentage of cases that are granted a court fee waiver	Disaggregated by sex
	Percentage of cases disposed through a circuit court.	Disaggregated by sex and by case type
	Percentage of cases where a party receives legal aid	Disaggregated by type of case - Criminal/ Civil, Family Case Disaggregate by sex by case type
Published procedures for the handling of feedback and complaints	Documented process for receiving and processing a complaint that is publicly available	
	Percentage of complaints received concerning a judicial officer.	Disaggregated by sex and by location
	Percentage of complaints received concerning a court staff member.	Disaggregated by sex and by location
Human Resources	Average number of cases per judicial officer	
	Average number of cases per member of court staff	
Transparency	Court produces or contributes to an Annual Report that is publicly available	Display on website or other publically available information source - how many annual reports have been produced in the last five years.
	Information on court services is publicly available.	
	Court publishes judgments on the Internet (own website or on PaCLII)	

Disaggregating data makes the ‘invisible visible’²⁵. Disaggregated data provides the courts with the ability to improve their practice and be accountable to the public. Provision of clear court information in areas of high need assists courts users have a better understanding of the justice system. Benchmarking sets performance expectations and assists to identify areas for improvements or areas of success.

Potential new indicators

Detailing potential new indicators has involved exploring current global thinking as well as considering the work that has already been put in place by PIC courts. The following is the candidate list of new indicators. Five key indicators have been recommended with a secondary list of potential indicators for those courts that wish to intend the range of information they provide.

Below is a list of five potential new indicators for use by the PIC courts in their reporting processes:

Theme	Description	Calculation/Measure	Rationale
Case management	Age of Active Pending Caseload	The age of the active cases pending before the court, measured as the number of filing until the time of the measurement.	This type of internal reporting - managing across timeframes (<3 months, 3-6 months, 6 months plus), when done frequently, allows remediation work to commence promptly if needed. This indicator could also be added to the external reporting to demonstrate that the caseload is being managed effectively.
	A timeframe of a complaint response is publicly available	An agreed timeframe (days/weeks) of a response to a complaint is published on the Court’s website or is available in hardcopy	Visibility of court policies improves public trust and confidence.
Client needs /engagement	Client satisfaction with the service	Total number of written or verbal compliments or positive feedback that is received by the Court.	

²⁵ Sinha, C 2017 *Making the invisible visible: gender, data, and evidence for development* <https://www.idrc.ca/en/resources/perspectives/making-invisible-visible-gender-data-and-evidence-development> [Retrieved 30 January 2018]

Theme	Description	Calculation/Measure	Rationale
Court Resources	Resource efficiency - use rates of courtrooms	Number of hours a courtroom is used/ total available hours of that courtroom x 100.	Demonstrates courts have sufficient resources and are using these resources effectively. This indicator would demonstrate efficiency of listings and judicial allocation. It could also be an early indicator of a potential backlog issue.
	Human Resources - Development	Detail the range and uptake rate of development opportunities across the workforce	Demonstrates courts are carefully managing their human resources and respecting professional values.

The following is a secondary list of indicators that could be adopted by courts who wish to extend the range of information that they use to monitor and/or report on their court’s activities.

Theme	Description	Calculation/Measure	Rationale
Leadership	Innovation - Ideas collected and assessed	The court provides a feedback form that is available publically and is available for internal use. The court promotes use of the feedback form. The court assesses suggestions received.	Under an excellence framework, Leadership should value opportunities to improve service through innovation. Suggestions that have been adopted by the court could be reported in an Annual Report.
Client needs /engagement	Number of external meetings attended by judicial officers	Aggregated number of attended external meetings	When reported within the Annual Report, this demonstrates the court’s engagement with the community
	Number of external meetings attended by court staff	Aggregated number of attended external meetings	When reported within the Annual Report, this demonstrates the court’s engagement with the community
	Client surveys	Client surveys could cover the following areas: - Satisfaction with facilities	Under the excellence framework, this measure demonstrates capturing client needs. The results from client

Theme	Description	Calculation/Measure	Rationale
		<ul style="list-style-type: none"> - Satisfaction with the client service - Satisfaction with information provided by the court 	surveys can be reported in a court's Annual Report
Court Resources	Information management - Court data is accurate	Survey of judicial officers as to their experience of incorrect information in court records	<p>Demonstrates efficiencies and professionalism within the court.</p> <p>This is an indicator that could be used for internal purposes to monitor data accuracy</p>
	Information management - Number of 'lost files'	No. of files lost/total number of files per calendar year	<p>Demonstrates efficiencies and professionalism within the court</p> <p>This indicator could be used for internal purposes to monitor the management of critical court resources such as files.</p>
Case Management	Courts publicly make available information about the protocols on approaching the court where there has been undue delay in delivering a judgment.	The courts can make available a suggested timeframe that would be considered delayed for delivery of a judgment.	Visibility of court policies improves public trust and confidence.

6.3 Recommendations

The following section details recommendation proposed as a result of the desktop review, interviews, identification of global trends and an examination of the existing PJSI information.

Recommendations

- 1. Adopt the proposed Court Performance Planning and Measurement Framework with the required consultation with key stakeholders.** PJSI will create a guidance document for PJSI courts on implementing the Court Performance Planning and Measurement Strategy. This would include practical steps, such as checklists and templates to operationalise the strategy.
- 2. Continue disaggregated data for Cook Island Indicators**
 - Where possible continue the disaggregation of data for identified indicators by sex, age (juvenile/non juvenile) and disability
 - Where possible provide disaggregated data for some performance measures by

Recommendations

- location to measure consistency of court service across the country
- Where courts have trend data available, benchmarking for two to three CII indicators should be considered. Benchmarking alone provides little value unless complemented with the opportunity to use the data to identify areas of successful operation or areas for improvement.
- Benchmarking aligns with the IFCE framework and its Global Measures.

3. Additional indicators

- Five new indicators are adopted:
 - In the category 'Case Management': **Age of Active Pending Caseload**
 - In the category 'Court Resources': Courtroom use
 - In the category 'Human Resources': Development opportunities
 - In the category: "Client needs/engagement": Compliments/Positive Feedback and % of complaints handled within an agreed timeframe.
- **A secondary list of other potential indicator could be:**
 - This could include indicators on:
 - Accuracy of court information
 - Currency of court information
 - Additional indicators developed for a pillar called 'Leadership'. This could include:
 - Acceptance of ideas
 - Forward thinking and planning
 - Additional indicators developed for the
 - Publishing a Protocol for handling complaints about undue delay of judgments
 - Additional indicators developed for the new pillar 'Client needs /engagement'. This could include:
 - Number of external meetings attended by judicial officers
 - Number of external meetings attended by court staff
 - Client surveys

4. Monitoring

- Designated dates are given for a court to collate selected indicators internally to monitor performance. These dates could be monthly, quarterly to six monthly. Reporting annually creates a considerable time lag to obtain accurate and up to date information.
- The court could select some of the performance data for publishing on their court website or via PACLII at intervals more regularly than yearly to improve transparency and accountability.

5. Strategic Plans

- Interested PJSI courts prepare short (one page) strategic plans for their courts as part of the Court Performance Planning and Measurement Implementation
- Chief Justices or a senior judge lead the development and management of their court's strategic plan
- The PJSI provide general guidance about the creation of a strategic plan as part of

Recommendations

the

- The strategic plans provide linkages between goals, activities and performance/progress measures

6. Integration

- Collation and analysis of indicators should be with key planning dates. This would create a loop between the indicators and the courts planned work, allowing the data to inform future actions.

6.4 Actions and timeframe

Implementing the proposed Court Performance Planning and Measurement Framework will take a twelve-month period. Elements of the Framework will be improved and refined by further consultation internal and externally to the courts.

The actions to implement the Framework span two phases.

Phase one

From April 2018 - December 2018 actions include:

1. Establish the consensus for the Framework with the Chief Justices of the PJSI Courts
2. Selection of the extended CII and additional indicators by the Chief Justices of the PJSI Courts as well senior leaders of the courts.
3. Development of an implementation strategy for the Court Performance and Management Framework
4. Local consultation with key stakeholders of interested courts on the appropriateness of the measures.
5. Pilot the implementation strategy for the Court Performance and Management Framework with one interested PJSI court.
6. Consult locally and internally on changes that flow from acceptance of the Framework
7. Explore actions to enable information sharing between PJSI courts on knowledge of performance measures, collection, analysis and reporting

Phase two

From Jan 2019 - April 2019 action include:

- Develop an evaluation plan for the framework.
- Longer term the PIC Courts will review and evaluate the effectiveness of the elements of the Framework for their court's future.

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Annexures

Annex One - Global Measures of Court Performance (The Measures)

The Measures and their descriptions are as follows:

	Name	Description
1.	Court User Satisfaction	The percent of court users who believe that the court provides procedural justice, i.e., accessible, fair, accurate, timely, knowledgeable, and courteous judicial services
2.	Access Fees	The average court fees paid in civil cases.
3.	Case Clearance Rate	The number of outgoing cases as a proportion of the number incoming cases.
4.	On-Time Case Processing	The percentage of cases disposed or otherwise resolved within established timeframes.
5.	Duration of Pre-Trial Custody	The average elapsed time criminal defendants who have not been convicted of crime are detained awaiting trial.
6.	Court File Integrity	The percentage of case files that can be located and retrieved in a timely manner and meet established standards of accuracy, organisation and completeness.
7.	Case Backlog	The proportion of cases in a court's inventory of pending cases that have exceeded established timeframes or time standards
8.	Trial Date Certainty	The certainty with which important case processing events occur when scheduled, expressed as a proportion of trials that are held when first scheduled.
9.	Employee Engagement	The percent of employee of a court who, as measured by a court-wide survey, are passionate about their job, committed to the mission of the court and, as a result, put discretionary effort into their work.
10.	Compliance with Court Orders	The total amount of payments of monetary penalties (fines and fees) collected by a court or court system, expressed as a proportion of the total amount of monetary penalties ordered by a court in a given period of time.
11.	Cost per Case	The average cost of resolving a single court case, disaggregated by level and location of court, and by case type.

Annex Two - European Commission for the Efficiency of Justice (CEPEJ)

Indicators

The primary indicators²⁶ are:

Pillar	Name	Description
Demographic and economic data	Country Overview	Number of country inhabitants, GDP and average gross annual salary
Resources and Budget available to Courts	Total annual budget allocated to the courts	Expressed in Euros
	Budget allocation to the courts for specific items	Does the budget include an allocation to: <ul style="list-style-type: none"> • salaries • computerisation • legal costs • court buildings • training and education • legal aid
Access to justice	Legal Aid	Annual number of legal aid cases brought to the court Criminal cases / Non-criminal cases
Organisation of the court system	Number of courts considered as legal entities (administrative structures) and geographic locations	Court of first instance and appeal courts by location.
	Number of staff	<ul style="list-style-type: none"> • Professional judges (full time equivalent and permanent posts) • Professional judges sitting in courts on an occasional basis and paid as such • Non-professional judges (including lay-judges) who are not remunerated but who can possibly receive a defrayal of

²⁶ Indicators related to prosecutors have been excluded

Pillar	Name	Description
		<p>costs</p> <ul style="list-style-type: none"> Non-judge staff working in the courts (full time equivalent and permanent posts)
	Salaries of judges	
Legal Profession	Lawyers	Total number of lawyers practising in the country
Use of information technology in courts	Level of computer facilities used within the courts	<p>Facilities used for direct assistance to the judge and court staff</p> <p>Facilities used for the administrations of the court</p> <p>Facilities used for communication between the court and the parties</p> <p>Calculate - Percentage of coverage of facilities by courts</p>
	Use of statistical tools to measure courts activity	Calculate - Percentage of coverage of facilities by courts by type of case: criminal, civil, administrative
Performance and workload of the courts	Civil and administrative cases brought to the courts	<p>Pending cases by 1 January of the reference year</p> <p>Incoming cases</p> <p>Resolved cases (decisions on the merits)</p> <p>Pending cases by 31 December of reference year</p>
	Criminal cases brought to the courts	<p>Pending cases by 1 January of the reference year</p> <p>Incoming cases</p> <p>Resolved cases (decisions on the merits)</p> <p>Pending cases by 31 December of reference year</p>
	Case flow	Average length (from the date the application for judicial review is lodged) between first instance, second instance and third instance proceedings
	Case clearance rate	Relationship between the new cases and completed cases within a period, in a percentage of resolved

Pillar	Name	Description
		<p>cases</p> <p>Clearance Rate(%) = (Number of Resolved Cases / Number of incoming cases) x100</p>
	Case Turnover ratio	<p>Relationship between the number of resolved cases and the number of unresolved cases at the end. This requires a calculation of the number of times during the year (or other observed period) that the standardised case types are turned over or resolved.</p> <p>Case Turnover Ratio = Number of Resolved Cases / Number of Unresolved Cases at the End of the reporting period</p>
	Disposition time	<p>Compares the number of resolved cases during the observed period and the number of unresolved cases at the end of the observed period.</p> <p>Disposition time = 365 /Case Turnover Rate</p>
	Efficiency rate	<p>Relationship between the number of personnel used in a court in a year and the output of cases from the same court at the end of the year.</p>
	Total backlog	<p>Cases remaining unresolved at the end of the period, defined as difference between the total number of pending cases at the beginning of the period, and the cases resolved within the same period.</p>
	Backlog resolution	<p>The time needed to resolve the</p>

Pillar	Name	Description
		total backlog in months or days, calculated as the relationship between the number of cases and the clearance time.
	Case per judge (CPJ)	Number of cases of a particular type per judge in the given period.
	Standard departure (SD)	Departure from the set targets per type of case in the given period, in percentage or days.
Alternative dispute resolution	Types of alternative dispute resolution available in the legal system	<p>Suggested types are:</p> <ul style="list-style-type: none"> • Judicial mediation • Mediation other than judicial mediation • Arbitration • Conciliation • Other ADR

Annex Three - European Union Justice Scorecard

Scorecard indicators are:

Pillar	Name	Description
Efficiency of Justice	Length of proceedings	time to resolve litigious civil and commercial cases (1 st instance/days)
	Consumer protection	Average length of judicial review (1 st instance/days)
	Consumer protection - authorities	Average length of administrative decisions by consumer protection authorities (1st instance/in days)
	Money Laundering	Average length of court cases (1st instance/in days)
Quality of justice systems	Legal Aid	Income threshold for legal aid in a specific consumer case (differences in % between Eurostat poverty threshold)
	Financial resources	General government total expenditure on law courts (as a percentage of GDP)
	Assessment tools	Availability of monitoring and evaluation of court activities including: <ul style="list-style-type: none"> • Annual activity statement • Number of postponed cases • Performance and quality indicators • Regular evaluation systems • Specialised court staff for quality • Other elements
	Quality standards	Standards on information about case progress including: <ul style="list-style-type: none"> • Timetable of court proceedings • Information about delays • Information about the progress of a case • Other
Independence	Perception of independence by the general public	Perceived independence of courts and judges among the general public. Rated in the survey as very good, fairly good, fairly bad, very bad, don't know.
	Reasons for perceived lack of independence	Main reasons among the general public for the perceived lack of independence Answers include:

Pillar	Name	Description
	by the general public	<ul style="list-style-type: none"> • The status and position of judges do not sufficiently guarantee their independence • Interference or pressure from economic or other specific interests • Interference or pressure from government and politicians
	Perceived independence among companies	Perceived independence of courts and judges among the companies. Rated in the survey as very good, fairly good, fairly bad, very bad, don't know.
	Appointment of judges: proposing and appointing authorities	<p>Reports on the mode of judicial appointment. Includes:</p> <ul style="list-style-type: none"> • Recruitment through a specific exam or a competition for becoming a judge • Recruitment through a vacancy notice without a specific exam for judges • Council for the Judiciary/other independent body • Executive (e.g. Head of State, Government, Minister of Justice) • Other body on the opinion of the Council for the Judiciary • Court • Parliament • Executive on the opinion of the Council

Anne Four - World Justice Project Rule of Law Index - Measures

Rule of Law (abridged) measures are:

Pillar	Name	Description/ Measures
Open Government	Publicised laws and government data	<ul style="list-style-type: none"> Information in plain language, publicised laws Open Data
	Right to information	<ul style="list-style-type: none"> Right to Information - timeliness and access to government information
	Complaint mechanisms	<ul style="list-style-type: none"> Policies are in place and are publicised
Fundamental Rights	Equal treatment and absence of discrimination	No discrimination for: <ul style="list-style-type: none"> Socio-economic status Gender Ethnicity Religion Foreign nationality Sexual orientation
	Due process of law and rights of the accused	<ul style="list-style-type: none"> Presumption of innocence Arrest and pre-trial detention Legal assistance
Civil Justice	People can access and afford civil justice	<ul style="list-style-type: none"> People are aware of formal justice mechanisms through which a grievance can be addressed Awareness of legal rights when arrested Lack of public information about court procedures Access to legal aid or pro bono services Lawyers charges as a percentage of GNI per capita Access to class actions Access - procedures too complex and cumbersome Access - language barriers Access - locations of courts Costs - expected courts costs expressed as percentage of GDP per capita
	Civil justice is free of discrimination	No discrimination for: <ul style="list-style-type: none"> Socio-economic status Gender Ethnicity` Religion Foreign nationality Sexual orientation
	Civil justice is free of corruption	Likelihood of a bribe being requested from: <ul style="list-style-type: none"> Judge or Magistrate Court Personnel

Pillar	Name	Description/ Measures
		<ul style="list-style-type: none"> ○ Commercial Arbitrator ● Perception of corruption ● Corruption to expedite court cases
	Civil justice is free of improper government and powerful private influence	<ul style="list-style-type: none"> ● Cases are honestly determined by a judicial officer ● Undue pressure was applied to judicial officers ● Perception of judicial officer’s decision making ● Fair compensation of judicial officers ● Governments obey decisions of the courts
	Civil justice is not subject to unreasonable delay	<ul style="list-style-type: none"> ● Timeframe for receiving a decision or judgement for a civil lawsuit ● Timeframe for receiving a decision or judgement for a small claims court ● Timeframe for enforcement
	Civil justice is effective enforced	<ul style="list-style-type: none"> ● Difficulty of enforcing for a regular civil court, for a small claims court
	Alternative dispute resolution mechanisms are accessible, impartial and effective	<ul style="list-style-type: none"> ● Cost of ADR ● ADR is free from corruption ● ADR is efficient and timely ● ADR outcomes are enforceable
Criminal Justice	Criminal adjudication system is timely and effective	<ul style="list-style-type: none"> ● Timeliness of trials ● Quality of decision making by criminal judges ● Likelihood of a perpetrator to be prosecuted
	Criminal system is impartial	<ul style="list-style-type: none"> ● Bias against marginalised people
	Criminal system is free of corruption	<ul style="list-style-type: none"> ● Bribes are not requested to expedite court processes ● Bribes are not requested by judges
	Judges are free of improper influence	<ul style="list-style-type: none"> ● Influence on judges by organised crime ● Influence on judges by political or profession pressure ● Perception of judicial officer’s decision making ● Judiciary are independent
	Due process of law and rights of the accused	<ul style="list-style-type: none"> ● Presumption of innocence ● Quality of judicial decision making ● Accused allowed to challenge evidence in court ● Access to a public defender ● Adequate training for ProBono/ Legal Aid lawyers ● Access to an interpreter for the accused

Annex Five - CourTools

The indicators are:

Pillar	Name	Description
Access to Justice	M1: Access and Fairness	Access and Fairness is measured by a survey conducted with court users that captures individual satisfaction with the ability to make use of the court's dispute resolution services (access) and how the legal process dealt with their issue, interest, or case (fairness).
Efficiency	M2: Clearance Rates	This examines court productivity in keeping current with the incoming flow of cases.
	M3: Time to Disposition	Calculates the length of elapsed time from case filing to case resolution, with the recommendation that the result be compared to some stipulated or agreed-upon case-processing time standard.
Timeliness	M4: Age of Active Pending Caseload	The age of the active cases pending before the court, measured as the number of filing until the time of the measurement.
	M5: Trial Date Certainty	A measure to evaluate the effectiveness of calendaring and continuance practices. Shows the number of time cases disposed by trial are scheduled for trial.
Effectiveness	M6: Reliability and Integrity of Case Files	The percentage of files that can be retrieved within established time standards and that meet established standards for completeness and accuracy of contents
Integrity	M7a: Ensuring Fairness in Legal Financial Obligations	Ratings by defendant / respondents of their treatment by the court in cases in which the court has imposed a legal financial obligation (LFO)
	M7b: Management of Legal Financial Obligations	The percentage of cases in which legal financial obligations are fully met.
	M7c: Fair Practices for Legal Financial Obligations	Ratings by judicial officers, court administrators and court staff on the importance of practices used by the court to determine, monitor and enforce

Pillar	Name	Description
		compliance by defendants with legal financial obligations.
Public trust	M8: Effective Use of Jurors	Juror yield - number of citizens who are qualified and report to serve expressed as a percentage of the total number of prospective jurors available
Effectiveness	M9: Court Employee Satisfaction	Rating of court employees assessing the quality of the work environment and relations between staff and management.
Cost effectiveness	M10: Cost Per Case	The average cost of processing a single case, by case type

Annex Six - World Bank - Doing Business

The indicators are:

Pillar	Name	Description
Time	Time required to enforce a contract through the courts (calendar days)	<ul style="list-style-type: none"> • Time to file and serve the case • Time for trial and to obtain the judgment • Time to enforce the judgment
	Cost	<ul style="list-style-type: none"> • Average lawyer costs • Court costs • Enforcement costs
Quality of judicial processes	Court Structure and Proceedings Index	<ul style="list-style-type: none"> • Availability of specialised commercial court, division or section • Availability of small claims court or simplified procedure for small claims • Availability of pre-trial attachment • Criteria used to assign cases to judges • Evidentiary weight of women’s testimony
	Case Management Index	<ul style="list-style-type: none"> • Regulations setting time standards for key court events: <ul style="list-style-type: none"> ○ Service of process ○ First hearing ○ Completion of evidence period ○ Filing of testimony of expert ○ Submission of the final judgment • Regulations on adjournment and continuances <ul style="list-style-type: none"> ○ Maximum number of adjournments granted • Availability of performance measurement reports (and are publically available) <ul style="list-style-type: none"> ○ Time to disposition report ○ Clearance rate report ○ Age of pending cases report; (a snapshot of all pending cases according to case type, case age, last action held and next action scheduled); and ○ Single case progress report (providing a snapshot of the status of one single case). • Availability of pre-trial conference • Availability of electronic case management system for judges and lawyers
	Court Automation Index	<ul style="list-style-type: none"> • Ability to file initial complaint electronically • Ability to service initial complaint electronically • Ability to pay court fees electronically • Publication of judgments
	Alternative Dispute Resolution	<ul style="list-style-type: none"> • Arbitration available • Voluntary mediation and/or conciliation available

Annex Seven - Example of a court’s strategic planning



Supreme Court Strategy

An Outstanding Superior Court			
Public value is achieved through a self-directing strategy that creates a centre for court excellence and forum of choice for litigators and maintains the respect and confidence of the community and government			
Modernising Service Delivery		Reforming Service Delivery	
<p>Strategic Leadership</p> <p>Further develop a strong, collegiate and independent Supreme Court that includes a demonstrated commitment to a collegiate, collaborative and co-operative judicial system in Victoria.</p>	<p>Paper-free e-Court</p> <p>Key court delivery and support services offered by the Court are able to be done electronically and remotely to contemporary standards of security, functionality and cost.</p>	<p>The Commercial Court</p> <p>The Commercial and Equity Division of the Trial Division will be restructured into an enlarged Commercial Court, including better integration of Associate Judges, a dedicated registry and introduction of the RedCrest electronic case management system.</p>	<p>Civil Procedures Reform</p> <p>A program to continue the reform and modernisation of the Court’s civil practice, procedures and processes, pursuant to the <i>Civil Procedure Act</i>, in collaboration with the County and Magistrates courts, and the Profession. This will include the promotion and enforcement of the overarching obligations of parties under the Act in matters before the Court.</p>
<p>Iconic Court Building</p> <p>Work with the CSV Courts Council and Judicial Services to develop a legal precinct facilities master plan that advances the compelling need for a state-of-the-art court building (which complements court delivery of the future).</p>		<p>Civil Appeals in CoA</p> <p>The Court will complete its reform of Civil Appeals processes and procedures, supported by legislative changes to the <i>Supreme Court Act</i>.</p>	<p>Trial Division Review</p> <p>A major review will be undertaken of the Trial Division to examine how the Court can continue to meet growing demand, and ensure best use of its judicial, staff and other capacity. This will include a particular focus on the role of Associate Judges and Judicial Registrars in the Court. Pilot innovations will also be trialled in the Common Law Division, supported by continued improvements to the quality and capacity of registry services.</p>

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Potential template of a strategic plan

Mission or vision statement		
Values of the court		
Goals (what the court would like to do)	Strategies - (how to achieve these goals)	Reporting - tracking performance & progress*
Goal 1	•	
Goal 2	•	
Goal 3	•	
Goal 4	•	

*Using indicators for Annual Reporting (external) and monitoring (internal)

