



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

ENCJ WORKING GROUP

# Quality Management Report 2008-2009

Quality Management and its Relation to Transparency and Access to Justice

GROUPE DE TRAVAIL RECJ

# Gestion de la qualité Rapport 2008-2009

La gestion de la qualité et sa relation à la transparence et l'accès à la justice



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**2009 Report ENCJ Working Group Quality Management**  
*Quality Management and its Relation to Transparency and Access to Justice*

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## **1. Introduction**

### **1.1 Background to the new Report and updated Register**

In 2008, the ENCJ Working Group Quality Management - which was established at the meeting of the ENCJ General Assembly in Brussels in 2007 - completed a Report and a Register on Quality Management Activities in the Judiciary. In total, nine countries contributed to the 2008 Report and Register: Austria, Belgium, Denmark, Finland, Hungary, Latvia, Lithuania, the Netherlands (chair) and Romania.

The aim of the 2008 Report was to describe the Working Group's perspective on the definition of quality, to share experiences on the subject of quality, where quality is broadly defined, and to provide insight in the role and tasks of the different Councils/Court administrations in the area of quality management.

The objective of the 2008 Register was to provide an overview of quality activities deployed in participating countries and to provide contact details of experts for further information.

At the 2008 ENCJ General Assembly meeting in Budapest, the ENCJ Working Group Quality Management was asked to continue its work throughout 2008-2009, and to focus on the central theme of the next General Assembly to be held in Bucharest, Romania: transparency and access to justice.

Following the General Assembly in Budapest, three new members joined the Working Group: Bulgaria, Germany and Slovenia. The Working Group was also happy to welcome Mr. Pim Albers, special adviser to the CEPEJ, as an observer to the Working Group. His insights proved very valuable to the Working Group's work.

After the General Assembly in Budapest, the Working Group met three times, in Copenhagen (Denmark), in Riga (Latvia) and in The Hague (the Netherlands). The result of these meetings is a new Report on Transparency and Access to Justice in Relation to Quality Management (indicators) and an updated and more elaborate Register.

### **1.2 The 2009 Report**

The aim of the 2009 Report is to examine quality management in its relation to transparency and access to justice in the various judiciaries participating in the Working Group.

For the purpose of this Report, access to justice should be understood in its narrow sense: access to information on the judicial organization and on proceedings. Other

aspects of access to justice such as financial and geographical access are not dealt with in this Report.

Within the triangle of quality management, transparency and access to justice, quality management and transparency can be viewed as instruments to improve/increase access to justice (amongst other goals). As a result of this limited approach to access to justice, the main focus of this Report is on transparency, quality management having been the main focus of the 2008 Report.

The Report is structured as follows.

In chapter 2 of the Report, the Working Group will first seek to define and characterise access to justice and transparency. What do we mean by transparency: is this availability upon request or action by the informer? When speaking of transparency, can we identify different levels of transparency? Another issue discussed in chapter 2 concerns the purposes and effects of transparency.

In chapter 3, the Working Group will zoom in on the transparency aspect of certain quality management activities in a number of participating judiciaries. The activities selected for this part of the Report largely correspond to the activities already described in chapter 4 of the 2008 Report.

The 2009 Report is meant as a sequel to the 2008 Report and both reports must therefore be read together. Those interested in reading more about the concept of quality in the judiciary, the roles and tasks of the different Councils/Court Administrations as regards quality management, and the different quality management activities deployed in the various participating judiciaries are therefore invited to consult the Working Group's 2008 Report.

### **1.3 The 2009 Register**

The structure of the 2009 Register is the same as in 2008: it is organized around twelve categories of quality activities identified by the Working Group and contains brief descriptions of all activities deployed in the participating countries. In addition to the updated descriptions of quality activities already described in the 2008 Register, the 2009 Register now also includes information on quality activities within the judiciaries of Germany and Slovenia. Furthermore, the Register has been enriched with information on the transparency, accessibility and use of information obtained from quality management activities. Just like the 2008 Register, the 2009 Register is meant as a guide, so that interested persons know where to find further information about specific quality activities. The Register therefore also contains contact details of experts on these activities, so that interested persons can ask for additional information.

The members of the Working Group feel that the Register should continue to be a living document, to be updated on a regular basis, and which in the longer term would include contributions from all members and observers.

## 2. Transparency and quality management

This chapter attempts to make clear what precisely organizational transparency is<sup>1</sup>, and the interaction that exists between transparency and quality management.

First, it is explained that the transparency of organizations (companies, non-profit organizations, banks, states and governments, ministries, justice systems, and other private and public institutions) is the result of a societal process. This immediately situates organizational transparency as an issue in contemporary society.

Then the usefulness of transparency of organizations and their environment is examined. Central questions in this regard are: Does transparency affect the (results of the) organization? Should transparency be provided? And how can transparency be provided? Does management, in particular quality management, play a role in this?

Then in the next chapter, an illustration is given of what transparency linked to quality management means today in the judicial system and the councils of the countries participating in the Working Group.

It is not the intent of this report to indicate how transparent a council or judicial system ought to be. Their transparency, after all, is the evolving result of a societal process, with sometimes very diverse influences in the different member states, as will be made clear below.

While stressing transparency one may not lose sight of the fact that the independence of courts remains the other important factor that guarantees effective operation and qualitative service and as such contributes to maintain public trust in justice and in democracy in general. Some tension can exist between the notions of independence and transparency. That seems to be the case when transparency merely amounts to accountability in a sense of bowing to public opinion and neglecting the rule of law. That tension is part of the societal process and will contribute to clarify the different notions. Besides, in order to involve public trust, independence must also be shown (made transparent) to the stakeholders.

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<sup>1</sup> For an explanation of quality management, see the Final Report of the ENCJ Working group on quality management, Budapest May 2008.

## **2.1 What is organizational transparency?**

‘Transparent’ means that you can see through the object<sup>2</sup>. A transparent organization is one that can be easily looked into so that one knows what is happening.

Such direct, immediate and comprehensive organizational transparency, however, does not exist. Transparency can only be attained indirectly and only partially.

Within an organization, managers and employees see what is happening. These direct, internal perspectives, however, are limited. For this reason, the internal view is broadened by the different organizational components providing information to each other (internal communication e.g. by means of indicators and ratings) in order to ensure the proper functioning of the organization. Internal transparency is of vital importance to an organization. It stimulates participation, improves the decision making process and enhances organizational values and integrity.

External parties, on the other hand, wish to obtain or prepare information about the organization in question because they want to be involved in the organization's activity. They have an interest in the organization because they are involved in its operation in a different way (shareholders, society, taxpayers, suppliers, customers, users of the services provided, government with respect to regulations, inspection bodies, etc.) or because the operation or the products of the organization affect them and their environment (people living in the neighbourhood of a company, pressure groups, among others those actively committed to sustainable development).

External parties observe and scrutinize the organizational activity and its effects. They must generally make do with the information that the organization makes available (external communication) in the form of specific reports. Some information is made public, for example, by means of annual reports.

External parties can be allowed by an organization to observe inside the organization. Sometimes they have the legal right to do so.

Thus, external transparency is the result of an interaction between the organization and the external interested parties.

Consequently, an organization is transparent, internally as well as externally, at a given moment to a specific degree and in a specific way. The extent to which the elements/components of an organization are transparent can also differ<sup>3</sup>.

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<sup>2</sup> “Transparent”: allowing light to pass through so that objects behind can be seen distinctly (Compact Oxford English Dictionary. AskOxford.com)

<sup>3</sup> The following questions can help you analyse your organization’s information management and transparency:

- What kind of information pertaining to (quality) management can be/is gathered?
- What do we do with the collected information?
- Do we share all/part of this information?
- How (in what form) do we share this information? (for example: publication on the intranet/internet, etc).
- With whom do we share this information? Which groups of recipients can be identified?

## **2.2 Transparency and contemporary society**

Transparency is a concept that is relevant to all domains of contemporary society. Transparency evolves, regardless of the type of domain. In contemporary society, there is a tendency toward its continual increase:

1. Interdependence between societal structures is increasing. Thus, there is a greater demand for information and the exchange of information. Information has become vital.
2. Increased technological possibilities have made (increasing) transparency possible. Technology makes data collection and information processing simple and possible everywhere.
3. The stakeholders of an organization play an increasingly greater role in demarcating the boundaries of transparency.

Transparency is no longer unilaterally prescribed by the organization itself, i.e. providing only that information that it wishes to release.

Interested parties continually demand new information. They believe they have a legitimate claim to detailed information concerning the organization, among others with respect to planned/executed actions and their objectives. There is a general belief in the right of the public to know. And agencies that require information are also increasingly demanding transparency on the part to the organization.

Certainly those affected by decisions and/or the results thereof believe they not only have a right to know the basic facts and data, but also the processes and mechanisms behind these.

From the point of view of the person or organization requesting information, transparency is the right to know something specific about the organization. An appeal is made to equal access for all. People believe that if transparency is not done voluntarily or out of moral conviction, then it must be achieved via public pressure or legal and regulatory means.

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- Do we share this information on our own initiative (active transparency) or upon the explicit request of interested persons (passive transparency)?
  - With what purpose do we share the available information? In order to provide information/as a means for accountability/in order to receive feed-back/for the development of new policy measures/to increase awareness/to increase public confidence?
  - Are there categories of information that should not be shared (for example: closed deliberations as a safeguard against bribery, non-disclosure of data on jurors or parties for their protection, imposed disciplinary measures on individual judges)?
  - How does good quality management influence/increase transparency and vice-versa?
  - Who decides which information is (not) shared?
  - What is the starting point: openness to the public or not?

An organization that does not wish to release the information will appeal to privacy. Arguments for and against play a role in the transparency that is actually obtained (true transparency).

4. External stakeholders are supported in their demand for transparency by a string of organizations whose raison d'être is a defence of their interests.

Organizations are increasingly investigated and monitored by diverse specialists (specialist advisers, monitoring agencies, auditors,...). Very specialised interest groups focus on the ongoing consequences of the activities of the organizations under observation.

In addition, information is also provided by customers concerning an organization's service and then made available to all (via websites, for example).

5. When hidden information and scandals appear (Enron, Arthur Andersen,...), transparency is best experienced. Then it is seen that transparency is so difficult to find because an organization must be made transparent in order to be transparent. Transparency is a transaction that consists of making truth accessible to others. It is seeing the truth without alterations or without putting a positive spin on the information.

People want to know if the information obtained yields genuine transparency. Knowledge about the way in which the information is prepared will be crucial. Generally, internal controls are extended and also their working is verified by independent observers such as auditors.

6. Because transparency puts increasing power in the hands of stakeholders and customers, the organizations being observed are increasingly acting proactively with respect to transparency.

Some organizations explicitly focus on transparency, try to evaluate it and assess how it could be better used to the organization's own advantage (i.e. by showing the positive results to the diverse stakeholders).

Such organizations are convinced that, in order to function properly, the essential facts must be open and freely available to every interested party and citizen. Credibility and respect can only be obtained when the activities of the organization, especially its managers, are transparent.

## **2.3 What is transparency good for? Why pay attention to it?**

1. A lack of transparency through covering up or withholding essential information (for example financial information, information with respect to flagrant errors) leads to serious damage for many and the erosion of trust on the part of all. Thus, organizations have an interest in transparency and organising systems to prevent mistakes.
2. A result-oriented organization and its management will strategically focus on transparency. They consider that transparency has an impact on the operation and results of an organization.

Examples of focusing on transparency are:

- Explain the process that one is going through when initiating a lawsuit in order to enable access to justice (increase service quality to potential users of the judiciary).
- Use transparency to strengthen accountability<sup>4</sup> as part of a strategy to maintain or support public confidence<sup>5</sup> and trust<sup>6</sup>:
  - Show that the organization provides value for money both in the short and the long term (this means devising ways of measuring outputs, outcomes and impacts). - Show what value for money means for the organization.
  - Show the lessons that have been learned and how this will inform future work.
  - Show the organization's social role and service delivery.
  - Show that the organization is committed to ensuring that it is as efficient and effective as possible.
  - Demonstrate its legitimacy (e.g. the fact that it works makes it a more legitimate organization) to external stakeholders.
  - Demonstrate its accountability to external stakeholders.
  - Demonstrate evidence of good practice to external stakeholders.
  - Demonstrate effectiveness, efficiency, economy.
  - Demonstrate that the costs are legitimate.
  - Demonstrate that the costs contribute to organizational effectiveness.
  - Etc.
- Transparency is the key to improving accountability and legitimacy. It is a means of developing relationships with stakeholders<sup>7</sup>.

Transparency is clearly a means and not a result. Transparency is a means to increase public confidence and trust in the organization (e.g. the judiciary<sup>8</sup>) as well as a means

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<sup>4</sup> "Accountable": required or expected to justify actions or decisions (Compact Oxford English Dictionary – AskOxford.com).

<sup>5</sup> Public confidence is about meeting rational expectations. It is based on rational information provided (reports, audits,...).

<sup>6</sup> Public trust is based on shared values. This is not just about the information provided by the organization. It is also based on people's direct experience of the organization or service, the way they are treated, whether they perceive it to be trustworthy (does it deliver what it promises, does it take account of their views), and the way such information has spread and evolved in society.

<sup>7</sup> In the absence of information from the organization (e.g. the judiciary), the risk exists that external parties (e.g. the media) will seek their information elsewhere (e.g. parties involved in proceedings, politicians). Sometimes, a tension may appear between transparency and protection, e.g. withholding information in the interest of the safety of jurors.

<sup>8</sup> Public trust is also in part based on the procedure. Fair trial inspires trust in the judiciary. From the perspective of the user, the mere provision that he/she can obtain information if he/she asks for it can

for accountability. It also helps self-reflection and enables customers/users to make well-founded choices<sup>9</sup>.

## **2.4 What strategies are available to deal with transparency?**

The following strategies are possible<sup>10</sup>:

### **1. With regard to open communication**

- Actively making information available. It does not need to be requested. The interested parties are actively informed of this information (active disclosure<sup>11</sup>). Responsible instances within the organization (the observed) have been created for this purpose. This results in the right to transparency on the part of the observer (stakeholder) receiving less emphasis. The accent is placed on the possible questions.

- Organizing feedback. Transparency is more than merely “revealing the organization” to stakeholders. Active disclosure requires the communication of essential information in a timely and suitable manner, and ensuring that feedback can easily be obtained. This feedback helps the organization understand what it does well and what must be improved.

- Providing clear information. Unclear information is not trusted. It is crucial to find the right balance regarding the provision of information with a view to increasing useful transparency: no or insufficient information will result in a lack of transparency; on the other hand, too much information can result in the contrary of transparency: it becomes very difficult for the user to distil the relevant information.

- Instead of fighting the (inescapable) trend towards transparency, seek a compromise.

- Continually fine-tune transparency to the new requirements placed by the environment.

- Understand that all the important functions of an organization (ICT, operations, human resources, financial function,...) contribute to achieving transparency.

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inspire public confidence/trust. He/she does not necessarily have to use this provision to have trust in the procedure. Transparency regarding the proceeding is therefore essential to ensure public trust.

<sup>9</sup> With regard to the judiciary these choices are rather limited. Transparency and access to justice are not fixed concepts. Their meaning varies in time and space. For example: in ancient times, court hearings were not open, whereas now it is normal. There is an evolution with regard to the way the public views access to justice. While hundred years ago, submission of a case to a judge was viewed as an *ultimum remedium*, there is a tendency nowadays to regard the judiciary as a consumption good. If the judiciary does not offer a satisfying ‘product’, parties will look for other ways of resolving their problem. Referral to the judiciary is a possibility amongst others. This evolution has important implications for the motivation of decisions. Whereas in previous times, judges did not need to motivate their decisions, this has become essential today.

<sup>10</sup> It is up to the councils and the judiciaries to decide which strategies could be advantageous in their policy making.

<sup>11</sup> This can also be important to attain one’s goal in face to face interaction (e.g. client-centered therapy as developed by Carl Rogers stresses the importance of transparency on behalf of the therapist as a facilitating condition for the client’s self actualization: being genuine as a therapist, being open, honest, i.e. the therapist has to show himself as a human being).

- Use transparency to support the evolution of organizational competences.
- Understand that legitimate privacy is based on arguments and can only be achieved in consultation.

**2. *With regard to organizational conditions for transparency***

A genuinely transparent organization exhibits the following characteristics:

- A culture of openness and commitment to transparency on the part of management.
- Openness exists with respect to preparing, implementing and reporting the budget. It must be clear how money is spent and what results are achieved.
- Integrity of the organization and its personnel. Managers demonstrate involvement in the principles of transparency and ethical behaviour.
- There is clarity concerning roles and responsibilities with respect to transparency. Responsibilities to provide the information are formally assigned.
- Programmes and procedures encourage/guarantee openness at all levels, and opacity and hiding information are punished.
- Well-trained employees and managers at all levels of the organization who do and say what is right, and recognise and act when the organization or individuals neglect to do things that should be done.
- Training programmes ensure commitment, and appropriate communication channels are put in place.
- The reporting mechanisms for all relevant information are clear. Established/agreed ways to achieve proactive communication are provided to the major stakeholders of the organization.
- Information is usually publicly available.

## **2.5 Quality management in relation to transparency and access to justice**

The contributions in chapter 3 illustrate initiatives in which councils and judiciaries increased transparency in order to improve their functioning (quality).

Each initiative is hereafter described by the following format of five aspects:

1. the subject/facts/problem for which a council or judicial system decided to render a better internal or external service (i.e. quality) by increasing transparency;
2. the purpose of the initiative taken to make an element of the council or judicial system transparent;
3. the interested parties for whom the council or judicial system provides transparency;
4. the tools the council or judicial system uses for creating transparency;
5. the evaluation of the initiative;

The initiatives are classified by organizational domain:

### **1. Mission, vision and strategy**

**Increase transparency for:** internal and external stakeholders

**By means of:** values, objectives and action plans

**Purpose:** define and communicate clear and coherent policies, evaluate and provide clear orientation to court personnel, evaluate organizational behaviour and activities, evaluate implementation of action plans, enhance the Judiciary's functioning and position in society, show a professional approach to external shareholders and demonstrate that the Judiciary strives to meet citizens' expectations

### **2. Total quality system**

**Increase transparency for:** magistrates<sup>12</sup>, court personnel<sup>13</sup>, users, citizens

**By means of:** establishing a quality management system, using a quality framework

**Purpose:** realise, control and show efficiency and effectivity; eliminate backlogs

### **3. Leadership and management**

**Increase transparency for:** court managers, leading personnel, court personnel

**By means of:** management development

**Purpose:** develop a clear mission, vision and strategy; create awareness for better

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<sup>12</sup> Justices, judges and public prosecutors at all levels.

<sup>13</sup> Justices, judges and legal and administrative staff.

monitoring the working processes and improving commitment and motivation and performance (measurement)

#### **4. Complaints procedure**

**Increase transparency for:** users, court personnel, citizens in their capacity of future users

**By means of:** complaints handling, recommendations for improvement, improvement of procedures and working processes

**Purpose:** fair trial, correct treatment, good working purposes

#### **5. Peer review**

**Increase transparency for:** court personnel

**By means of:** self-evaluation based on qualitative and quantitative criteria e.g. meeting the public's expectations, discussion/feed-back on personal and team behaviour/performance/quality of decisions (content)

**Purpose:** awareness and improvement of personal and team functioning

#### **6. Processing times and working procedures**

**Increase transparency for:** court personnel, users, citizens

**By means of:** ICT, data registration, reports, time-measurement, analysis (comparison) of throughput

**Purpose:** to accelerate output, to guarantee and show prompt case handling

#### **7. Training**

**Increase transparency for:** court personnel and users

**By means of:** training for developing knowledge, skills (e.g. attitude, interaction during proceedings)

**Purpose:** give all magistrates and court staff the opportunity to develop competences, increase the quality of interaction between court personnel and users

#### **8. Quality assessment and judicial quality**

**Increase transparency for:** the users, the public, court personnel, the Council, the Ministry of Justice

**By means of:** intervision, visitation, evaluation, peer review, discussion between team members

**Purpose:** improve the content of decisions; increase knowledge and experience by discussion; improve access to justice by clearer proceedings and clearer decisions

#### **9. Staff evaluation**

**Increase transparency for:** court managers, court personnel

**By means of:** internal survey (e.g. questionnaire, interview,...) in relation to working conditions, internal communication, top-down and bottom-up relations

**Purpose:** increase staff satisfaction and commitment, better performance, input human

resources policy, feed-back to management on functioning of managers and the organization in general

#### **10. Client evaluation**

**Increase transparency for:** users, citizens

**By means of:** opinion survey

**Purpose:** increase users' satisfaction, feed-back to management on functioning court staff and the organization in general with a view to improving behaviour, activities and performance

#### **11. Management information, auditing and reporting**

**Increase transparency for:** court managers, citizens, Councils, Ministry of Justice

**By means of:** performance measurement systems; key performance indicators; registration in information databases; self evaluations; audits; reports

**Purpose:** better manage/control the processes and activities, and to monitor the organization

#### **12. External communication**

**Increase transparency for:** users, citizens, the media

**By means of:** website, publications, reports, brochures, communication department, development and execution of communication plans, spokespersons/press judges, training of court personnel in communication skills, information centres/call centres, media (e.g. press, court tv)

**Purpose:** inform citizens and users, facilitate access to justice, ensure accountability, improve visibility, develop image/reputation, maintain/increase public trust/legitimacy

## **2.6 Conclusion**

Quality management helps to set up programmes and processes for transparency, and transparency helps the further evolution of the quality management process, and with this, the quality of the service provided and confidence in the organization. Ultimately, this dynamic can result in better access to justice for citizens.

This double loop process can be facilitated in that the organization:

- seizes the opportunity to apply total quality management;
- develops a more detailed understanding of the benefits of transparency and accountability.

Such developments can be stimulated by analysing the domains that contribute to the functioning and service quality of an organization. Useful tools to support this activity are total quality frameworks<sup>14</sup> and self-evaluation. A framework helps an organization focus on those domains. Using a framework will increase insight in transparency as well.

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<sup>14</sup> e.g. EFQM, CAF, Baldrige, INK, Speyer, etc.

The “International Framework for Court Excellence” is a total quality framework that has been customized for courts. It was developed by an international consortium of groups and organizations from Europe, Asia, Australia and the United States. The framework document and the self-assessment questionnaire are available on the Consortium website [www.courtexcellence.com](http://www.courtexcellence.com).

Of course, each framework can be the starting point for a customization by an inspired organization (e.g. a council and/or a judiciary).

### **3. Transparency and access to justice in relation to quality management activities**

#### **3.1 Mission, Vision and Strategy**

**Increase transparency for:** internal and external stakeholders  
**By means of:** values, objectives and action plans  
**Purpose:** define and communicate clear and coherent policies, evaluate and provide clear orientation to court personnel, evaluate organizational behaviour and activities, evaluate implementation of action plans, enhance the Judiciary's functioning and position in society, show professional approach to external shareholders and demonstrate that the Judiciary strives to meet citizens' expectations

##### **3.1.1 Mission, vision and values of the Courts of Denmark**

###### ***Increasing transparency***

In 2001 the Courts of Denmark adopted a mission and a set of vision and values for the organization.

###### ***Purpose of the initiative***

The purpose of this was to increase awareness of the role of the Courts of Denmark.

Another purpose was to secure a common basis for future developments concerning the courts.

###### ***Interested parties***

Mission, vision and values are important to judges and other employees of the courts as well as to the public and the more "professional" users of the courts.

Another important stakeholder is the ministry of justice and parliament who is responsible for the budget of the courts.

###### ***Tools***

Mission, vision and values were initially published in a small booklet that was distributed among judges and all other employees of the courts.

In addition, the mission, vision and values are of course available on the homepage of the Courts of Denmark, [www.domstol.dk](http://www.domstol.dk).

Yearly action plans for the Court Administration and each court are also available on the homepage of the Court Administration and the courts (all accessible via [www.domstol.dk](http://www.domstol.dk)).

### ***Evaluation***

The mission, vision and values of the Courts of Denmark are well known among judges and employees and there are no plans to revise them in the near future.

The focus is more on implementing mission, vision and values in the daily life of the courts. As part of this, the board of the Courts of Denmark each year agrees on 1-4 specific focus areas, on the basis of which the Court Administration and every court then establish a plan of action for the year to come.

## **3.1.2 Mission, vision and strategy in the Netherlands**

### ***Increasing transparency***

The Agenda for the Judiciary sets up the strategy for four years. The mission and vision are part of the Agenda. The Agenda results from different evaluation reports, such as client and staff evaluations and the report from the visitation. Within each Agenda the mission and vision is renewed.

Transparency is always a major theme in the Agenda. In the Agenda 2005-2008, reinforcing transparency itself was actually part of the Agenda. Important results were: developing public indicators for the courts, a more complete year report of the Judiciary, expanding public relations and a better and more transparent selection of judges.

### ***Purpose of the initiative***

In the current Agenda, one of the strategic targets is ‘the Judiciary within society’. It enhances a constant dialogue with the public with the authorities and public organizations. But it also focuses on improving the communication to related parties, a stronger relationship with the media and growing involvement from the Judiciary with schools and universities.

### ***Interested parties***

The Agenda is to be seen as a guideline for all the courts and creates a uniform transparent policy for the judiciary in the Netherlands. In this way, the courts are working on the same objectives instead of a situation where each court has different priorities. Society and especially the media will get a clear picture about the way the judiciary is improving itself.

### ***Tools***

The draft Agenda is discussed with several stakeholders of the Judiciary. The Agenda is developed with the input from different groups and commissions in the Judiciary. The Agenda is published on the external website of the judiciary and also available to interested parties.

### ***Evaluation***

For the new Agenda 2008-2011, the Council for the Judiciary started a major research project on the future of the Judiciary in the year 2020. Part of this project is a thorough dialogue with groups and organizations in society. Results from this project will create the basis for the new Agenda.

## **3.2 Total Quality System**

**Increase transparency for:** magistrates, personnel, users, citizens  
**By means of:** establishing a quality management system, using a quality framework  
**Purpose:** realise, control and show efficiency and effectivity; eliminate backlogs

### **3.2.1 The Quality project in the jurisdiction of the court of appeal of Rovaniemi, Finland**

#### *Increasing transparency*

Transparency is noticed in various quality targets of the Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi. This quality project was already launched in 1999 upon the initiative on the Ministry of Justice. For each year, the Quality Project set up four quality targets to be handled and drafted by the four working groups. The Quality Project has already published eight books containing working groups' reports. In 2006, they published the Quality Principles and Benchmarks for the evaluation of the quality of adjudication in courts of law (Evaluation of the Quality of Adjudication in Courts of Law, March 2006, ISBN 951-53-2874-8). The proposed Quality Benchmarks consist of six aspects, which contain a total of 40 quality criteria, many of which aim to progress transparency of proceedings.

#### *Purpose of the initiative*

The impetus for the quality work was given in the report of a 1998 working group chaired by the Permanent Secretary of the Ministry of Justice titled *Quality and Operational Performance in Courts of Law*. The working group proposed that the management by results system should be supplemented and developed by setting qualitative targets for the courts in addition to the quantitative targets. Instead of creating quality standards itself, the Ministry of Justice has supported and encouraged the courts to begin to develop the quality of their work by themselves.

#### *Interested parties*

Since 1999, all judges in the jurisdiction of the Court of Appeal of Rovaniemi have participated in the working groups of the Quality Project. The reports of the working groups have been published in eight books. They are widely used in the Courts of Law in Finland. Active participation in the working groups can also be seen as a learning method for the judges. New methods and ideas become concrete in better services, faster procedures and more active interaction between parties and the court.

### ***Tools***

The transparency can be seen in many quality targets that have been set up in recent years. The Preparation of the Civil Procedure, Leading of the Procedure of Evidence or Judge's Behaviour to maintain the Procedural Justice are examples of the quality targets connected to transparency. The Quality Benchmarks consist of six aspects, which contain a total of 40 quality criteria. The transparency of the court work is mentioned in many of them.

### ***Evaluation***

First in 2007, the Courts in the jurisdiction of the Court of Appeal of Rovaniemi were evaluated following the Quality Principles and Benchmarks. This kind of evaluation is of benefit to the parties and others involved in the proceedings as it results in better services and a more transparent procedure.

## **3.2.2 Total quality system in the Netherlands**

### ***Increasing transparency***

The quality system of the judiciary, RechtspraakQ, was set up in the year 2002. The system consists of a client and staff evaluation, quality indicators, visitation, audit and more general elements like peer review and a common complaints procedure. Courts are responsible for implementing the different quality tools, and by doing so, they are making themselves more aware of their achievements towards the public.

An important project within the quality system, and part of the quality indicators, is improving the substantiation of criminal judgments (in Dutch the project Promis). The substantiation of criminal judgement is improved for those involved in the case. In this way, litigants have more insight into the reasoning behind the judgements. In brief, Promis provides more tailor-made judgements. Courts are busy with implementing this quality standard. At the end of each year they publish the progress to the Council for the Judiciary in the annual report.

### ***Purpose of the initiative***

The first purpose of the quality system RechtspraakQ is to counter-balance the output-related system of the judiciary (handling more cases means more financial resources). The quality system is an important tool to sustain the right level of quality. The system is even enhanced with six extra quality regulations, which have a special meaning. The courts have to implement these regulations by 2010 and receive financial support for this.

In general, the quality system creates an environment of improvement within the courts and makes judges and staff aware of realizing the expectations of society.

### ***Interested parties***

The different elements of the quality system focus on improving the organization of the courts and the work of judges. In the long run, the aim is of course to create increased satisfaction with the public and related partners (lawyers, prosecutors).

The Council for the Judiciary receives information on the implementation of the quality system and information about quality activities such as peer review in the annual report of a court.

### ***Tools***

A number of quality indicators of the quality system are part of the annual report about the indicators of the judiciary. This information is available to the public. Other information about the quality regulations is confidential. Courts are free to publish other information such as results on the quality indicators or the client evaluation. Some courts organize discussion groups with civil society or judiciary related organizations to talk about the functioning of the court.

### ***Evaluation***

Courts can measure their quality system with an internal audit on quality and the results of staff and client evaluations are also important indicators to determine the effect of the quality activities. The most thorough action is the visitation process. Its' primary goal is internal improvement and external communication to society about the quality of the courts. It results in a confidential report for each court and a general report for the media/ the public.

### **3.3 Leadership and Management**

**Increase transparency for:** court managers, leading personnel, court personnel  
**By means of:** management development  
**Purpose:** develop a clear mission, vision and strategy; create awareness for better monitoring the working processes and improving commitment and motivation and performance (measurement)

#### **3.3.1 Leadership and management in Denmark**

##### *Increasing transparency*

The presidents of the 24 district courts, the two high courts, the Supreme Court and the director general of the Court Administration meet for seminars on leadership and management four times a year. Self assessment, case processing time, the use of management information, personnel management and the of the courts are among the issues discussed on these seminars.

The Danish Court Administration offers various seminars on leadership and management for junior managers and facilitates a number of networks for junior managers. The Danish Court Administration also encourages and facilitates active knowledge sharing.

Many courts organize project days on a regular basis. Leadership issues are often discussed on such days.

##### *Purpose of the initiative*

The purpose of these initiatives are to encourage an open dialogue about leadership and management issues, to secure good possibilities for sharing knowledge and to learn from others.

##### *Interested parties*

Leaders, managers and employees of the courts.

##### *Tools*

Seminars.

##### *Evaluation*

Since attendance for seminars is high, we consider them a success, but to make sure they stay a success, participants are encouraged to evaluate each seminar and to make proposals for the contents of future seminars. Comments and suggestions received in this way are invaluable when planning the next seminar.

### **3.3.2 Management development for (future) court managers in the Netherlands**

#### ***Increasing transparency***

The Management Development training programme is explained on the judiciary's internal website, including the procedure and criteria. The complete programme is outlined for potential court managers, presidents and sector heads.

#### ***Purpose of the initiative***

The Council for the Judiciary is responsible for the Management Development programme and is seeking judges who can work as professional managers. The purpose of all this is putting up a programme in which judges can develop the necessary skills.

#### ***Interested parties***

The programme is for judges. Their presidents are consulted and the Council also approaches presidents to ask for new managers.

#### ***Tools***

The information is available on the website of the judiciary, the Council for the Judiciary is continuously seeking for new managers for the courts and therefore information about the programme is spread among the courts.

#### ***Evaluation***

The people who participate in the programme fill out an evaluation form at the end. A monitor group discusses the evaluations and makes sure that they result in improvements.

### **3.4 Complaints Procedure**

**Increase transparency for:** users, personnel, citizens in their capacity of future users  
**By means of:** complaints handling, recommendations for improvement, improvement of procedures and working processes  
**Purpose:** fair trial, correct treatment, good working purposes

#### **3.4.1 Complaints Procedure in Austria**

##### *Subject, fact, problem*

People tend to believe, for instance, that the Ministry of Justice or the court president has the power to alter judgements or to intervene in pending cases.

##### *Purpose*

Offering a simple opportunity for complaining in administrative matters without encouraging the aforementioned misunderstanding.

##### *Interested parties*

The parties, the general public.

##### *Tools*

Installing an “Ombudsstelle” (“ombudsman”) at each of the four high courts of appeal (“Oberlandesgerichte”) run by judges. Offering answers (written or oral) on short notice without bureaucratic efforts, after direct communication with the judge/court the complainant referred to.

##### *Evaluation*

Has to be done in the future.

#### **3.4.2 Improving the handling of complaints about the judicial system in Belgium**

##### *Increasing transparency*

Those seeking justice can submit a complaint to the High Council of Justice if they are not satisfied with the progress of their case or if the answers that they receive from the courts and prosecutor’s offices to their questions in this regard are inadequate (for example concerning the very long duration of their legal proceedings).

***Purpose of the initiative***

Via a new complaint handling system, the High Council intends to hold the magistracy responsible by having them, as a rule, handle complaints themselves and to follow up this complaint handling. In this way, the magistracy will pay sufficient attention to the information provided to those seeking justice during the course of the proceedings. This transparency is expected to entail continual attention on the part of the magistracy for all aspects of the legal proceedings, including service quality.

***Interested parties***

Interested parties are those seeking justice who submit a complaint. In fact, all those seeking justice will benefit here since the complaint handling to some degree will correct the attitude of the courts and prosecutor's offices with respect to the way they treat those seeking justice.

***Tools***

An amendment to the law on complaint handling must first be approved by parliament. In the meantime, a custom registration system and complaint database has been created. This allows the complaint to be handled by a court or prosecutor's office and followed up by the High Council of Justice.

***Evaluation***

Yes, once the law has been voted on in parliament and can be applied.

**3.4.3 Complaints Procedure in Germany**

***Increasing transparency***

In Germany you can only appeal against a court decision if it is allowed by law. Especially in small claim cases there is no possibility to appeal against the decision. Parties in small claims cases could nevertheless sometimes have the feeling that they have been treated in an unfair way, without being able to appeal against the decision. Because the German constitution guarantees a fair court trial for everybody, the German state enacted a law to save the fair trial in these small claims ('Anhörungs-rügengesetz', part of the civil procedure rules, Zivilprozessordnung). The effect of this law is that the court has to work in a transparent way so that the fair trial is obvious.

***Purpose of the initiative***

The purpose is to guarantee the right to a fair trial to everybody.

***Interested parties***

All parties of small claims feeling that they have been treated in an unfair way by the court/judge have the right to appeal.

### ***Tools***

If the parties or one party feels that they have not been fully heard by the court, they can have a special trial due to too little consultation at the next higher court. The higher court will analyze the case and will assess whether it was a fair trial or not. If it was not a fair trial, the higher court can return the verdict. An unfair trial is the only circumstance under which the higher court can return a verdict in these small claims cases. This is the only situation where a verdict can be annulled and the higher court has the right to instruct the judge on how to handle the trial in a fair way so that the parties are fully heard. Only the procedure is criticized; not the actual decision.

### ***Evaluation***

Until now no evaluation has taken place. Only the statistics of the work of the higher courts show the number of these cases but not their results.

## **3.4.4 Complaints procedure in Lithuania**

### ***Increasing transparency***

Every person has the right to submit a complaint in respect of the non-procedural actions unrelated to the administration of justice to the Judicial Council, Chairman of the Court, the Judicial Ethics and Discipline Commission.

From the 1<sup>st</sup> September 2008, the Judicial Council, the Judicial Ethics and Discipline Commission, the Chairman of the court where a judge is employed or the Chairman of any court of a higher level or other persons knowledgeable of the action according to which disciplinary liability can be applied to a judge, have the right to make a motion for instituting a disciplinary action against the judge. Until the 1<sup>st</sup> September 2008, only the Judicial Council, the Chairman of the court where a judge is employed or the Chairman of any court of a higher level had this right.

The Law on Courts has established that from the 1<sup>st</sup> September 2008 the decisions of the Judicial Court of Honour which have become effective in disciplinary cases shall be published in a separate column of the website of the National Court Administration, except where this would prejudice the State, official or commercial secret or the protection of the person's private life.

### ***Purpose of the initiative***

The main purpose was to make the judicial system more transparent. It widened the group of persons who have the right to make a motion for instituting disciplinary actions against the judge and made the Judicial Court of Honour more open to the public by publishing its decisions.

### ***Interested parties***

The parties, public in general, judges.

### ***Tools***

The website of the National Courts Administration has to be improved in order to make it possible to publish the relevant decisions of the Judicial Court of Honour.

### ***Evaluation***

The information about the activities of the Judicial Ethics and Discipline Commission and the Judicial Court of Honour is available in the Report of Activities of Courts and Institutions of Self-governance of Courts.

## **3.4.5 Complaints Procedure in the Netherlands**

### ***Increasing transparency***

The courts have a standard complaints procedure. Information about the procedure is distributed to the public through a brochure, the website of each court and personally via the court staff.

The Council for the Judiciary is creating a digital complaints form for all the courts that is designed as a tree diagram in which clients can discover which complaints are dismissed and which ones are allowed. If the complaint is valid, it can be filled out on the website.

### ***Purpose of the initiative***

When for instance a litigant feels that the way a judge talks to him or her wasn't comfortable or when an answer to a letter took too much time, there is the possibility of filing a complaint. The procedure makes the judiciary open for weaknesses that cannot be dealt with by a court of appeal.

### ***Interested parties***

The procedure is meant for litigants. They can write a letter and in the near future can also fill out the digital complaints form.

### ***Tools***

Information about the procedure is distributed to the public through a brochure, the website of each court and personally via the court staff.

### ***Evaluation***

Information about the number of complaints and the percentage of valid complaints of each court is part of the annual report of indicators. In this way the Council for the Judiciary monitors the amount of complaints. A working group is responsible for updating the complaints procedures and it can also organize structural improvements when complaints focus on a specific problem.

### **3.5 Peer Review**

**Increase transparency for:** court personnel

**By means of:** self-evaluation based on qualitative and quantitative criteria e.g. meeting the public's expectations, discussion/feed-back on personal and team behaviour/performance/quality of decisions (content)

**Purpose:** awareness of personal and team functioning, improvement of personal and team functioning

#### **3.5.1 Peer review within the courts of the Netherlands**

##### ***Increasing transparency***

Peer review is an important aspect of creating an environment of improvement within the courts. In all kind of different ways, peer review is set up to discuss the social skills of judges. Courts are looking for new methods to keep peer review interesting and meaningful. For instance, working groups are organized with other courts or universities and judges make use of a camera to review each others' behaviour during work.

##### ***Purpose of the initiative***

The purpose of peer review is to create an open attitude among judges and to learn from each other by discussing the social aspects of work. Judges become aware how they are dealing with each other and – even more important – with the litigants.

##### ***Interested parties***

Peer review is organized for judges. Sometimes other parties are invited, such as professors from universities or legal staff.

##### ***Tools***

Courts make use of different methods. In this way peer review keeps on being relevant for the judges. Some examples of tools: a training on how to deal with conflicts in the court, using a camera while discussing a verdict, discussion groups with other courts or sectors, working together with universities. In the Netherlands, there is a small organization of specialists in the judiciary to support judges using peer review.

##### ***Evaluation***

Peer review itself is not evaluated, although some courts discuss the participation in peer review groups during the annual evaluation talks with a judge. Courts also mention their activities on their quality policy, such as the way peer review is organized, in the annual report. Each year, there is a conference on peer review where judges talk and learn from each other.

### **3.6 Processing Times and Working Procedures**

**Increase transparency for:** court personnel, users, society in general  
**By means of:** ICT, data registration, reports, time-measurement, analysis (comparison) of throughput  
**Purpose:** to accelerate output, to guarantee and show prompt case handling

#### **3.6.1 Processing Time and Working Procedures in Austria**

***Subject, fact, problem***

There seems to be a kind of misunderstanding about the workload courts are confronted with. Individual parties tend to the feeling, that “their” case was treated too slowly (esp. the winning party is convinced of the fact that the judge could have found the right answer much earlier, because the party was sure to be right from the beginning).

***Purpose***

Offering a wide range of information concerning the number of the files and their outcome.

***Interested parties***

The general public, the interested public, the judges, the ministry of justice.

***Tools***

Every year a booklet with all figures is published and diffused via intranet (internal). The summarized figures are published via internet (general public).

***Evaluation***

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#### **3.6.2 Processing times and working procedures in Denmark**

***Increasing transparency***

The Danish Court Administration publishes statistics concerning the objectives, the number of cases received and processed etc. every six months. The court administration together with the presidents of all courts provide a number of objectives for case processing times in criminal cases, civil cases and enforcement cases. Besides, each year, in cooperation with the individual courts, an annual report is published. In this annual report the number of decided cases (the activities of the year), the case processing times of the year and the number of finalized, weighted cases per staff member (productivity) can be seen.

The design of statistics and analysis performed on the basis of statistics is discussed and agreed upon in specialised working groups consisting of court employees with expert knowledge of specific areas and employees of the statistic department of the court administration. These working groups also fix the weight a certain type of case should have in statistics, e.g. a criminal case with more defendants has a heavier weight than a criminal case with only one defendant.

### ***Purpose of the initiative***

The purposes of these initiatives are to enable access to information about actual case processing times, the objectives for case processing time, the number of cases received and processed etc.

In addition, the initiatives enable and encourage benchmarking and benchlearning among courts.

Finally, the published statistics as well as other statistics are of importance when allocating funds to each court and to the Courts of Denmark.

### ***Interested parties***

The public, court leaders and managers, the Ministry of Justice and parliament.

### ***Tools***

The Danish Court Administration has developed a management information system which enables the individual courts to follow the achievement of objectives on a running basis. At the same time, the case flow can be followed as there by nature is a close connection between case processing times and case flow. The system is made so that the individual court can order predefined statistical reports and type some of the data from these reports in the system.

Publication of statistics and annual reports is done on the homepage of each court. Besides, the Court Administration publishes a printed annual report with reports, statistics etc. concerning all courts.

### ***Evaluation***

Knowledge about case processing time, etc. is invaluable and indispensable when discussing the performance of the courts and the court system. In our experience, it is in addition very important that both internal and external stakeholders feel confident about the way the statistics are produced. Transparency in statistics is thus crucial to maintain confidence in the courts and the court system.

### **3.6.3 Processing times and working procedures in Germany**

#### ***Increasing transparency***

There is a computer-based case register information system in every German court, which contains the following information: number of incoming cases, what kind of cases they are and how long the proceeding took. This information is collected in a monthly report (Pebb§y) but this is not published for the public regularly. Every year every Ministry of Justice in all federal states publishes an annual report based on these reports containing the number of fair trials, the length of trials and any special points. It does not provide the details of every court and judge individually. The report is a summary. Every citizen is entitled to read this report, but citizens do not get information on the work of individual courts or judges.

#### ***Purpose of the initiative***

The work of the courts should be made more easily comparable for the respondent Ministry of Justice so that it can monitor the number of staff required in each court. Another purpose is that the public should get information about the workload of the judiciary.

#### ***Interested parties***

On the one hand the Ministry of Justice is interested in this information as seen in “Purpose of the initiative”. On the other hand also the public has an interest to see the workload of the courts. And even the members of the judiciary are interested in getting this information.

#### ***Tools***

Before Pebb§y was installed, representative courts in different parts of Germany had to write down the time needed for every kind of case. The average time was fixed as the regular time needed for this kind of lawsuit. Now only the number and the kind of case are collected. Compared with the fixed average time you can see how much work is managed at a court.

#### ***Evaluation***

After the first period an evaluation took place. It was noticed that some fixed times were inadequate. This was corrected. Now evaluations take place regularly by the Pebb§y- commission.

### **3.6.4 Processing times and working procedures in Lithuania**

#### ***Increasing transparency***

A list of cases of which the investigation lasted longer than one year are sent to the higher administrative control body and the National Courts Administration, and at the request of the Judicial Council – to the Judicial Council. Upon the direction of the Judicial Council, the National Courts Administration generalises the reasons why the investigation of the cases took longer than one year and submits the conclusions to the Judicial Council.

#### ***Purpose of the initiative***

The main purpose of the initiative is to find out the reasons of too long court hearings and to ensure that the court proceedings are not too long.

#### ***Interested parties***

Public in general, court leaders, judges and court employees, politicians

#### ***Tools***

The Report of Activities of the Courts and Institutions of Self-governance of Courts is published every year.

#### ***Evaluation***

The analysis is carried out every year.

### **3.6.5 Processing times in Romania**

#### ***Increasing transparency***

A quality element of the services provided by the courts to the litigants, is rendering a verdict within a reasonable period of time and substantiating the judicial decisions within the legal deadline. Providing the substantiation of judicial decisions within the legal deadline points to the efficiency of the judges, and more generally to the quality of their activity.

Some problems have arisen in this respect, such as:

- non-unitary jurisprudence on various categories of cases;
- delays in substantiating the decisions;
- overcrowding at the auxiliary judicial services (the archive departments, the registration offices of the courts, etc.) since relevant information about the stage of the case and about verdicts was readily accessible only at the premises of the courts.

### ***Purpose of the initiative***

The measures proposed to solve the practical difficulties were:

- establishing an efficient information tool for the users (litigants, lawyers) and the public in general;
- raising the access of the public to the judicial practice of the court for various types of cases;
- improving the activity of auxiliary services within the courts;
- monitoring by the Council of delays in solving cases.

### ***Tools***

Thus, an integrated IT-system - the ECRIS system - was developed by the Ministry of Justice and the courts to make the decisions of the courts available to the public. On the website of the Ministry of Justice a publicly available portal to every court in Romania, from all levels of jurisdiction (except the High Court of Cassation and Justice which has its own website) was created. The portal is an interface of all the courts in Romania. On the internet page of every court, there is a section for Cases' Records through which online access is granted to a certain case. Searching a case will reveal the name and quality of the parties, date of registration, object of the case (divorce), subject matter of the case (family and minors case) procedural stage (first instance, appeal, second appeal, etc.), progress in the case - number and dates of court sessions, minutes of each court session, verdict of the court, as well as more general information on the calendar of court sessions, list of cases for a certain session, relevant jurisprudence of the courts of appeal on various types of cases.

### ***Interested parties***

The ECRIS system is destined to improve the quality of the courts services towards the users (lawyers, prosecutors, litigants), the public, presidents of the courts, judges from all over the country. The ECRIS system proved to be an important instrument for the Superior Council of Magistracy, the Ministry of Justice and the leadership of the courts to appreciate on the efficiency of judges/panels, to follow the dates of the courts sessions, the period of time necessary for solving a case, reasons for adjournments, etc.

### ***Evaluation***

The functioning and the use of the ECRIS system are permanently evaluated by the Ministry of Justice and the courts. It was signalled that at certain hours of the day, because of the large number of internet users, the courts' portal is blocked, which affects the access to both the ECRIS and to the internet pages of the courts. At present, funding is being searched in order to improve the ECRIS application from a technical point of view and in terms of raising the accessibility.

### **3.6.6 Processing times in Slovenia**

#### ***Increasing transparency***

The new constitutional order in 1991 (after the declaration of independence of the Republic of Slovenia) caused the amendment of important statutes in the field of civil law (privatisation, denationalisation...). The extensive amendment of legal regulation and the reform of the judicial system in 1994 caused the increasing number of cases and backlogs. It was not possible to impute the blame for the backlogs to the bad management of the Presidents of the Courts. That was the reason why the evaluation and monitoring of the court system was (and still is) based on the evaluation of judges' work. Rules and criteria used to evaluate individual judges' productivity are also applied to monitor the court work as a whole. The Judicial Council adopts the measures on quality of work of judges and also adopts the measures for the expected quantity of work of judges. These measures are based on the valuation of the solved cases according to the type of case (criminal, civil...) and the type of decision (procedural or decision on the merits). The Judicial Council is also entitled for the monitoring and the analyses of the effectiveness of the courts' work on which it keeps annual records. In the last few years it became evident that the quality assessment should take into consideration not only the effectiveness of the court but also other aspects that influence the quality of the administration of justice.

#### ***Purpose of the initiative***

In the last few years, the backlogs were reduced to the extent which enables the presidents of the courts the effective performing of quality management, so the assessment of the quality of work of the court should not be based anymore only on the assessment of the quality of work of the judges but also on the assessment of the realization of the other quality criteria. The quantity of solved cases must not be the most important criterion for the assessment of the work of the judges and the work of the courts. The Judicial Council proposed that the measures for the expected quantity of work of judges which are based on the valuation of the solved cases according to the type of the case (criminal, civil...) and the type of decision (procedural or decision on the merits) should be abolished and quality criteria for the courts should be redefined.

#### ***Interested parties***

Interested parties are internal users (judges, the Presidents of the Courts, the Supreme Court, the Judicial Council and the Ministry of Justice) and external users of the judicial services.

#### ***Tools***

The Judicial Council is preparing the proposal for the amendment of the Courts Act. The working group of the Strategic Council of the Supreme Court as a consultative body of the Presidents of the Courts of Appeal, the Supreme Court and representatives of the Judicial Council and the Ministry of Justice should

prepare the proposal of criteria for the quality assessment of the courts.

***Evaluation***

An analysis of the (un)suitability of the present system of the valuation of the work of the judges and the courts should be prepared.

## 3.7 Training

**Increase transparency for:** court personnel and users  
**By means of:** training for developing knowledge, skills (e.g. attitude, interaction during proceedings)  
**Purpose:** to give all magistrates and court staff the opportunity to develop competences, increase the quality of interaction between court personnel and users

### 3.7.1 Training in Germany

#### *Increasing transparency*

Every judge and prosecutor in Germany has the right and the duty to do training on a lifelong basis. Therefore, all federal German states founded the German Academy of Judges (Deutsche Richterakademie) with two academies, one in Trier and one in Wustrau. There are also similar academies for judges and prosecutors in each federal state.

#### *Purpose of the initiative*

The purpose was to give the judges and prosecutors the possibility to undergo training free of cost. Therefore the costs of the academies are paid by the federal states.

#### *Interested parties*

Interested parties are all judges and prosecutors in Germany.

#### *Tools*

The agendas of these academies are published every year, so that every judge or prosecutor can register in good time.

#### *Evaluation*

Every year the German Academy of Judges publishes an annual report of its activities and the number of participants. Even the satisfaction of participants is published, so that the public and especially the federal states that give the money can see if the quality of the training is on a high level. The members of a conference of all federal states ("Programmkonferenz") decide every year if an item should be taken off the agenda. In the federal states, similar procedures take place for the own academies. As this is not of public interest, this information is not published. However, if a citizen has a special interest, he/she can obtain this information by applying at the court where the judge works (Informationsfreiheitsgesetz) (restricted transparency).

### **3.8 Quality Assessment and Judicial Quality**

**Increase transparency for:** the users, the public, court personnel, the Council, the Ministry of Justice  
**By means of:** intervision, visitation, evaluation, peer review, discussion between team members  
**Purpose:** improve the content of decisions; increase knowledge and experience by discussion; improve access to justice by clearer proceedings and clearer decisions

#### **3.8.1 PROMIS, the project for improving the substantiation of criminal judgements in the Netherlands**

##### *Increasing transparency*

The criminal courts set up the PROMIS project (project for improving the substantiation of criminal judgements) in 2004 with the objective of improving the quality of the way in which evidence and sentences in criminal judgements were substantiated. The reason for the project was the feeling amongst the criminal courts that there was room for improvement in the substantiation of the judgements rendered by the district courts and the courts of appeal, despite the fact that they were adequate from a legal perspective. It was felt that these judgements were being written more with an eye to the appeal courts rather than to the suspect, the victim and the other parties involved.

The project generated a model with which to arrive at a better substantiation of evidence and sentencing, and five district courts and one court of appeal tested it in practice for a number of months to see how it worked. A follow-up (PROMIS II) was started up in 2006 whereby the number of courts was expanded.

##### *Purpose of the initiative*

In essence, the court wishes its PROMIS judgement to give immediate insight into the underlying reasoning and into the way in which it reached its decision. This means that the judgement focuses especially on the issues that were the subject of debate during the hearing. The court therefore substantiates a decision which derogates from the position adopted by the public prosecutor and/or the defence. In brief, PROMIS provides more tailor-made judgements. The substantiation is more extensive where this is necessary, while a restricted substantiation can suffice if the judgement speaks for itself.

But there is a second reason why PROMIS also leads to a clearer judgement than an old-style judgement. In an old-style judgement, the evidence was provided later in an annex or supplement to the judgement; now, that evidence is incorporated directly into the narrative of a PROMIS judgement. This is an improvement, because this new method makes a judgement much more logical and readable. A legal reference to the evidence (the official record and the page number) is also included for the higher

courts. The advantage is that the judgement clearly indicates on the basis of which evidence the court reached its conclusion and this is not added to the judgement - often many months - later.

PROMIS also attempts to provide a comprehensible substantiation of the type of sentence (work in the community, fine, prison sentence or a psychiatric hospital order) and the length of the sentence. This also confirms whether it is in line with the sentences handed out by other courts in similar cases.

A court of appeal must not only state how it arrived at its sentence, but must also indicate whether it derogates from the sentence ordered by the district court and why it believes that a different sentence is more appropriate.

### ***Interested parties***

PROMIS leads to a better substantiation of criminal judgements. In the past, these judgements were sometimes merely written for the appeal courts. By introducing PROMIS, judgements can be formulated in a way that they are more accessible for the victim and other interested parties. Judges will become more focused on litigants and PROMIS helps judges to produce more complete judgements.

### ***Tools***

The substantiation model was brought into line with amendments in legislation and an investigation was launched into the extra workload which a 'PROMIS' substantiation would entail. As of 2006, Dutch courts were required to substantiate the proof of guilt and sentencing and any acquittal, and specifically if it derogated from the "explicitly substantiated position" submitted by the defence or the public prosecutor. Once this legislation took effect, courts needed to do no more than give a summary of the evidence if the suspect had confessed to committing the crime, unless he subsequently retracted that confession or unless the suspect or his counsel had asked for acquittal. Although the law now required the courts to provide substantiation in more cases, the PROMIS substantiation usually went even further, because it was not merely restricted to a response to arguments which derogated from the "explicitly substantiated positions".

### ***Evaluation***

After finishing PROMIS I and II, all the criminal sections of the courts started with PROMIS. The initial goal is to achieve 100% PROMIS-style criminal judgements in 2010. The Council for the Judiciary facilitates this project and is continuously evaluating the efforts courts are making to implement PROMIS. The extra workload for the courts is substantial and the deadline of 2010 will probably be postponed. The Council for the Judiciary stimulates the courts financially and supplies the necessary information (spreading around best practises from other courts) to ensure that all the criminal judgments from the courts will eventually be in full accordance with the requirements of PROMIS.

The judgments that have been substantiated in this improved manner can be found on [www.rechtspraak.nl](http://www.rechtspraak.nl) by entering the search term PROMIS.

### **3.8.2 Quality of judicial decisions in Romania**

#### ***Increasing transparency and access to justice***

Difficulties arising in practice regarding the substantiation of judicial decisions (omissions, inaccessible language), non-unitary judicial practice within the same court and delays in the communication of judicial decisions, alter the quality of judicial decisions. Thus, quality has been redirected as to answer the needs of the litigants and the public in terms of accessibility and predictability of the judicial process.

The measures taken to remedy the problems related to the quality of judicial decisions are based on the following asserted values:

- judicial decisions are documents of public interest, by excellence;
- citizens' right of access to the full content of the judicial decisions; and
- necessity to extend IT-processes to the publication of judicial decisions.

#### ***Purpose of the initiative***

The mission of the project coordinated by the Superior Council of Magistracy and the Vrancea Tribunal is online publication of all judicial decisions rendered by all Romanian courts<sup>15</sup>.

The purposes of the initiative are:

- to increase the transparency of the judicial system;
- to ensure free and full access of the public to judicial decisions<sup>16</sup>;
- to increase the responsibility of the judiciary; and
- to create a mechanism for the unification of jurisprudence and to increase the predictability of court decisions.

#### ***Tools***

An IT-program - Jurindex ([www.jurindex.ro](http://www.jurindex.ro), [www.csm1909.ro/csm/index.php?lb=ro](http://www.csm1909.ro/csm/index.php?lb=ro)) - was created to publish on the following website: [www.jurisprudenta.org](http://www.jurisprudenta.org) the full texts of all judicial decisions rendered by the Romanian courts. The program will take until the end of 2010 to be complete and fully updated. By the end of April 2009, all the 2008 decisions of the courts of appeal will have been made available online. Access of all interested parties to the jurisprudence portal will be realized free of charge, anonymously (without identification requirements), unconditionally (on the basis of a registration number) and with the possibility to download documents<sup>17</sup>.

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<sup>15</sup> Annually, approx. 1.500.000 judicial decisions are pronounced by the Romanian courts in -16 courts of appeal, 45 tribunals and 180 district courts.

<sup>16</sup> Protection of personal data is done automatically by the system

<sup>17</sup> Compared to ECRIS, which displays only a summary of court decisions (i.e the court orders), Jurindex will allow the full text of the decisions to be viewed and downloaded.

### ***Interested parties***

The target groups envisaged for this project are:

- judges;
- lawyers, prosecutors, legal advisers, other legal practitioners;
- litigants; and
- media'.

### ***Evaluation***

The program for the publication of all judicial decisions on the [www.jurisprudenta.org](http://www.jurisprudenta.org) is strictly monitored by the Council. The launch of the project through media campaigns and press releases encountered positive reactions. The functioning of the Jurindex will be permanently developed in order to allow the improvement of the citation procedure in the future.

### **3.9 Staff Evaluation**

**Increase transparency for:** court managers, court personnel  
**By means of:** internal survey (e.g. questionnaire, interview,...) in relation to working conditions, internal communication, top-down and bottom-up relations  
**Purpose:** increase staff satisfaction and commitment, better performance, input human resources policy, feed-back to management on functioning of managers and the organization in general

#### **3.9.1 Staff evaluation surveys in the Netherlands**

##### *Increasing transparency*

Staff evaluation takes place within each court about once every four years. The board uses this evaluation for measuring the satisfaction of all the employees of the organization. A lot of questions in the standard survey deal with the relationship between the court management and the employees. In this way, courts are trying to create an open atmosphere in the organization.

##### *Purpose of the initiative*

The purpose of the staff evaluation is to improve the functioning of different aspects of the organization. The staff evaluations result once every three years in a general report that is published within the judiciary. The results of this report and even more so of the specific staff evaluation for each court are not accessible to the public.

##### *Interested parties*

The staff evaluation is for the court itself, the general report is for all the interested parties within the judiciary.

##### *Tools*

Courts generally choose for the standard survey that is executed by a specialised office in the judiciary. Some courts choose a commercial agency, in this way they have more space for a specific questionnaire that focuses on the situation in the court.

After receiving the results of a staff evaluation, the courts can use various tools to improve their organization. The court can create a working group, organize peer review, speak to employees who are leaving the organization, put up a benchmark to compare the results with other organizations, stimulate workers to send ideas for improvement to the board. Almost all the courts have organized a training on how to deal with feedback from colleagues.

***Evaluation***

The results of the staff evaluation are evaluated by the board of the court. If necessary, courts can organize specific investigations to discover how improvements can be set up. The Council for the Judiciary receives the general report on the last three years. The Council can organize projects together with a group of courts to organize structural improvements.

### **3.10 Client Evaluation**

**Increase transparency for:** users, citizens

**By means of:** opinion survey,

**Purpose:** increase users' satisfaction, feed-back to management on functioning court staff and the organization in general with the aim to improve behaviour, activities and performance

#### **3.10.1 The justice barometer in Belgium**

##### ***Increasing transparency***

The citizens and businesses who are the (potential) users of the judicial system and who finance the system as taxpayer, are the most important stakeholders.

It is important for the courts and prosecutor's offices (management, project managers, presidents, personnel) to know the peoples' attitude with respect to the justice system (of which the judicial system is a part). Since they themselves are a part of societal context, members of the Council and of the judicial system have only subjective information in this regard, in particular impressions: what they themselves think about the matter and what they know via hearsay.

##### ***Purpose of the initiative***

The justice barometer makes the environment of the judicial system more transparent. The Council and the judicial system can use this information to take suitable actions to support confidence in and the legitimacy of the judicial system. This can be done, for example, by improving the service quality related to the timeliness of judgements, eliminating the backlog, and communicating very transparently on the evolutions in this regard.

##### ***Interested parties***

Transparency with respect to the opinions of the people concerning the justice system is created for everyone, since the report can be freely consulted on the website of the Council by citizens, the media, politicians, etc.

The information collected during the interviews (data) is much more extensive than the report. It is especially intended for persons within the council or judicial system such as managers, and trainers who use the information in workshops for magistrates and other personnel. The workshops focus on the attitude of citizens concerning the judiciary, including public trust and confidence. Universities can also make use of the full information.

### ***Tools***

An objective picture of public opinion on the judiciary can be obtained via opinion polls. The research is conducted on the request by the Council by a professional agency specialising in opinion polls.

The justice barometer is a tool that ensures this objective view and thus makes public opinion transparent to policy makers.

### ***Evaluation***

The barometer is applied every three years. The core questions are retained in order to follow the evolution of public opinion. The other questions can be revised: some questions concern topics that are no longer relevant and have been removed; new questions, for example, on topics that have entered the public debate can be included in the questionnaire.

## **3.10.2 Client evaluation in the Netherlands**

### ***Increasing transparency***

The relationship with the outside world is very important for the courts and the client evaluation is an important tool for measuring the satisfaction among civil society and partners. The evaluation study is held once every four years at a court, the general report is published once every three years.

### ***Purpose of the initiative***

The evaluation is monitoring the satisfaction on different aspects: general satisfaction, the administration of a court, the visit at a court, the functioning of the judge, the proceeding times, the service of court employees. The evaluation helps the courts to improve the relationship with the customers.

### ***Interested parties***

The interested parties are the court itself, civil society and professional partners (such as lawyers, public prosecutors, representatives of governmental authorities and officials from expertise organizations).

### ***Tools***

Courts can organize meetings with clients, in this way they can explain the results of a client evaluation. This can happen in a discussion group or in a meeting (lunch) with several partners. The courts can even set up a specific survey for a specific group of society. Some courts publish the results of the evaluation in a press release. The general report is also published on the external website of the judiciary.

It can also be useful to analyse the complaints, which are issued, and to see if structural improvements are necessary.

***Evaluation***

The court itself can put up activities if the client evaluation needs extra information or when improvements are necessary. The Council for the Judiciary is monitoring the results of the client evaluation very closely. If necessary it approaches a court to improve aspects of the survey.

### **3.11 Management Information, Auditing and Reporting**

**Increase transparency for:** court managers, citizens, Councils, Ministry of Justice  
**By means of:** performance measurement systems; key performance indicators; registration in information databases; self evaluations; audits; reports  
**Purpose:** to better manage/control the processes and activities, and to monitor the organization

#### **3.11.1 Management information in Belgium**

##### ***Increasing transparency***

The courts and prosecutor's offices must draw up a working report each year. In contrast to a traditional annual report, they are expected not so much to describe the activities of the past year, but rather to communicate the results of their activity based on a number of parameters, to make suggestions for improvement, and to explain the management plan/action plan for the coming year.

The working reports therefore contain information with which the courts and prosecutor's offices can justify the resources and performance of the past year. With this, the evolution of key aspects of the functioning of the courts and prosecutor's offices (for example the level to which the personnel frameworks have been filled in, input and output of cases, backlog of court cases) is reflected for the benefit of internal stakeholders (magistrates and support personnel) as well as external stakeholders (parliament, Minister of Justice and the High Council of Justice). This information is not intended for the citizen. In addition, the High Council of Justice expects the reports to be a form of self-evaluation. Hence, the suggestions made for improvement and the description of the most important actions planned for the coming year.

It is important that information on the performance of courts and prosecutors' offices can be consulted by the public, or actively communicated to the public. Consequently it must be explicitly established which specific information will be communicated to which stakeholders. This information package can evolve.

##### ***Purpose of the initiative***

Separate reports are best created for external stakeholders such as the public and parliament. These reports must give external stakeholders a good view of the functioning of the courts and prosecutor's offices based on adequate key characteristics related to organizational performance. These reports are intended to make these instances accountable.

It is best to provide a simple feedback option on the part of external stakeholders.

The information that is only useful to internal stakeholders (responsible for specific work processes) is given to them directly via the work processes, self-evaluations and audits. It is information that is needed to better manage/control the processes and activities, and to monitor the organization. Such work information is not included in

the report intended for the aforementioned external stakeholders, since this report should remain very readable.

### ***Interested parties***

Separate channels and reports for internal stakeholders (management at all levels of the organization and personnel) to manage the processes.  
An annual report for external stakeholders (for example parliament, the public, the legal profession) to communicate the performance of the organization and to provide accountability concerning the authority exercised.

### ***Tools***

The tools the High Council of Justice provides for creating transparency as regards management information are:

- performance measuring systems;
- maintenance of information in databases;
- key performance indicators, e.g. efficiency, effectiveness, etc.;
- self evaluations;
- audits.

### ***Evaluation***

After introduction of the new reporting, its reception by the different stakeholders will be evaluated. The usefulness of the information to the stakeholders will be investigated systematically.

## **3.11.2 Internal audit in Belgium**

### ***Increasing transparency***

Members and support personnel of the judicial system have an internal focus on the judicial system itself. As managers or personnel, they operate in a context that can colour their view of the functioning of the organisation and they sometimes work in situations and develop habits that can distract their attention from the potential consequences (e.g. risks) of their activities. There can be weaknesses especially in the continuous application of internal controls and permanent attention to the results.

### ***Purpose of the initiative***

The management needs an evaluation of the internal control system that is as independent as possible. An audit department that generally is established internally within the organization performs this evaluation. Since such a department does not exist within the judicial system, the High Council of Justice, pending the establishment of such a department, decided to set up a project for the execution of this audit task and to develop the approach to the audit in a judicial environment.

The audit is especially focused on evaluating the (management/control of the) production process of judgements and actions brought by the prosecutor's office.

### ***Interested parties***

Interested parties are the management and personnel of courts and the prosecutors' offices.

### ***Tools***

Operational audits in which the internal audit methodology and standards of the Institute for Internal Auditing are applied. A handbook is also being created for auditors of the judicial system containing the lessons learned during the development phase.

### ***Evaluation***

The audits are evaluated by way of quality management: self-evaluation and external evaluation of the audit activity.

## **3.11.3 Self-evaluation: the Quality Principles and Benchmarks in Finland**

### ***Increasing transparency***

Transparency is noticed in The Quality Principles and Benchmarks proposed by the Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi, Finland. These principles and benchmarks were published in 2006 (Evaluation of the Quality of Adjudication in Courts of Law, March 2006, ISBN 951-53-2874-8). The proposed Quality Benchmarks consist of six aspects, which contain a total of 40 quality criteria. Many of them are connected to the transparency of the court's work.

The Quality Benchmarks can be applied in the evaluation of the adjudication of the courts either in their entirety or by selecting an aspect for a separate evaluation exercise. The purpose is not to carry out any systematic annual evaluations of all courts in an appellate jurisdiction, but rather to do so at intervals of 3 to 5 years.

### ***Purpose of the initiative***

In 2003, as a part of the Quality Project, it was decided to begin the design of a set of benchmarks for the evaluation of the quality of adjudication and of the development of that quality. A working group was established to look into this matter. The draft for the Quality Benchmarks was introduced in 2004. The book came out in March 2006. A benchmarking pilot project was launched in the autumn of 2006.

### ***Interested parties***

The leading idea of quality management is to seek for points where activities can be developed and to agree on the measures that are to be undertaken to this end. The core idea is to develop the quality of adjudication so that the court proceedings as a process and the decision of the court, with all its incidentals, respond ever better to people's expectations of fair trial and access to justice. In order to succeed, the development work needs the support of a benchmarking system of measurement of progress. The

Quality Benchmarks are also created to make adjudication and the debate on the same subject more transparent to persons who are not court insiders.

### ***Tools***

The proposed Quality Benchmarks consist of six aspects, which contain a total of 40 quality criteria: 1) the process (nine quality criteria), 2) the decision (seven quality criteria), 3) the treatment of parties and the public (six quality criteria), 4) the promptness of the proceedings (four quality criteria), 5) the competence and professional skills of the judge (six quality criteria), and 6) the organization and management of adjudication (eight quality criteria).

Each of the 40 quality criteria have been described in more detail by listing some of their most salient characteristics. The transparency of the court work can be seen in various criterias. For example The Process as a quality aspect contains nine quality criteria. The very first quality criterion relating to the process is that *the proceedings have been open and transparent vis-à-vis the parties*. Also the fifth quality criterion relating to the process concerns transparency: *Process must be managed effectively and actively* (both procedurally and substantively). The eighth criterion relating to the process is that *the proceedings are as open to the public as possible*. Transparency can also be seen in *the Treatment of the Parties and the Public*, which is quality aspect number three of the Quality Benchmarks.

The quality criteria are analysed by means of a six-point scale and a corresponding verbal assessment:

- 0 points: the criterion is not met at all (fail);
- 1 point: the criterion is met partially (pass);
- 2 points: the criterion is met satisfactorily (satisfactory);
- 3 points: the criterion is met well (good);
- 4 points: the criterion is met laudably (laudable);
- 5 points: the criterion is met in an exemplary manner (exemplary).

The self-evaluation by the judges is the main method for the evaluation of measuring system, although there are different kinds of evaluation methods for different quality criteria, like statistics, external surveys and surveys of the media.

### ***Evaluation***

The first court evaluation relating to the quality benchmarks was enforced by the pilot project in 2006-2007. All courts in the jurisdiction of the Court of Appeal of Rovaniemi participated to this first evaluation. Most of the measurements required were carried out with an Internet-based application, Webropol. The results were published in the Quality Conference of the Quality Project in 2007.

### **3.11.4 Internal audit in courts in Lithuania**

#### ***Increasing transparency***

The National Courts Administration is responsible for the internal audit in all courts and in the National Courts Administration. The Internal audit division (hereafter referred to as division) is established within the structure of the National Courts Administration, which is an independent subdivision of the Administration, which is directly subordinate and accountable to the director of the National Courts Administration. The purpose of the division is to carry out an independent, objective investigation and to provide consultations in order to secure the improvement of activities of courts and of Administration. It should be noted that the principle of court independence in the administration of justice has to be obeyed carrying audits (during the audit of economic and financial activities of courts and also during the internal audit).

#### ***Purpose of the initiative***

The initiative is aimed at the systemically and comprehensively evaluation of the internal control and administration of risks. A second aim is to help the audited institutions to improve the effectiveness of activities and the implementation of (strategic) plans, programmes and procedures.

#### **Interested parties**

The management and personnel of courts.

#### ***Tools***

Producing the objective information, recommendations and findings on activities of the audited institution, the state of internal control, the implementation of the strategic and other plans, programmes of activities on identified risks of activities to the heads of audited institutions (by producing reports and recommendations).

#### ***Evaluation***

The courts are evaluating the internal audit that was carried out.

### **3.11.5 Transparency issues of the internal audit - Romania**

#### ***Increasing transparency***

From the beginning of its activity, the Judicial Inspection reports showed that a large number of complaints addressed to the Inspection were not within its competence (in fact people complained that the decisions were not well-founded, or about aspects that regarded the substance of the proceedings, giving to such complaints the nature of an appeal/second appeal). These kinds of complaints are closed, without any further

investigations. Communicating this solution to the plaintiffs generated even more dissatisfaction of the activity of the Judicial Inspection and the Council and triggered more complaints. Although these kinds of complaints are solved quickly, the Judicial Inspection could better use its time investigating allegations that do fall within its competence.

### ***Purpose of the initiative***

The Superior Council of Magistracy chose to inform the public on aspects such as the attributions of the Judicial Inspection, aiming:

- to increase the transparency of the Judicial Inspection, i.e to open its activities to the public eye;
- to increase the efficiency of this body, i.e. to reduce the number of complaints to the Judicial Inspection on facts that cannot and should not be investigated by it, thus reducing the workload.

### ***Tools***

The Superior Council of Magistracy elaborated a set of guidelines for notifying the Inspection or lodging a complaint at the discipline commissions, which was distributed to the courts of appeal and made available to the public through publication on the Superior Council of Magistracy webpage<sup>18</sup>. Two guides containing relevant data on the activity and competencies of the Judicial Inspection and on the procedure for notifying the Judicial Inspection and the discipline commissions by interested persons were elaborated.<sup>19</sup> The public was thus informed on the attributions of the Judicial Inspection and the discipline commissions, on the legal deadlines for lodging complaints, on the obligatory elements of the content of a complaint and on the mandatory documents to be annexed, so that these aspects may be known by the interested parties before lodging a complaint.

Another measure taken by the Superior Council of Magistracy was the publication of the reports issued by the Judicial Inspection on the controls ordered by the Council on the length of proceedings, the random distribution of cases, the managerial efficiency of heads of courts and prosecutors' offices, etc. The reports are published on the website of the Superior Council of Magistracy, and are thus available for the general public and media. This measure aimed to inform the media on the activities of the Judicial Inspection, its working methods and the deficiencies signalled at courts and public prosecutors' offices at every control. The measure is part of a more vast policy to make the Superior Council of Magistracy more transparent.

### ***Interested parties***

Thus, litigants, media, public authorities have access to relevant information regarding the activity and means of complaint to the Judicial Inspection. The publicity of the Judicial Inspection reports is mainly intended for the media, the public authorities - including other juridical authorities and the courts - and the public.

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<sup>18</sup> [www.csm1909.ro/csm/index.php?cmd=1702](http://www.csm1909.ro/csm/index.php?cmd=1702)

<sup>19</sup> *Information Guide for the persons interested to notify the Judicial Inspection, Information Guide for the persons interested to notify the disciplinary commissions*

### ***Evaluation***

Annually, the number of cases registered at the Judicial Inspection and closed for lack of subject matter jurisdiction against the total number of cases registered at the Judicial Inspection is made public through the annual activity reports of the Judicial Inspection and of the Superior Council of Magistracy.<sup>20</sup> It was observed that the number of complaints registered at the Judicial Inspection is permanently increasing while the number of complaints that are closed for lack of subject matter jurisdiction is more than the half.

However, the publicity of the Judicial Inspection reports is positively appreciated because the reports:

- accurately describe the functioning of the courts, the functioning of the random distribution of cases and the deficiencies;
- act as an impulse for the courts and the Superior Council of Magistracy to remedy the deficiencies reported, according to the Judicial Inspection's recommendations.

### **3.11.6 Monitoring of case data in Slovenia**

#### ***Increasing transparency***

Statistical reports in the Slovenian judiciary are based on a computer-based information system of case-registers. Courts monitor the following data: number of incoming cases, number of solved and unsolved cases, length of proceedings, human resources, solving of older cases, etc. The data gathered is then analysed by the Department for Court Management at the Supreme Court and courts are consequently ranged according to the incoming, solved, and unsolved cases per judge and court staff. The Department for Court Management calculates the index of goal achievement (showing whether a court manages the respective workload) and the average time for case solving for each type of case (based on the Clark-Capeletti index). On the basis of the Courts Act, the Judicial Council monitors, ascertains and analyses the effectiveness of work of judges and courts, on which it keeps annual reports. Transparent statistical data on the work of the court are conditional for good management, which ensures quick, efficient court decisions. This is an important view regarding access to justice.

#### ***Purpose of the initiative***

To gain all these tasks, it is necessary that statistical data are validated and uniform. This should be assured by the clear rules concerning input data and regular control of the quality of the input data (there are some differences between the courts in the way of registering new cases).

#### ***Interested parties***

Interested parties are Presidents of the Courts, Personal Councils, the Judicial Council and the Ministry of Justice.

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<sup>20</sup> In 2008, the number of complaints registered at the JI was of 5987.

### ***Tools***

Clear rules for registration of cases should be adopted. Beside the Presidents of the Courts also Personal Councils (that are competent for the evaluation of the professional performance of judges) and the Judicial Council shall have online connection to the data on the work of those judges and those courts, which are in their competence. Heads of the Departments and Presidents of the Courts should be better trained on how to use the computer-based registers of cases and how to apply measures for an effective management of the cases according to the Courts Act. Judges should be trained on how to use the existing data system, which includes the data about the processing times and working procedures for each case in order to manage their cases better. Also, more information should be available online (free courtrooms, the data about the court experts should be up-to-date, etc.)

### ***Evaluation***

According to Article 67 of the Courts Act, the performance of matters of court management in courts of first instance is monitored by the President of the Court of higher instance. In courts of all instances the President of the Supreme Court and the Minister of Justice, who exercises official supervision over the work of courts through the presidents of courts of higher instance or through the President of the Supreme Court, monitor the court management. In exercising supervision over the court management, presidents of courts of higher instance, and through them also the Ministry competent for justice, may demand written clarifications and reports on the implementation of specific tasks.

### **3.12 External Communication**

**Increase transparency for:** users, citizens, the media  
**By means of:** Internet, websites, publications, reports, brochures, communication department, development and execution of communication plan, spokespersons/press judges, training of court personnel in communication skills, information centres/call centres, media (e.g. press, court tv)  
**Purpose:** inform citizens and users, facilitate access to justice, ensure accountability, improve visibility, develop image/reputation, maintain/increase public trust/legitimacy

#### **3.12.1 Access to data concerning civil rights of citizens in Austria**

***Subject, fact, problem***

The courts gather many data concerning the civil rights of citizens: land register, commercial register, bankruptcies, certified experts, certified interpreters, registered mediators, auctions.

***Purpose***

Offering a non-bureaucratic access to these data – free or against payment.

***Interested parties***

The general public.

***Tools***

Offering these data via internet.

***Evaluation***

The number of clicks is counted regularly.

#### **3.12.2 Online communication between the parties and the courts - Austria**

***Subject, fact, problem***

The communication between the parties (their solicitors) and the courts (and vice versa) is costly, needs a lot of paper and much transport fees.

***Purpose***

Offering a cheap online way of communication whilst avoiding security lacks.

### ***Interested parties***

The parties, the general public, the justice system (in order to reduce expenses).

### ***Tools***

“Electronic legal correspondence” (“Elektronischer Rechtsverkehr”) is a tool for the paper-free communication between parties and the courts. In principle this way of communication is not mandatory, but is encouraged by fee reductions. Most lawyers and many “mass plaintiffs” (e.g. insurance companies) use it. The solicitors have electronic access to the courts’ register data concerning all those cases in which they are identified as a solicitor.

### ***Evaluation***

The increase of users is monitored.

## **3.12.3 External communication in Denmark**

### ***Increasing transparency***

The Danish Court Administration has a communications department. The department is responsible for both internal and external communication. External communication activities include:

- The homepage of The Courts of Denmark, [www.domstol.dk](http://www.domstol.dk):
  - Information about the court system in general (functioning, jurisdictions, etc.);
  - Statistics.
- A quarterly magazine, “Danmarks Domstole”.
- An printed annual report on the activities of The Courts of Denmark.
- Press releases.
- Annual meetings with representatives from the press.

In addition, each court has its own homepage. The same design and a uniform set of templates are used on both [www.domstol.dk](http://www.domstol.dk) and the individual homepages of the courts.

From 2009, each court will have a special press spokesman. The spokesman will be a judge who has received training in dealing with the media, writing press releases etc. In some cases the presiding judge will also answer questions from the press. On verdicts of common interest, the court often issues a press release on the court’s website.

The Danish Court Administration facilitates the work of a communications network. An employee from every court is included in this network.

### ***Purpose of the initiative***

The purpose of these initiatives is to broaden the knowledge of the Courts of Denmark and the courts' work among the public, the press, professional users etc.

Another purpose is to make sure that facts and information in general about the courts, case processing time, access to justice, guidelines etc. are easily accessible.

Guidelines and information about access to justice can in addition be time saving for both citizens and employees as a lot of questions can be referred to the homepage of the Courts of Denmark.

### ***Interested parties***

The public, the press, professional users, judges and employees, parliament.

### ***Tools***

The homepage of the Courts of Denmark, printed booklets, e-mails, meetings, conferences etc.

### ***Evaluation***

Regular client and staff evaluations show a constant demand for information of good quality about the court's work.

## **3.12.4 Communication of guidelines – Denmark**

### ***Increasing transparency***

The Danish Court Administration publishes various guidelines, including:

- guidelines for citizens about the handling of different types of cases, e.g. what to do when you are going to probate court;
- guidelines for professionals, e.g. about the proceedings in the Supreme Court;
- guidelines for candidates for positions within The Courts of Denmark.

### ***Purpose of the initiative***

To give easy access to citizens, professionals and candidates for positions within the courts about the functioning of the courts.

Guidelines and information about access to justice can in addition be time-saving for both citizens and employees as a lot of questions can be referred to the homepage of the Courts of Denmark.

### ***Interested parties***

The public, professional users and candidates for positions within the courts.

### ***Tools***

The homepage of The Courts of Denmark, [www.domstol.dk](http://www.domstol.dk).

### ***Evaluation***

The number of people visiting our homepage indicates that the information on the homepage is useful. This is supported by the fact that most of the callers to the court administration have read the relevant part of the homepage and want to ask additional questions.

## **3.12.5 Transparency of proceedings in Germany**

### ***Increasing transparency***

An aim of the German legal system is that the court proceedings and the court decisions are transparent to the parties and the public and that the legal disputes are solved as quickly as possible.

### ***Purpose of the initiative***

The acceptance and quality of justice are principally dependent on its efficiency and proximity to citizens. Therefore high standards are followed.

### ***Interested parties***

On the one hand the parties have an interest to know everything that is going on in the court. On the other hand the public itself has a strong interest in this knowledge, especially in criminal cases.

### ***Tools***

In general all hearings are public. Only in case of private or public requirement for security or nondisclosure, the public can be excluded. To give the public a chance to attend a trial, the courts publish important hearings on their website. The Supreme Court and the district courts have specially trained press spokespersons. They inform the public about important decisions made by the Supreme Court, the high courts and sometimes even of the first instance courts.

### ***Evaluation***

There is no special evaluation.

### **3.12.6 Track court proceedings in Latvia**

#### ***Increasing transparency***

In order to increase access to information for the public, the Court Administration recently launched a new electronic service called “Track court proceedings”. It is a free of charge service that is available for the general public on the court portal for tracking any court proceeding in any court of Latvia. Information is available on the current status of any specific court proceeding – name and contact information of the court, judge assigned, court hearings scheduled, claims received, court decisions made within the proceeding (without full-text exposed) and information on case proceedings throughout other court instances. Information is provided publicly without any personal data exposed.

#### ***Purpose of the initiative***

The purpose is to enable access to justice for the public through information. The aim is to facilitate court users and citizens by providing necessary information via internet and making information comprehensible.

#### ***Interested parties***

The interested parties for whom the transparency is provided are mainly the citizens and the court users.

#### ***Tools***

The electronic service called “Track court proceedings” is available to the public via the national court portal.

#### ***Evaluation***

Statistical data on service users in the data base is available, but not for the public.

### **3.12.7 Transparency of the judiciary in Latvia**

#### ***Increasing transparency***

As the media is one of the key players in developing and maintaining transparency in the public sector, including within the judicial system, it is very important how the information regarding courts is reflected in the mass media. The information should be accurately and fairly reported. For that reason the courts of Latvia have court communicators who are responsible for providing information to journalists about court activities. In the Court Administration there is public relations officer, who is responsible for providing information to mass media about activities on improvements in the judicial system, as well as for the maintenance of the web page of the Court Administration. Journalists can participate in court hearings, that are adjudicated

openly, but filming during the court hearing is allowed only with the judge's permission.

### ***Purpose of the initiative***

The purpose is to increase public trust in courts as institutions in the Republic of Latvia, to provide more detailed information to the public and to show what steps toward the modernization of judiciary have been taken.

### ***Interested parties***

The interested parties are mainly inhabitants and court users, for whom the information is provided.

### ***Tools***

The information about the courts and judicial system is available on several web pages: the web page of the national court portal, the web page of the Court Administration and of the web page of the Ministry of Justice. Information consists of several important topics, for example, information about the courts, information about the different steps that one should take when initiating a lawsuit, court statistics, court calendars, court judgments in administrative process, etc.

### ***Evaluation***

The study on public trust in the courts was launched in 2007. The purpose was to determine the public trust in courts as institutions in the Republic of Latvia and to summarize the changing indicators of public trust in the course of time.

## **3.12.8 External communication in Lithuania**

### ***Increasing transparency***

The chairmen of the courts are obliged to appoint court public servants or other employees who are responsible for the preparation of the announcement to the public of court decisions in resonant cases, for the constant presentation of information to the mass media, for the conduct of press-conferences, etc. An assistant of the chairman of the court responsible for the relations with the public has been established in all regional courts and in the Vilnius regional administrative court.

The reviews of annual court activities are prepared and announced on the web-site of the National Courts Administration. The schedules of court sessions are also available on the website of the National Courts Administration. The Law on Courts establishes that final acts of courts and annual reviews of court practice of the Supreme Court and Supreme Administrative Court shall be published on the internet website of the National Court Administration, the decisions of the European Court of Human Rights, of the judicial institutions of the European Union and other international judicial institutions, preliminary rulings, opinions in cases concerning citizens of the Republic of Lithuania, persons habitually resident in the Republic of Lithuania, legal persons of the Republic of Lithuania, or the state of Lithuania, other procedural decisions of the

institutions, the necessity of publication whereof is recognised by the Supreme Court or the Supreme Administrative Court, written in Lithuanian or translated into Lithuanian, and also other material according to the procedure established by the Judicial Council shall be published on the internet website of the National Courts administration.

Besides the information concerning the courts' activities that can be found on the websites of courts, information on the court system, information for judges, candidate judges, resolutions of the Judicial Council and various other information concerning the courts is available on the website of the National Courts Administration ([www.teismai.lt](http://www.teismai.lt)). Information concerning the institutions of self-governance of courts can also be found on the website of institutions of self-governance of the courts ([www.teismusavivalda.lt](http://www.teismusavivalda.lt)).

***Purpose of the initiative***

The purpose is to enable interested persons to find necessary information about the court activities, court practice via internet, to make the court system wide-open.

***Interested parties***

The public in general, mass media, judges, court employees.

***Tools***

The website of the National Courts Administration has to be improved in order to make it possible to publish the relevant decisions.

***Evaluation***

No evaluation has been carried out yet.

**3.12.9 Focused external communication in the Netherlands**

***Increasing transparency***

Transparency within the judiciary is becoming more and more important. Communication advisors and the department of communication of the Council for the Judiciary are promoting the activities within the courts and are constantly trying to improve the information load to the related parties of the judiciary.

***Purpose of the initiative***

Information is currently geared to what the judiciary itself wishes to share. That approach is being discarded in favour of a more demand-oriented information system, which provides the principal target groups with more tailor-made information.

***Interested parties***

In the broadest sense, society itself is the interested party for the judiciary. Communication, on the other hand, is focussing on specific parties to explain to them

how the judiciary works and about the several projects that are being realised in the judiciary. In this way, parties vary from students to lawyers and from governmental parties to expert organizations.

### ***Tools***

Every court in the Netherlands has one or more so-called ‘press judges’, who are appointed as spokespersons to the press. The press judges drew up a set of guidelines for the press in 2003, which were recently renewed. Besides the guidelines, the Council has published a manual for press judges.

To educate the youth, the Netherlands Judiciary has developed special products for them, including an ‘education package’ with activities, a special website and a brochure in the form of a comic book about a court case.

Every three or four years, the Dutch judiciary organizes an Open Day of the courts, during which all courts in the Netherlands organize various activities for the general public.

Another important instrument in the public information programme is the website Rechtspraak.nl, which consists of - inter alia - a database of judgements. The last months, the Netherlands Judiciary has been developing a special Internet site to prepare citizens for proceedings.

### ***Evaluation***

In the Agenda of the judiciary, which is currently operational for the period 2008-2011, the judiciary within society is one of the strategic targets. Realising this target will result in a constant dialogue with civil society, a better information flow, more involvement of the judiciary in schools and universities and a pro-active media-policy.

## **3.12.10 Demonstrate efficiency - communication policies aimed at improving the skills of the judicial authorities’ spokespersons - Romania**

### ***Increasing transparency***

Policies for external communication in the judiciary as a whole, were part of vaster strategies to increase the efficiency within the system, to reduce the corruption stigmas of all the institutions of the judicial system and to increase public confidence in the system.

Within the general framework that was created by the legislation on free access to public information, courts are bound to organize specialized information and public relations departments, to appoint a spokesperson and to organize periodical press conferences to inform about issues of public interest.

Thus, all courts have a Public Relations and Information Office, which will ensure the relations between the court and the public and the media, in order to guarantee the judicial transparency of the court. The Public Relations and Information Office is also in charge of solving petitions in due time. The head of the Office is the spokesperson

of the court and for this position a judge, a journalism graduate or a public relations specialist may be appointed. The spokesperson approves the journalists' requests for access to the courts' records or files.

Mostly judges and prosecutors were appointed as spokespersons, although they did not have any theoretical or practical training in public relations or relations with the media. This is why the quality of media communications has been subject to much criticism.

### ***Purpose of the initiative***

It was considered that training the courts' and public prosecutors offices' spokespersons in public relations and communication was necessary in order to ensure that the information is communicated rapidly, is easily understandable and correctly disseminated by the press. In 2008, especially, the efforts of the Superior Council of Magistracy concentrated on training the judiciary's spokespersons, so that by providing accurate and clear information, the transparency of the judiciary may be increased.

### ***Interested parties***

The beneficiaries of these measures are the media and the public, addressees of public relations, as the ratio underlying the activity of the spokespersons is to facilitate court procedures and raising the credibility of the act of justice. Another beneficiary is the judiciary as whole, since it will have a body of professional spokespersons.

### ***Tools***

The following instruments were used by the Superior Council of Magistracy to increase transparency were:

- A total of 947 persons - magistrates, representatives of public relations offices, archive and registry, and spokespersons to the courts, the prosecutor's offices, the Superior Council of Magistracy, the Ministry of Justice and the Prosecutor's Office attached to the High Court of Cassation and Justice were trained in public relations throughout 47 training sessions.
- Ten Romanian spokespersons - judges and prosecutors - attended a two-week internships in Finland and Spain in the field of media relations, the aim being empowerment of the judiciary spokespersons so they can serve the public with openness, transparency and integrity.
- A "Practical Handbook on Effective Relations with the Media" was elaborated by the Superior Council of Magistracy and the project experts, out of which 500 copies were delivered to all the spokespersons from courts/public prosecutors' offices and was published on the website of the Council. The handbook covers all major fields of activity of the public relations practitioners and is intended to serve as a daily reference source for handling the institutions' media relations.
- Three mediated meetings between mass media and judicial representatives were organized in order to assess the actual state of relationships between the spokespersons

and the media in the legal field. A list of recommendations<sup>21</sup> relating to the current state of relations between the magistrates and the media in Romania was produced.

- In 2007, following the activities of an internal Superior Council of Magistracy working group, a “Guide of Good Practices for the Cooperation between Courts, Prosecutors’ Offices and the Media” was adopted. It contains norms that allow for an efficient and quick communication with mass media representatives, as their requests are to be treated in emergency regime. The guide was distributed to all spokespersons and is published on the website of the Superior Council of Magistracy.

### ***Evaluation***

The experts elaborated a progress report on the functioning of three pilot courts and public prosecutors’ offices to analyze how the perception of the public and the media on the act of justice has improved. The report contains a series of recommendations for a long term strategy in this field: to regularly hold informal meetings of the court’s management, the spokespersons and the media in order to informally discuss the activity of the courts/public prosecutors’ offices, to improve access of television and photo reporters in the court rooms by mutually agreed rules, to improve access to files for the press, to improve internal regulations for the work of the spokespersons, etc.

## **3.12.11 Improving the access of the litigants to legal knowledge and the administration of cases - Romania**

### ***Increasing transparency***

Misinterpretation of the laws and lack of general legal knowledge on the part of the litigants have been known to negatively impact the effective access to justice, the normal course of the judicial proceedings and the workload of courts and public prosecutors’ offices. A frequent situation is burdening the judicial proceedings, since the judges had to elaborately explain aspects of the judicial procedures for the litigants without any exposure to the legal environment and not represented or assisted by legal counsel. In practice, the Council was notified with an impressive number of complaints, not within the jurisdiction of the Council, but regarding aspects that should have been raised in the ordinary judicial means of attack.

### ***Purpose of the initiative***

Better legal knowledge of the litigants and public in general was considered to improve access to justice and to reduce the burden of courts, from having to solve cases that are not of their competence.

### ***Interested parties***

These measures are addressed to all interested persons and litigants.

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<sup>21</sup> These recommendations are targeted at the Superior Council of Magistracy and they will be discussed in the Plenum meeting in order for future measures to be adopted.

## ***Tools***

The instruments used by the Superior Council of Magistracy / the courts to increase transparency and access to justice are:

- After the creation of the Superior Council of Magistracy website<sup>22</sup> ([www.csm1909.ro](http://www.csm1909.ro)), a first measure was to elaborate and publish on the Council's website orientation guides for litigants covering aspects such as: ordinary means of redress in civil and criminal matters (appeal, second appeal), divorce procedure, content of an application to the court, evidentiary support of claims, rights and duties of the parties in judicial proceedings, means to notify judicial authorities<sup>23</sup>, etc. The information is updated, according to subsequent legislative amendments.
- in 2008, the SCM produced another five orientation guides for litigants on the rights, obligations of the litigants and rules of conduct before courts<sup>24</sup>). The guides were officially launched on the Justice Day celebration (6<sup>th</sup> of June 2008) and were very well received, in part due to the fact that they were drafted in a colourful and attractive lay-out. Two thousand copies of each guide and glossary were printed, distributed to courts nationwide and published on the official website of the Superior Council of Magistracy for larger use.
- For the use of the litigants and legal professionals, the Superior Council of Magistracy provided 15 stand-alone, touch-screen info-desks and appropriate software to the courts of appeal. The info-desks were designed as an interface that would provide the litigants' access to information, such as: general information on the functioning and of all courts, work schedule for the judging panels, work schedule of the archive, registration departments, president's office, circuit of a case, etc.
- Starting with 2007, the judicial authorities (Superior Council of Magistracy, courts, public prosecutors' offices) annually organize the Open Doors Day. For this event, the Superior Council of Magistracy invited law students and schoolboys/girls from the Bucharest high schools. Public access is fully granted and participants are handed information brochures<sup>25</sup> on the judicial system and on the admission to the magistracy, etc.

## ***Evaluation***

The impact of these new measures introduced by the Superior Council of Magistracy on transparency of the act of justice and the judicial proceedings and access to justice is still to be assessed, although it is unquestionable that increasing the legal understanding of the litigants will undoubtedly favour access to justice.

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<sup>22</sup> From the point of view of transparency, it is considered that the SCM website enjoys a large number of visits (4.310.525 as of 25<sup>th</sup> of February 2009), proof of the quality and relevance of the information published on it.

<sup>23</sup> We are talking of approximately 33 issues of law explained for the litigants

<sup>24</sup> *"Law for everybody", "On the competence of the courts", "The circuit of the claim", "Rules of conduct before the courts" and "Glossary of juridical terms"*

<sup>25</sup> In 2008, four information brochures were published for this purpose, which at present are published on the website of the SCM.

### **3.12.12 External communication in Slovenia**

#### ***Increasing transparency***

Access to legislation and to the case law is assured. Laws are published in the Official Gazette of the Republic of Slovenia. The website of the Gazette is freely accessible to the public ([www.uradni-list.si](http://www.uradni-list.si)). Furthermore, a database of laws supported by the Government Office for Legislation is available free of charge on the website <http://zakonodaja.gov.si>. Nearly all final decisions of the High Courts and the Supreme Court (except the ones that have no substantial value) are published on the website dedicated to the case law, which is supported by the Supreme Court ([www.sodisce.si](http://www.sodisce.si)). The database of the decisions of the Supreme Court contains more than 11.000 documents and is constantly updated with new decisions. All the decisions of the Supreme Court are included in the database in their full text. All the articles of potential interest for court practice are included in a separate database. The website also contains legal opinions of the Supreme Court, as well as a special search engine, dedicated to the cases on the amounts of compensation for immaterial damage. An up-to-date list of lawyers is available on the website of the Slovene Bar Association ([www.odv-zb.si](http://www.odv-zb.si)). Similarly, a list of court experts, translators, executors and appraisers is available on the website of the Ministry of Justice ([www.mp.gov.si](http://www.mp.gov.si)).

The Supreme Court publishes the annual report including statistical data on the website. The Ministry of Justice publishes a quarterly statistical report on the work of all the courts on the web-site. In accordance with the procedural legislation as well as with the Act on the Access to Information of Public Character, parties on one hand and the general public on the other have access to court cases and documents. Courts have information desks for court visitors. Information leaflets on court proceedings are not available yet, but initiatives have been taken in this direction. All courts have their own web-sites. The Supreme Court and the largest District Courts have press spokesmen who inform the public about important decisions.

#### ***Purpose of the initiative***

The access of external users to information on proceedings should be improved and more attention should be focused on the transparency of the public opinion about the judiciary, because it is of great importance for self-reflection and improvement. The external communication should be improved. The courts should inform the public more often about important decisions and about improvement concerning the access to justice.

#### ***Interested parties***

External users and the public.

#### ***Tools***

The new state programme should define specific tasks regarding transparency in relation to the external users and the public.

### ***Evaluation***

Regarding the assessment system of measuring the public trust in the judiciary, there is the Eurobarometer system, but it only covers the judiciary with one question. A more thorough, systematic and continuous system of monitoring the trust of the public in general as well as of the relevant users and stakeholders should be set-up. Court users' satisfaction should also be monitored and analysed. For now, the system of measurement of satisfaction has been introduced only for the participants in mediation proceedings.

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**2009 Register of Quality Activities**

**Appendix to the ENCJ Working Group Quality Management's  
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## **1. Mission, Vision and Strategy**

### **1. Develop the Mission and Vision of the courts of first instance (Belgium)**

The High Council facilitated the drawing up of a mission statement by the courts of first instance. An impulse was also provided for the development of a vision by the courts of first instance.

### **2. Mission, Vision and Strategy (Bulgaria)**

The mission and the vision are stated in the Constitution of the Republic of Bulgaria and the Law on the Judiciary. The judiciary protects the rights and the lawful interests of individuals/physical persons, the legal entities and the state. The judiciary is independent. When performing their functions, the judges, jurors, prosecutors and investigators are subjected solely to the law. The hearings are public, except where the law requires otherwise. One of the main priorities of the Strategy for reform of the judicial system or the period 2008-2013 is to provide an equal access to justice for all individuals through ensuring and making effective legal aid available. A specialized state body of the executive power, i.e. National Bureau for Legal Aid, was founded under the Law on Legal Aid. This body ensures equal access to justice for individuals through providing free legal aid and providing mandatory legal help under the law. Making the access to legal aid popular is accomplished by preparation and distribution of information materials such as information boards for the types of legal aid, handbooks/guides for citizens, media and internet, hot line.

### **3. Vision and values (Denmark)**

The vision and values of the Courts of Denmark are the core of quality work in the Courts of Denmark. Since the adoption of the vision and values, the Courts of Denmark has worked on implementing these in everyday life of the organization. As part of this implementation the Court Administration and individual courts develop a plan of action every year. As a starting point all plans of action use the focus areas agreed upon in a certain year by the Board of governors of the Courts of Denmark. Each court decides on its own whether the court wants to publish the action plan on the courts home page or not.

### **4. Mission, Vision and Strategy (Germany)**

The aim of the German legal system is to solve all legal disputes as quickly as possible. High standards are followed because the acceptance and quality of justice are principally dependent on its efficiency and proximity to citizens.

### **5. Mission, vision and strategy (Hungary)**

In the Republic of Hungary the management of the courts and the status of the members of the judiciary are regulated by laws. These laws were elaborated and adopted by the Parliament in the course of the justice reform during the second half of the 1990s. The laws can be amended only by a 2/3 majority of votes, this provision is to further strengthen the constitutional guarantees of the independence of the judiciary.

The National Council of Justice (NCJ) – the judiciary's self-governing body by law, worked out and adopted the mission and vision of the judiciary for the period of its mandate – six years. The NCJ regularly overviews its mission and vision formulated in a public decision. Similarly, the NCJ regularly discusses court management issues and issues regulatory decisions valid for all courts (except the Supreme Court).

**6. Mission, vision and strategy (Latvia)**

The mission, vision and strategy of the courts and the Court Administration (CA) are defined in the 'Working strategy of the Ministry of Justice for 2007-2009' and the 'Working strategy of the CA for 2008-2010'. There are defined tasks, which should be implemented in the medium term, and defined quality measuring indicators, which should be observed. The courts are introduced with this document to know the development plans for the next years. The documents mentioned above are available accordingly on the web page of the Ministry of Justice and on the web page of the CA. The working strategy is also used for budget planning for the next years.

**7. Mission and vision (Lithuania)**

All courts prepare their Strategic plans of activities for the term of three years and present the original plan to the Ministry of Finances and a copy to the National Courts Administration.

**8. Mission and vision (The Netherlands)**

Every Strategic Agenda comprises a mission, a vision and a number of targets. The judiciary's mission is the same for every Agenda, details of the vision can vary, and the targets can differ for each Agenda. When the Council starts formulating a new Agenda, it evaluates to which extent the targets of the previous Agenda have been achieved and those that have not. Those that have not will find their way onto the new Agenda. In order to flesh out the targets, each target has been converted into a number of specific results which must be achieved. The results also state who has primary responsibility for realizing them: the Council itself, the national meetings of sector heads or the court boards. This makes it possible to give direction to the implementation of the Agenda. In their annual plans, both the Council and the courts indicate what they intend to do to achieve the targets, and their achievements are recorded in the annual reports.

Mission and vision are part of the Agenda and are therefore public information. The Agenda is distributed to the courts by the Council for the Judiciary every four years and is also available on the public website ([rechtspraak.nl](http://rechtspraak.nl)). The Mission and vision are guidelines for the courts, but are also available to other parties.

## **2. Total Quality System**

### **1. Introduction of the CAF model (Denmark)**

To enable comparisons between different court systems and to assess their performances properly, the Courts of Denmark have recently introduced the CAF model ("EFQM" for the public sector). The model is initially implemented on a small scale, the main objective being to raise the level of knowledge about the model amongst court leaders and staff. To do this, the model has been described in the printed quarterly newsletter of the Courts of Denmark, which every employee receives. In addition, the presidents of the courts together with the management group of the Court Administration have carried out a self-assessment.

### **2. Evaluation of the Quality of Adjudication in Courts of Law (Finland)**

The Quality principles and Benchmarks proposed by the Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi will form a basis for the quality work of for future years, as well as for the monitoring and developments in quality. The Quality Benchmarks consist of six fields of assessment, which comprise a total of 40 quality criteria, as follows: 1. procedure (9 criteria); 2. judgement (7 criteria); 3) treatment of the parties and other participants in the proceedings (6 criteria); 4. promptness of the proceedings (4 criteria); 5) professional skill and competence of the judge (6 criteria); and 6) organization and management of adjudication (8 criteria). The Benchmarks are published in English, Finnish, French and Swedish (English version Evaluation of the Quality of Adjudication in Courts of Law, March 2006, ISBN 951-53-2874-8). For further information, please see paragraph 4.2 of the report and/or contact the Chief Judge of the District Court of Oulu Harri Mäkinen or Judge Antti Savela (see contact details on p. 40 of the Register).

### **3. Regulations formulated by the NCJ (Hungary)**

The NCJ has been active in formulating the judiciary's quality management system. Regulations on different aspects of the judiciary's functioning govern the courts' activities. Presidents of county courts and appellate courts have to regularly report about the implementation of the NCJ's decisions.

### **4. Quality indicators (Latvia)**

In Latvia, quality indicators have been established for the following areas: quality in the court system, and the administration of the courts and provision of material technical basis. Indicators for the quality of the court system include such things as the number of decisions made by a Land Registry judge, the length of proceedings (specified according to court level and per sector), and the number of first instance court decisions postponed or annulled in appeal. In the area of administration of the courts, indicators include the number of adjudicated offence cases (per sector), the number of working places for court staff, the number of judges per 100.000 inhabitants, and the number of methodical activities such as seminars and trainings.

### **5. Quality regulations (Netherlands)**

At the core of the Dutch quality system for the judiciary, RechtspraakQ, are the quality regulations for the courts and the different court sectors. The quality regulations bring together managerial aspects and those pertaining to the functioning of the judiciary. The regulations form a quality checklist that includes all the aspects that the courts and the

Council consider to be of importance for the quality of the judiciary and the justified requirements of the stakeholders. While it describes what should be done, it does not prescribe how this should be done: this is a matter for the courts themselves.

General information about the quality regulations is published on the public website and in a special report. The quality regulations belong to the courts as an internal instrument to improve the quality of the courts. The progress of the implementation of these regulations is not published outside the court.

Complete information about all the quality regulations is only for the courts. However, there are six quality regulations, which courts have to implement by 2010. Information about the progress on these regulations is accessible to the (Council for the) Judiciary. Three quality regulations (processing times, complaints procedure and in the future permanent education) are part of the annual report of indicators, which is available to the public.

#### **6. Quality measuring system for the judiciary (Netherlands)**

With this system the court boards can continuously measure the quality of the functioning of the judiciary in their court and the respective court sectors. The results are used to further improvement where needed. There are five measuring areas: impartiality and integrity of judges, expertise of judges, personal interaction with litigants, unity of law, and speed and proceeding on time. For each area indicators, norms and measuring instruments have been developed.

General information about the quality regulations is published on the public website and in a special report. The quality regulations belong to the courts as an internal instrument to improve the quality of the courts. The progress of the implementation of these regulations is not published outside the court.

Complete information about all the quality regulations is only for the courts. However, there are six quality regulations, which courts have to implement by 2010. Information about the progress on these regulations is available to the Council for the Judiciary. Three quality regulations (processing times, complaints procedure and in the future permanent education) are part of the annual report of indicators, which is available to the public.

#### **7. Quality measuring system for the judiciary (Romania)**

The quality measuring system of the judiciary has two components: periodic individual evaluations of judges and prosecutors, and regular inspections into the functioning of the courts' and prosecutors' offices and the functioning of individual judges.

Periodic individual evaluation takes place every three years, and consists of five aspects: efficiency, quality of undertaken activities, integrity, the obligation to pursue continuous professional training and specialized courses and the fulfilment of managerial functions only for judges and prosecutors in leading positions. For each criterion, norms and measuring instruments have been developed. The evaluation procedure is not public.

The Judicial Inspection of the Superior Council of Magistracy regularly inspects the functioning of the courts and prosecutor's offices, and the functioning of individual judges. The verifications concern: compliance with the procedural norms on registering the requests, the random distribution of cases system and the communication of decisions. The reports issued by the Judicial Inspection are made public, by posting on the website of the Superior Council of Magistracy or by press releases.

### **3. Leadership and Management**

#### **1. Seminars in Management (Austria)**

The presidents of the Higher Courts of Appeals ('Oberlandesgericht') hold long-term seminars (several workshops of some days in an all-time-period of 18 months) for judges in order to train them in the field of management and administration. Background: the administration of courts is mainly undertaken by judges (the presidents of the courts, judges assigned to presidents and senates (consisting of judges)).

#### **2. Leadership and management (Bulgaria)**

The chairpersons of the courts (district, regional, administrative, appealing, supreme) carry out overall organizational and administrative management. They are also responsible for the activities of the respective court and represent it: they summon and lead the general assembly of the court; organize the publishing of the acts that have entered in force on the website of the court; publish the annual report on the activities of the court on the website of the respective court within one month of its submitting to the chairperson of the higher instance court; appoint and dismiss the court employees/judicial servants and organize the work of the particular services. The instructions of the chairperson concerning the court work organization are mandatory for all judges and employees in it. At the end of each six-month's period, the chairpersons of the courts draw up and submit to the Inspectorate within the SJC summarized information on the formation, progress and completion of the cases of the judges, as well as the finally repealed acts by the higher instance courts.

There is no special training on leadership and management for the chairpersons and deputy-chairpersons of the courts.

#### **3. Leadership and management (Denmark)**

A leadership and management module is part of the mandatory training programme for young deputy judges. Later in their career, deputy judges are in addition offered an extensive training programme focused on leadership and personal development.

Members of the clerical staff showing an interest in leadership and management are also offered an extensive training programme focused on leadership and management. Participation in this programme is a requirement for appointment in certain positions.

A brief description of the training and education offered to employees of The Courts of Denmark is available on the homepage of Courts of Denmark.

Regarding the appointment of presidents in the district courts a test assessing the leadership and management skills of a candidate has since 2006 been part of the basis for decision of the Judicial Appointments Council.

The presidents of the district courts, high court and The Supreme Court and the director general of the Court Administration meet for seminars on leadership and management four times a year. Self assessment, case processing time, the use of management information, personnel management and the organization of the courts are among the issues discussed at these seminars.

#### **4. Leadership and Management (Germany)**

The leadership and management of the courts require special structures and must be carried out by people who are familiar with the judiciary system. They cannot be from outside the court system. There is no special training in leadership and management for the presidents and vice-presidents of the courts, but every judge who is a director, president or vice-president or hopes to move into one of these positions, has the opportunity to participate in

leadership and management courses at the Academy of Judges (Deutsche Richterakademie) or similar institutions in the individual federal states.

The structure and the leadership of every court and prosecution office are published on the website and are available freely to every citizen (data transparency).

**5. Seminar on management issues (Latvia)**

The chief judges of district courts and regional courts meet twice a year for a seminar on management issues. The strategic development in the court system, court statistics, numbers of received complaints regarding each court, human resource management and organization of the court work are among issues discussed during these seminars.

**6. Leadership and management (Lithuania)**

According to article 103 of the Law on Courts, the Chairman, the Deputy Chairman and the Chairman of a division of the court are the officers who direct the organizational work of the court. The Chairman of the court assigns the judges to the divisions of the court, establishes the specialization of the judges for hearing cases of appropriate categories, appoints them to perform the functions of a mortgage judge, approves the structure of the court, organizes and supervises administration at the court, controls compliance with the requirements of the Code of Judicial Ethics, reviews complaints of persons in respect of the non-procedural actions unrelated to the administration of justice, also in respect of the acts of the court staff, and reports to the interested parties the results of the review, eliminates the established shortcomings of the court, etc.

The supervision of administrative activities is exercised as follows: 1) supervision of the district courts - by the Chairman of the relevant regional court; 2) supervision of the regional administrative courts - by the Chairman of the Supreme Administrative Court; and 3) supervision of the regional courts - by the Chairman of the Court of Appeal.

**7. Management Development for (future) court managers in the Netherlands**

The Netherlands Council for the Judiciary has developed a so-called Management Development (MD) training programme aimed at court managers, i.e. presidents, sector chairmen and operational directors. Candidates who complete the MD-programme are admitted to the MD-pool for future chairmen.

The Management Development training programme is explained on the internal website of the Dutch Judiciary. The Council of the Judiciary is continuously seeking new managers for the courts and therefore distributes information about the programme to the courts. The complete programme is outlined for potential court managers, presidents and sector chairmen. There is a brochure available with criteria for following the programme.

Information is part of the workflow, but can also be published on request to the courts.

**8. Leadership and Management (Slovenia)**

The Slovenian Judiciary has special trainings in leadership and management for the presidents and vice-presidents of the courts, and a small part of the training for inexperienced judges is dedicated to the acquirement of management skills.

## 4. Complaints Procedure

### 1. 'Ombudsmen/ombudswomen' at the 'Oberlandesgericht' (Austria)

Since the 1<sup>st</sup> of November 2007, there are judges working as 'ombudsmen/-women' in each of the four High Courts of Appeal ('Oberlandesgericht') dealing with complaints. With their installation, a (low level) registration system of the types of complaints and of the outcome of the individual complaints procedures was started.

### 2. Improve internal complaint handling of judicial system (Belgium)

Project goal: putting in place a system for the smooth handling of complaints within the judicial system. Make it possible for the High Council to easily follow up complaint handling, as well as to better report on the complaints, and allow it to formulate suitable recommendations for improvement of the operation of the judicial system via knowledge of the overall complaint situation.

A legislative proposal, based on an opinion of the High Council, has been introduced in the house of representatives. A database has been developed that will contain all complaints regarding the judicial system. The database was developed in such a way that it can be used by the courts and public prosecutor's offices for first line complaint handling from the moment that the law is passed and comes into force. This does not prevent the interested entities of the judicial system from using the database on a voluntarily basis. The database is ready and the High Council is registering the complaints it receives.

### 3. Complaints procedure (Bulgaria)

In case of notifications and complaints of citizens and state authorities concerning corruption activities, in case of publications in the media and in other cases, the Commission 'Fight against Corruption and Professional Ethics' within the SJC warns the competent authorities and informs the Supreme Judicial Council about the results of the relevant inspection. For the purpose of receiving corruption warnings, the Commission has set up an electronic address on the website of the Supreme Judicial Council. It carries out inspections and analyzes the circumstances that facilitated the disciplinary violation, which are subject of disciplinary trials under the Law on the Judiciary. The Commission notifies the Inspectorate within the Supreme Judicial Council of the necessary inspections.

### 4. Complaints Procedure (Denmark)

A complaints procedure has been part of the Administration of Justice Act since 1939 when the Special Court of Indictment and Revisions was founded. Among other issues, the court deals with cases concerning disciplinary sanctions against judges and junior judges and cases on dismissal of judges and junior judges. It is also possible to file a complaint against a judge or a junior judge with the president of the court where the judge is employed. The Special Court of Indictment and Revisions and the court presidents can not consider the legal opinions of a judge but only the judges' conduct, e.g. disrespectful behaviour or negligence regarding the progress of a case.

Statistics about the number and nature of complaints are available on each court's homepage at the court's discretion.

### 5. Complaints Procedure (Germany)

In Germany, there is a special law for cases that cannot be appealed (Anhörungsrügensgesetz, part of the civil procedure rules, Zivilprozessordnung). If the parties or one party feel that

their side of the case has not been fully heard by the court, they can have a special trial due to too little consultation. This is the only circumstance under which the higher court can return a verdict in these small claims. This is the only situation in which a verdict can be annulled and the higher court has the right to instruct the judge on how to handle the trial. The procedure alone is criticised, not the actual decision.

**6. Complaints procedure (Hungary)**

NCJ Regulation governs the complaints procedure to be followed by all parties in the dispute. A complaint can be submitted by the plaintiff to the president of the county court supervising the functioning of the court or judge.

**7. Complaints procedure (Lithuania)**

Every person has the right to submit a complaint in respect of the non-procedural actions unrelated to the administration of justice to the Judicial Council, Chairman of the Court and the Judicial Ethics and Discipline Commission.

The Judicial Council, the Judicial Ethics and Discipline Commission, the Chairman of the court where a judge is employed or the Chairman of any court of a higher level or other persons knowledgeable of the action provided for in part 2 of Article 83 of the Law on Courts, has the right to make a motion for instituting a disciplinary action. The petition for bringing a disciplinary action against the judge has to be submitted to the Judicial Ethics and Discipline Commission. In case the Judicial Ethics and Discipline Commission accepts to institute a disciplinary action against the judge, the instituted disciplinary action shall be transferred to the Judicial Court of Honour, which makes the final decision. It must be noted that a decision of the Judicial Court of Honor can be appealed to the Supreme Court.

**8. Complaints Procedure (Netherlands)**

The procedure is uniform for all courts and designed to handle and register complaints about how judges, support staff and the court as a whole operate. Complaints may be about the treatment by court officials, alleged procedural errors or delayed court hearings. The uniform registry of complaints makes it possible to identify and find solutions to structural problems, and work at improvement of the organization of the court and its service to the public.

The courts have a standard complaints procedure. Information about the procedure is distributed to the public through a brochure, the website of each court and personally via the court staff. The Council for the Judiciary is creating a digital complaints form that is designed as a tree diagram in which clients can discover which complaints are dismissed and which ones are allowed. If the complaint is valid, it can be filled out on the website. Information about the number of complaints and the percentage of valid complaints of each court is part of the annual report of indicators. Clients and lawyers who want to complain receive the necessary information. The annual report of indicators is available to politics and society. Information is part of the work flow, but information about the procedure can be published on request.

**9. Complaints Procedure (Romania)**

Complaints about treatment of litigants by court officials, delayed court hearings or the attitude of judges and prosecutors may be addressed to the presidents of the courts and the head prosecutors of the prosecutors' offices or may be sent to the Superior Council of Magistracy, in which case the Judicial Inspection will make the necessary verifications. Petitions registered at the courts and prosecutors' offices are to be solved in due time by the Public Relations and Information Office, which was introduced at every judicial institution.

The Public Relations and Information Office is obliged to inform the plaintiff about the measures taken.

**10. Complaints Procedure (Slovenia)**

Beside the remedies against the court decisions, a party who believes that a court is taking too much time in resolving a case can address an appeal to the president of the court in which the case is being heard. An appeal can also be filed at the Ombudsman and the Ombudsman can propose the supervision to the President of the competent Court. The President performs an Official Supervision of the Judge's Work and he has the right to order the judge that he/she should solve the party's case on priority basis, of course only if it was ascertained in the supervisory appeal proceedings that the party's right to a decision-making without undue delay was endangered or violated.

## 5. Peer Review

### 1. Peer review (Denmark)

In 2004, the district court of Copenhagen carried out a pilot project on the quality of legal opinions and the conduct of court proceedings. A working group defined several quality indicators and then conducted a survey measuring at what level the quality indicators drawn out by the working group were present in both legal opinions and during court proceedings. The survey was carried out by judges from the district court of Copenhagen itself. The judges of the court set up quality groups and a representative from one group then reviewed the legal opinions and attended the court hearings of judges from another group. A report describing the project is available on the homepage of The Courts of Denmark.

### 2. Peer Review (Germany)

There is no peer review by a higher court or ministry of the work of a lower court. Due to judges' independence, their work and the courts are not controlled or supervised. Only the appeals are heard at the higher court. This means they have a practical view but not a regulated formal view of the work of a lower court. The president of the highest court in each federal state is responsible for the organization of the courts and therefore has the right to access all the information about the court in order to give him material as required. If a specific judicial problem is current, the higher courts will often ask the other courts for their empirical experiences on this topic. Normally the courts answer these questions. The peer review mentioned in the report is not available to the public. It is for internal use only (no transparency).

### 3. Peer review (Netherlands)

Peer review primarily aims to improve the functioning of individual judges, and focuses on behavioural aspects rather than judicial aspects. It contributes to a more open culture within the profession, in which individual performance in the court room can be discussed and improved upon. Peer review can take place in different ways, one being the camera method where the court hearing is recorded and discussed with the judge afterwards. For more information, see paragraph 4.5 of the report.

General information is published on the internal website of the Judiciary. Information about the way courts deal with peer review is not available to the public but is part of the annual report of a court. Courts are responsible for implementing peer review and they can require the information they need. Courts exchange experiences with other courts. The annual report of a court is distributed to the Council for the Judiciary.

## 6. Processing Times and Working Procedures

### 1. Duration of proceedings (Austria)

There is a databased information system about the duration of proceedings (civil and criminal). Background: the workload and the main steps of the proceedings of the courts are recorded via IT.

### 2. Objectives for case processing time (Denmark)

Representatives of the district courts and the court administration lay down common objectives for case processing time at the district courts. The actual case processing time is later announced in the annual report of each district court. This report also shows the productivity of the court and the productivity of judges, deputy judges and clerical staff respectively. Productivity is calculated by comparing the number of decided cases with the number of full-time equivalents at the court. The statistics department of the Court Administration is responsible for the gathering of the necessary information from the courts and the making of the annual reports. The Supreme Court and the high courts set their own objectives. The annual report, case processing time and related matters are often discussed during the seminar for court presidents mentioned below.

From 2009, the annual report will be published on each court's homepage. The Danish Court Administration publishes statistics for all courts collectively concerning the objectives, the number of cases received and processed etc. every six months.

### 3. Joint committee on working procedures (Denmark)

In 2006 a joint committee on working procedures in the courts with members representing prosecutors, the police, lawyers, judges, deputy judges, the medico-legal council and others was created. The joint committee sets up working groups on matters, where more parties are responsible for the momentum in a case. As an example, a group is currently working on a thorough description of the workflow in a specific type of criminal cases. The purpose of this is to eliminate unnecessary working procedures in order to shorten case processing time. A description of the joint committee and its work is available on the homepage of The Courts of Denmark where information about specific initiatives taken by the committee is also available.

### 4. Best practice consultants (Denmark)

A best practice team consisting of employees working both as process consultants and as ordinary court employees has been created. The task of the best practice team is to observe working procedures, propose new ways to work, gather information, and secure knowledge sharing. Information about working procedures and the work of the best practice team is available on the intranet of The Courts of Denmark. Due to the workload connected with the implementing of the court reform, only one best practice consultant is functioning at the moment, but an additional number of consultants will start working in the spring of 2009. Best practice consultants are employed by the Court Administration, but have their offices in different district courts around Denmark. Best practice consultants are offered training in different areas, e.g. as process consultants and lean managers.

### 5. Processing Times and Working Procedures (Germany)

Each year every Ministry of Justice in all federal states publishes an annual report on the number of fair trials, the lengths of trials and any special points. It does not provide the details of every court and judge individually. The report is a summary. Every citizen is entitled to read this report, but

doesn't get information on the work of individual courts or judges. Data information systems, including data about working procedures, are not available. Due to his/her independence, each judge has the right to find his/her own procedure, staying within the parameters of the processing procedures.

**6. Processing times and Working Procedures (Hungary)**

Legal provision requires that judges process court cases within a reasonable period of time. In case of non-compliance, parties in the procedure may lodge a complaint. Court presidents have to regularly report to the NCJ on the number and nature of cases open for more than two years. The number of overdue cases has significantly decreased all over the country in recent years.

**7. Processing times and working procedures (Lithuania)**

A list of cases in which lasted the hearing lasted longer than one year, is sent to the higher administrative control body and the National Courts Administration, and at the request of the Judicial Council – to the Judicial Council. Upon the direction of the Judicial Council, the National Courts Administration generalises the reasons why the investigation of the cases took longer than 1 year and submits the conclusions to the Judicial Council.

**8. Indicators (the Netherlands)**

Every year, the Council for the Judiciary publishes a number of indicators per court specifying the quality of the judgments, productivity, finance, organization and latest developments. These indicators come with an analysis per court and comparisons with other courts. It is one of the resources which the Council gives politicians and society to provide insight into the function and functioning of the judiciary system. These indicators can also be used for discussion purposes and as basis for agreements in the consultations between the Council and individual courts.

The Council for the Judiciary publishes an annual report with a set of indicators about the courts and also the progress within the courts in relation to the indicators. This is public information. The information is destined for the courts, but also for politicians and society. Information is part of the workflow.

**9. Processing times (The Netherlands)**

For society as a whole, the time needed to complete legal proceedings is seen as an essential aspect of the performance of the judicial system, and the Council for the Judiciary therefore publishes the average duration of 33 types of judicial proceedings in a range of various courts. The duration of 27 proceedings are published as indicator per court.

As of 2009, publications (over 2008) will indicate which percentage of the cases has been completed within a certain standard period. The Council has made separate agreements with the individual courts on the scope for improvement and for achieving that standard time.

The courts have to report about all the processing times to the Council. The processing times of each court are part of the indicators and therefore a summary of the progress of the processing times is mentioned in the annual report about the indicators. The progress on all processing times is available to the Council; a summary is available to the public.

**10. Processing times (Romania)**

Through an IT-system called ECRIS, developed by the Ministry of Justice and the Courts, that has an interface on the courts' portal (placed on the website of the Ministry of Justice: <http://portal.just.ro/>), the status of all cases (first instance, appeal, second appeal, number and dates of court sessions, minutes of court sessions, final verdict) from all the courts in Romania (except the High Court of Cassation and Justice) can be verified by the litigants in

the case and by other interested persons, such as court presidents, inspection bodies, etc., by searching the number of a certain case or by viewing the list of cases for a certain judge. Thus it is possible to see how long it took a judge (first instance) or a panel of judges (appeal and second appeal) to solve a case: from the date of case registration to a certain court until the date of the final verdict.

#### **11. Collection of statistical data (Romania)**

Through the Statistical Office, the Superior Council of Magistracy regularly collects data on various aspects related to the activity of the judiciary, such as the number of cases dealt with by the courts and prosecutors' offices, the personnel schemes and vacancies at courts and prosecutors' offices and the effective workload per judge/prosecutor compared to the average workload per judge/prosecutor. Judicial statistics are used as an instrument to assess the activity of the courts and prosecutors' offices and length of the proceedings. Statistical data is used to fundament the reports on justice elaborated annually by the Superior Council of Magistracy on quantitative and qualitative aspects such as the number of cases registered at the courts, efficiency of the courts/prosecutors' offices from all levels of jurisdiction, workload of each judge/prosecutor from all levels or jurisdiction, statistics on evolution of criminality, number of appealed decisions (number of first instance decisions against the number of appealed decisions) according to the jurisdiction levels, percentages of totally quashed/partially quashed decisions, appreciations of the courts and prosecutors' offices on the causes for quashing first instance decisions in appeal or second appeal, length of proceedings, etc.

#### **12. Processing Times and Working Procedures (Slovenia)**

Slovenia has a data-based information system including the data about the processing times and working procedures. The problem of judicial backlogs is probably the biggest problem that the Slovenian judiciary faces. Following the requirements of the judgments by the ECHR, a specific law regulating a system of efficient legal remedies for providing the right to trial without undue delay and the right to compensation due to the violation of the right to trial without undue delay has been adopted ('Act on the protection of the right to trial without undue delay').

## **7. Training**

### **1. Training of judges and other employees (Austria)**

Networking between employees with similar tasks is actively supported by the arrangement of regular seminars, meetings, etc. It differs at which level the networking takes place. Some seminars are arranged by the Court Administration, while others are arranged at a local level or even by the Judges' Association.

### **2. Training (Bulgaria)**

Within the Superior Judicial Council there is established the National Institute of Justice (NIJ). The NIJ is a public institution for training the personnel of the judiciary. The primary goal of the NIJ is the improvement of the qualification of magistrates and judicial employees/servants, as well as the collection, processing and distribution of information needed for the training and for performing the functions of the European Documentary centre. The National Institute of Justice carries out:

a) the obligatory initial training;

b) the maintaining and improvement of the qualifications of judges, prosecutors and investigators, state enforcement judges, judges for registration, judicial employees, inspectors within the Inspectorate with the Minister of Justice and other employees of the Ministry of Justice.

There is a training information centre at the NIJ. This centre organizes distance training and performs a research and an examination of the judicial practice, needed for the training.

Immediately after entering on their duties the junior judges, junior prosecutors and junior investigators attend an obligatory initial training course in the NIJ. The training course lasts six months. At the end of the training the junior judges, junior prosecutors and junior investigators take an examination. The participation of the judicial employees in the relevant qualification courses of the NIJ is considered for their promotion.

The Supreme Judicial Council can decide for certain courses to be obligatory for judges, prosecutors, investigators and judicial employees in cases of: 1. promotion; 2. appointment as administrative manager; 3. specialization.

### **3. Networking (Denmark)**

Networking between employees with similar tasks is actively supported by the arrangement of regular seminars, meetings, etc. It differs at which level the networking takes place. Some seminars are arranged by the Court Administration while others are arranged at a local level or even by the unions.

### **4. Training (Germany)**

All the federal German states jointly founded the German Academy of Judges (Deutsche Richterakademie) with two academies, one in Trier and one in Wustrau. The judges and prosecutors have the right and the opportunity to participate in courses there. There are similar academies for judges and prosecutors in each federal state. These courses are not mandatory at present but are nonetheless very popular.

### **5. Training programme (Hungary)**

In Hungary, training for judges is centralized within the Office of the National Council of Justice. Since the 1st of September 2006, the Hungarian Judicial Academy (HJA), which is governed by the NCJ, has been established for the purposes of providing judicial training. Relying on the Academy's institutional potential, its main objective is to support the

efficient functioning of the courts with a scientific and educational centre of the highest European standards. The Academy's curriculum includes the initial training of court secretaries and continuous training of judges, as well as training of court personnel. The HJA also serves as an information and documentation centre as well. It develops and coordinates theoretical and practical training programmes (3-5 days in length). It provides continuous training for experienced judges in the form of standard programmes, conferences, seminars generally focusing on new legislation (including EU law), as well as training in judicial, interpretative and managerial skills for court presidents and vice-presidents.

#### **6. Training (Latvia)**

An annual training programme for judges and court staff is developed. Initial training for judges is being provided who are starting to perform their tasks of judge. Regular training is provided for all judges depending on the length of service as well as the occasional training that is related to some specific issues. The trainings are provided by the Latvian Judicial Training centre, who gives the feedback to the Court Administration. First steps to e-learning are being developed by the project financed by European Refugee Fund. There will be developed electronic training materials for court interpreters for helping them to study the Russian language. This will be an important tool for improving the e-learning in general.

An annual training programme for judges and court staff is developed, providing initial training for judges who are starting to perform their tasks of judge, regular training for all judges depending on the length of service as well as the occasional training related to some specific issues. The training is provided by the Latvian Judicial Training centre, who gives the feedback to the Court Administration. First steps to e-learning are being developed by the project financed by European Refugee Fund. Electronic training materials for court interpreters will be developed to help them to study the Russian language. This will be an important tool for improving the e-learning in general.

#### **7. Training (Lithuania)**

The Ministry of Justice and the Judicial Council are responsible for the organization of training of judges, the development of training programmes and methodological materials. Programmes for training of judges, regulations on training tests, schedules, types of training, its scope and financing and other teaching-related documents are approved by the Minister of Justice subject to the approval of the Judicial Council. The Judicial Council approves the regulations of organizing the training of judges, the training programmes, the annual plans for improving the qualifications and qualification requirements to the lecturers.

#### **8. Judicial Training Centre (The Netherlands)**

The SSR (Dutch Training and Study Centre for the Judiciary) provides initial training for future judges and public prosecutors. The SSR also plays a major role in the continuous education of judges or public prosecutors. In addition, it provides training and continuous education for legal and support staff, including secretaries, at the courts and public prosecutors offices. The SSR offers an extensive range of courses covering judicial matters, but it also offers courses to train management and other professional skills.

The courses of the Judicial Training Centre are mentioned on the website of this organization. Information is also spread to the courts by presentations, meetings and book reports. The information is for the courts. They want to see what kind of courses the judges can follow or how they can fulfil the quality standard of permanent education. The training centre publishes its information through various ways, but also responds on request when a court wants a specific training.

## **9. Permanent education (The Netherlands)**

Promoting a professional approach is an important subject for the judicial system. Besides substantive legal quality (i.e. knowledge) this theme includes skills, attitudes and experiences of judges and legal support staff. To ensure the expertise of judges and legal support staff, a national standard for continuing education has been fixed. This is 30 hours a year for a judge and legal support worker and applies from 1 January 2009.

Permanent education means education for the purpose of maintaining and increasing knowledge and skills needed for the present position. The 30-hour standard can be achieved by attending both legal knowledge courses and skills training workshops. Permanent education does not include management training courses or the initial education designed to equip a person to become a judge or legal support worker. Compliance with the standard is recorded annually and evaluated in an interview with the department head of the person concerned.

General information about this quality standard (thirty hours education for each judge and each judicial employee) is listed on the external website ([rechtspraak.nl](http://rechtspraak.nl)) and more extensively in a specific report. Each year, courts have to report to the Council for the Judiciary about the progress of implementing this quality standard. The Council helps and informs the courts on how to implement this standard. Information on the progress of implementing this quality standard will be part of the next annual report of indicators. In this way the information is available to the public.

## **10. Professional training of judges and prosecutors (Romania)**

Upon the proposal of the National Institute of Magistracy (NIM), the Superior Council of Magistracy approves, annually, the programme for the initial training of the auditors of justice (students at the NIM who follow a two-year theoretical and practical training) and the programme for the continuous professional training of magistrates (the program contains data on the calendar of the seminars, the themes of the seminars, location, number of participants etc.).

Continuous professional training is organized, at central level, by the NIM and, at a local level, by the courts of appeal, under the coordination of the NIM.

In order to improve the access of magistrates to continuous professional training, the approved training programmes are published on the NIM website on a permanent basis ([www.inm-lex.ro/index.php?MenuID=4](http://www.inm-lex.ro/index.php?MenuID=4)). The initial training, the curricula, the training plan, training materials, the list of trainers, etc. are posted on the NIM website ([www.inm-lex.ro/index.php?MenuID=3](http://www.inm-lex.ro/index.php?MenuID=3)). The NIM also advertises through its website possibilities for internships abroad for magistrates, EJTN programmes, etc. Training information brochures will be distributed to all judges and prosecutors of Romania, to impart knowledge about the NIM training programmes, including decentralized training.

## **11. Training (Slovenia)**

The Minister competent for justice founded the Centre for Education in the Judiciary (CEJ) that provides the regular professional training for the judges and training for the work in the judiciary. The CEJ also conducts the training of judicial trainees, organises and arranges the conduct of the lawyers' state exam and publishes professional publications.

## 8. Quality Assessment and Judicial Quality

### 1. Assuring quality by monitoring or auditing: the Internal Revision (Austria)

In Austria, courts undergo 'Innere Revision' – internal revision – every five to seven years. This internal revision is realised by judges (and not by external experts) and concerns the court as a whole entity.

### 2. Introduce corporate values (also called positive deontology) (Belgium)

The point of departure is the idea that the judicial system is a service provider to citizens and society. A presentation memo was drawn up and sent to all magistrates, presidents of the Bar Council and members of the High Council with the request to communicate their possible reactions to the memo. In the autumn of 2007, ideas were exchanged in this regard per region between magistrates and interested parties (including lawyers and civil society). All ideas will be bundled in a report that will be presented and discussed at a colloquium in May 2008.

### 3. Quality Assessment (Bulgaria)

The common criteria for evaluation of judges, prosecutors or investigators are: number, type, complexity and workload of the cases; respect of terms; number of confirmed and repealed court acts and the reasons for that; comprehensible and well-founded grounds of the court acts; results from the check-up of the Inspectorate within the SJC; incentives and sanctions during the period for which the evaluation is done; respect of the regulations for the professional ethics of judges, prosecutors and investigators.

In the evaluation procedure, the overall workload of the specific judicial district and body, as well as the workload for the person being evaluated in comparison to others in the same judicial body it is taken into consideration are taken into consideration. The specific criteria for evaluation of judges are: keeping the schedule for court hearings; skills for leading court hearings and preparing minutes. The specific criteria for evaluation of prosecutors are: skills for planning and structuring of the pre-trial and trial judiciary proceedings; fulfilment of the written guidelines and orders of the superior prosecutor; ability to organize work and lead the investigative bodies and teams that participate in the pre-trial judiciary proceedings. There are criteria to evaluate the management positions, which are: team work ability and allocation of tasks to team members; ability for decision-making; representability. Indicators for measuring representability are: behaviour that enhances the authority/prestige of the judicial power; skills for communication with other state bodies, citizens and legal persons.

### 4. Evaluation of the Quality of Adjudication in Courts of Law (Finland)

The Quality principles and Benchmarks proposed by the Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi will form a basis for the quality work of for future years, as well as for the monitoring and developments in quality. The Quality Benchmarks consist of six fields of assessment, which comprise a total of 40 quality criteria, as follows: 1. procedure (9 criteria); 2. judgment (7 criteria); 3) treatment of the parties and other participants in the proceedings (6 criteria); 4. promptness of the proceedings (4 criteria); 5) professional skill and competence of the judge (6 criteria); and 6) organization and management of adjudication (8 criteria). The Benchmarks are published in English, Finnish, French and Swedish (English version Evaluation of the Quality of Adjudication in Courts of Law, March 2006, ISBN 951-53-2874-8). For further information, contact Chief

Judge of the District Court of Oulu Harri Mäkinen or Judge Antti Savela (see contact details on p. 40 of the Register).

**5. The Quality Projects of the Courts in the Jurisdictions of the Court of Appeal of Rovaniemi and the Court of Appeal of Helsinki and the Quality Project of the District Courts of Central Finland**

The objective of these quality projects is to develop the functioning of the courts so that the proceedings meet the strictest criteria of fairness, that the decisions are well reasoned and justified, and so that the services provided by the court are affordable to the individual customers. The main working method consists of systematic discussion among the judges and between the judges and the stakeholders. Working Groups for Quality are set up for each year; the membership consists of judges from each of the District Courts, members of the Court of Appeal, and referendaries of the Court of Appeal. Also prosecutors, advocates and public legal aid attorneys may participate to the Working Groups for Quality. The selection of the annual development themes is finalized during the annual Quality Conference, attended by the judges in the jurisdiction. Each Working Group for Quality maps out the problems relevant to the theme, looks into practices adopted in the different District Courts, defines a procedure that can be mutually accepted, and makes a proposal for the harmonization of the court practices. The reports of the Working Groups for Quality are presented at the Quality Conference.

**6. External supervision (Hungary)**

On the occasion of its 10<sup>th</sup> anniversary, the National Council of Justice (NCJ) has asked three leading universities to carry out an external supervision analysis on the functioning of the court system. The findings in the three reports are to be discussed by the NCJ and the Parliament's constitutional affairs committee. Legislation provides for the freedom of research for scientific purposes. The NCJ regularly authorises research by members of academia. Findings are published and debated in professional journals and fora.

**7. Analysis of jurisprudence (Hungary)**

In order to ensure uniform application of law, presidents of upper courts analyse randomly selected case files. Findings are discussed under the coordination of the Supreme Court and published with the aim of orienting the judges in their work.

**8. Evaluation of judges (Lithuania)**

The Permanent Commission for the Assessment of Judges' Activities performs the periodical and extraordinary assessment of judges' activities, taking into account the principle of the judicial independence.

The first periodical assessment of the judge's activities shall be held after a lapse of three years following his appointment to judicial office and after that every five years after the first assessment.

The extraordinary assessment of the judge's activities shall be carried out when deciding on the promotion of the judge or on his appointment for a new term of office, on the request of the judge himself or when the judge's weaknesses have been determined more than twice under the control procedure of the administrative activities. The extraordinary assessment of the judge's activities (except on the request of the judge himself or when the judge's weaknesses have been determined more than twice) shall be held when more than three years have passed after his assessment.

### **9. Visitation (Netherlands)**

Approximately every four years a visitation takes place, the first one having taken place in 2006. The objective of the visitation is to assess the quality of all the courts individually and as a whole in seven different areas: impartiality and integrity of judges, expertise of judges, personal interaction with litigants, unity of law, speed and proceeding on time, external orientation and the development of the quality system itself. It consists of a self-assessment by the courts, the filling out of a questionnaire and a consultation by the visitation committee. The results of the visitation are communicated in the form of a public overall report and confidential management letters to the individual courts.

A visitation is held every four years. Its primary goal is internal improvement and external communication to society about the quality of the courts. It results in a confidential report for each court and a general report for the media/ the public. Information about the visitation process is available to everyone. General information, such as common results about the functioning of the courts, is published in the media. Specific information about the courts is only for the courts. Information is part of the workflow.

### **10. Improving the substantiation of criminal judgements (Netherlands)**

The Dutch judiciary has started working with a new model for the substantiation of criminal judgements. With this model, criminal judgements are worked out in such a way that those involved in the case, as well as society, have more insight into the reasoning behind that judgement. Judgements become more understandable to the public, leading to increased confidence in the judiciary.

The substantiation of criminal judgement is improved for those involved in the case. In this way, litigants have more insight into the reasoning behind the judgements. The results of implementing Promis are published each year to the Council of judiciary. The progress of Promis is available to the Council. The information is part of the work flow.

### **11. Professional evaluation (Romania)**

The Council is actively involved in the evaluation procedure for judges and prosecutors, which takes place every 3 years. The Council adopted the Regulation on the evaluation of the professional activity of judges and prosecutors and the corresponding Guide, appoints the members of the evaluation commissions and may also revoke them (for not fulfilling their legal attributions). The complaints against the qualifications awarded by the evaluation commissions are handled by the judges or the prosecutors' section of the Superior Council of Magistracy (SCM), whose decisions can be disputed at the Plenum of the SCM, whose judgement is final.

For the use of the evaluators and for reasons of transparency, the regulations presented above on the evaluation procedure are posted on the website of the SCM:

<http://www.csm1909.ro/index.php?cmd+0702>

After all the evaluation reports have been submitted to the SCM (deadline is 15<sup>th</sup> of March 2009), the results of the evaluation will be announced to the media.

### **12. Recruitment and promotion of magistrates (Romania)**

The Council is responsible for the recruitment and career advancement (access to higher courts) of magistrates. The Plenum of the Superior Council of Magistracy (SCM) approves the regulations for the exams of admission to magistracy, for the promotion of judges and prosecutors (access to higher courts and prosecutors offices) to executive functions and leading positions, the exam bibliography, the calendar of the exams and appoints the members of the examination commissions (organizing commissions, the commission on drafting the tests, the commission for handling the complaints, etc.).

The procedures for the recruitment and promotion of magistrates are transparent and public: announcements are made public on the websites of the SCM and the National Institute of Magistracy (NIM) (if admission is done through the NIM examination), at least one national circulation newspaper. The bibliography and calendar for examinations are announced, as well as the number of positions and the eligibility criteria. For this purpose, the SCM has elaborated Regulations for the organization of the exams, which are handed to applicants when submitting their candidacies and are also available on the website of the SCM at the Legislation section. As far as admission to the NIM is concerned, the website of the NIM ([www.inm-lex.ro](http://www.inm-lex.ro)) displays the tests and correct answers to them given in previous years.

### **13. Secondary legislation (Romania)**

On a permanent basis, the Council elaborates procedures in various domains under its competency, through regulations (such as the Regulation on the Interior Order of the Courts, encompassing the rules on the efficient activities of the courts) and guides. So far, eight Guides have been elaborated and adopted, in the following areas: the evaluation of the professional activity of judges and prosecutors, the procedural acts used by the courts and prosecutors' offices, four Guides on the activity of the Judicial Inspection, good practices for the cooperation between courts, prosecutors' offices and the media, and information guides for litigants. The application of secondary legislation is monitored permanently and the deficiencies appeared in practice are eliminated by subsequent amendments to the regulations and guides. The secondary legislation thus elaborated, besides being published in the Official Monitor, if of interest to persons outside the Council is also made available on the website of the SCM at the Legislation section: [www.csm1909.ro/csm/index.php?cmd=0702](http://www.csm1909.ro/csm/index.php?cmd=0702).

### **14. Quality of judicial decisions (Romania)**

In Romania, the quality of judicial decisions is an important indicator for measuring the quality of the activity of judges within the professional evaluation procedure of magistrates. The evaluators will select ten decisions per year for every judge on the basis of the judge's activity in every month of the year. For more information, see paragraph 4.8 of the 2008 report.

Through an IT-system called ECRIS, the orders of the courts (final verdict and session minutes) are available on the website of every court, in a special section called Case Records. Any interested person who knows the number of the case may thus read the minutes of all sessions and final verdict of the court (in short).

### **15. Quality Assessment and Judicial Quality (Slovenia)**

The evaluation and monitoring of the court system is mainly based on the evaluation of judges' work and linked to career and salary progression. Rules and criteria used to evaluate individual judges' productivity and quality are also applied to monitor the court work as a whole. Courts are required to prepare activity reports for each quarter of the year, in which they evaluate the compliance with the operational programmes, set by the presidents of courts right after the adoption of the Lukenda Project (programme of measures for the elimination of backlogs till 2010).

A court of higher instance may request from a court of lower instance in its territory the data related to the application of statutes, data on problems arising during adjudication, and other data necessary to examine particular issues, which occur during its work. A court of higher instance may review the work of a court of lower instance in its territory.

The president of the court and the immediately superior court can conduct official supervision of judges' work. Official supervision shall comprise all the measures necessary for determining the

fulfilment of judicial duties pursuant to law and the court rules and for eliminating the causes of inappropriate volume, quality and expertise of work and backlogs in work. Within the framework of official supervision the files of all cases assigned to the judge and all cases in which a final ruling has already been issued shall be inspected, information on the judge's work shall be obtained and analysed, and an interview with the judge shall be held.

## 9. Staff Evaluation

### 1. Staff evaluation (Denmark)

A staff evaluation study is carried out on a regular basis next time in 2008.

As a part of the HR-policy of The Courts of Denmark, all employees except judges are offered a development dialogue with his or her immediate superior every year. It is recommended to book 1-2 hours for the meeting between the employee and his or her superior. The purpose of the development dialogue is not only to evaluate the year passed, but also to look forward and discuss the future, for example how the employee might improve his or her performance, what kind of training the employee needs, if the employee should try another position within the courts or perhaps even outside the courts. A staff evaluation study is carried out on a regular basis next time in 2008. The result of the evaluation will be published on the intranet of The Courts of Denmark.

### 2. Evaluation of the court employees at the courts in Hungary

The employer – from the president of the county court to the president of the Supreme Court – is under the obligation to continuously evaluate the work of the court employees. The court employee must be evaluated in written form after three years from his/her appointment and after his first evaluation every six years. Besides, an extraordinary evaluation takes place before the appointment of a trainee judge to a court secretary, at the application for a judge position of a court secretary and before the appointment of a court leader for indefinite time.

### 3. Staff evaluation (Lithuania)

The Law on public service defines the procedure of evaluation of public servants. The purpose of the evaluation is to annually evaluate qualification and abilities of a public servant to fulfil the functions established in the description of the position. The activities of the public servants are evaluated annually if a public servant fulfils the duties in the institution longer than 6 months per year. The direct superior of the public servant evaluates the performance of public servants. In case the direct superior evaluates the performance of a public servant as outstanding, satisfactory or unsatisfactory, the performance of the public servant will be evaluated by the evaluation commission. The uncommon evaluation is also foreseen by the Law on public service.

### 4. Staff evaluation study (Netherlands)

Once every four years, a staff evaluation study is held in the courts, in which the satisfaction of the court staff is measured. Subjects on which these surveys have often focussed in past years are leadership style, developing skills, pressure of work, developing expertise and the quality of the output. The courts use this survey to obtain systematic feedback from employees on the most important subjects affecting their organization.

A report with the aggregated results and an analysis thereof is drafted once every two years and for example discusses the trend in the figures, i.e. indicates the development in the employee evaluations. The Council then uses these aggregated results to formulate the Strategic Agenda.

The general report, which focuses on evaluation studies of the last three years, is sent to the courts, spread at meetings of the judiciary. The evaluation study is held once every four years at a court, the general report is published once every three years. The general reports are available to the courts. The specific reports are only for the courts where the study was

held. The general and specific reports are published by Prisma – the external office for quality of the Judiciary and part of their workflow.

## 10. Client Evaluation

### 1. Client evaluation (Austria)

From time to time there are public opinion polls and “exit polls” (questioning of persons leaving court buildings).

### 2. Promoting the dialogue between the judiciary and civil society (Belgium)

Project goal: promoting mutual learning by reinforcing the dialogue between the judiciary and society. A database of community-based organizations is being developed. In a first phase, round-table discussions are regularly being held with the organizations dealing with victim assistance and alternative punishment. Workshops/colloquia will be held later on, about the ideas that were put forward.

### 3. Systematically conduct the Justice Barometer (Belgium)

Project goal: to systematically conduct this public opinion survey and improve the quality and the use of such measuring instruments.

The 2007 results were compared to those from 2003, published and discussed at a workshop (21 September 2007).

### 4. Client evaluation (Denmark)

Citizens, lawyers, prosecutors and other key stakeholders are also asked for their opinion on the Courts of Denmark on a regular basis. This is done by a survey carried out by a rating-agency. The survey is carried out during a specific one or two week period where citizens appearing in court are asked to fill out a questionnaire either in writing or electronically. The last survey was carried out in 2005. It showed that 91% of the participants were either satisfied or very satisfied with the courts in general. The next survey is planned for spring 2009. In addition to a questionnaire, this survey will also include interviews with a number of focus groups. The results of the client evaluation as well as information about which measures will be taken to meet the issues raised by the focus groups are published on the homepage of The Courts of Denmark.

### 5. Client evaluation (Hungary)

A poll ordered by the National Council of Justice (NCJ) is held among litigants, lawyers and judges. Also, satisfaction with the courts in society is important.

### 6. Behaviour of judges in the court rooms (Hungary)

The curriculum of basic training for trainee judges and court secretaries, and the initial training for the newly appointed judges include courses on psychological, behavioural and hearing management issues. Subjects include dissemination of knowledge on how to fight corruption attempts during hearings.

### 7. Client evaluation (Lithuania)

In order to improve the activities of the Supreme Administrative Court of Lithuania, an anonymous questionnaire was introduced, which persons are able to fill in via the internet or download via the site [www.lvat.lt](http://www.lvat.lt) and send by post.

**8. Client evaluation study (Netherlands)**

Once every four years, a client evaluation study is held in the courts, in which the satisfaction of the different stakeholders is measured. Stakeholders include professionals, such as lawyers, and litigants. They are asked about their satisfaction regarding such things as the way in which they were treated by the judge, the clarity of the judgement and the waiting room facilities. The results of the evaluation study sometimes lead to the setting up of a client panel in order to get a clearer view of a problem and its possible solutions. In a client panel, various clients of the court take part and provide advice on a specific issue that came up in the client evaluation study.

A summary of the client evaluation study is part of the annual report about the indicators. The general report, which focuses on evaluation studies of the last three years, is sent to the courts, spread at meetings for the judiciary and published on the Judiciary's external website. The evaluation study is held once every four years at a court, the general report is published once every three years. Several courts organise discussion groups with civil society and for example talk with them about the results of the client evaluation. The general reports are available to everyone. The specific reports are only for the courts where the study was held. Some courts decide to make a press release about the evaluation study. The general and specific reports are published by Prisma – the external office for quality of the Judiciary and part of the workflow.

**9. Client evaluation study (Romania)**

A client evaluation study was done in 2006 at eight courts from all levels of jurisdiction and its results were comprised in the Jesper Wittrup report on the system of measurement and monitoring the judicial performance in Romania. Four questions were asked: whether the judges proved professional experience and knowledge of law, whether the litigants and those interviewed are generally satisfied with the activity of the courts, whether cases are handled rapidly and efficiently, and whether the courts are endowed with adequate space and clean facilities (the report is available in Romanian at: [www.alexandrina-radulescu-csm.ro/docs/raport-jesper-wittrup-final.pdf](http://www.alexandrina-radulescu-csm.ro/docs/raport-jesper-wittrup-final.pdf)).

**10. Study on the perception of independence (Romania)**

Annually, a study is carried out by Transparency International Romania with regard to the magistrates' perception on the independence of the judiciary. The themes of the study are divided into five categories: independence of justice, sources of influences on the independence, situations that negatively affect independence, vulnerabilities of the judiciary and perception on the guarantees for the independence of magistrates while exercising their attributions. The questions are addressed to magistrates. The results of the study are made public through press releases and are also comprised in a distinct chapter of the annual justice report issued by the Council.

## 11. Management Information, Auditing and Reporting

### 1. Visitation (Austria)

As from the 1990s, a visitation (also called 'audit', 'internal revision'; in German: 'Visitation' or 'Innere Revision') takes place every four to seven years in every court. The objective of the visitation is stated in a 'handbook' ('Handbuch der Visitation') containing a rather elaborate checklist dealing eg. with 'judiciary', 'duration', 'building', 'files', 'management' and 'training'.

These 'visitations' are done by senior judges from other (neighbouring) courts.

### 2. Develop internal auditing for the judicial system (Belgium)

In this project, a methodology is being developed for internal auditing (that essentially comes down to a methodology that makes it possible to identify the risks in the management of the processes with a view toward the objectives that the court or the public prosecutor's office wishes to achieve). Management within the judicial system is strengthened by developing such a methodology and due to the fact that the results (recommendations) are intended for the audited party itself. This methodology could be implemented over time in the field by, for example, establishing an internal audit department for the judicial system.

### 3. Strengthening the judiciary's internal control system (Belgium)

From the point of view of achieving the objectives by the judicial system: to determine how management can be supported to itself, and to take the initiative to improve risk management in the execution of the management and operational activities within the judicial system.

### 4. Improve the judicial system's internal and external reporting (Belgium)

With respect to internal reporting: to support the judicial system in providing result-oriented information to the right person/team at the appropriate moment within the organization in order to manage the processes, and to help the judicial system uniformly and to transparently report externally to society concerning its activity and objectives.

### 5. Establishment of an audit department within the High Council of Justice (Belgium)

Objective: install the basis for developing a professional audit system for the judicial system. An audit team was formed in the spring of 2006. This project is affiliated with the projects 'Develop internal auditing for judicial system' and 'Strengthening the judiciary's internal control system'.

### 6. Management information (Bulgaria)

According to the Law on the Judiciary, the acts of the courts are published on the website of the relevant court in observation of the Law on Personal Data Protection and the Law on Classified Information Protection. The acts on cases that concern the civil and health status of persons are published without the grounds for the act. Statistical data are collected and published by the Supreme Judicial Council on the internet site of the Supreme Judicial Council: tables of summarized statistical data on various indicators (workload, complaints for delays, civil, criminal, etc.) for the courts' activities; information on the set-up and progress of the cases in the prosecutor office.

### 7. Management information system (Denmark)

Each district court has access to standardised and updated management information on case processing time, number of cases, number of employees, absenteeism etc. The template for presenting the management information is made available by the statistics department of the Court Administration. The statistic department also offers support on how to use the template and the information gathered. Each court is responsible for the gathering of information concerning the court itself. Some of the information gathered is eventually reported to the court administration in order to make it possible for the Court Administration to make nationwide statistics, other parts of the information gathered is for use only in the court itself and can be used at the discretion of the president. How the courts use the information varies. The Court Administration does not impose a specific way of using management information but offers advice and makes sure that the use of management information is discussed on seminars etc.

#### **8. Management Information, Auditing and Reporting (Germany)**

There is no specific management information.

There is a computer-based case register information system in every German court, which contains the following information: number of incoming cases, what kind of cases they are and how long the proceeding took. This information is collected in a monthly report on the number of incoming cases (Pebb§y) but is not published regularly. It is mainly used by the Ministry so it can monitor the number of staff required in each court. It is not used to monitor the work of the court and judges. Each judge has online access to his/her cases where he/she can check how many open cases he/she has and how old they are. This register is also available to court management. Each judge in each court is kept informed about the number of incoming cases, what kind of cases they are and the time of proceeding in the court he/she works in. This means that each judge knows what all the other judges are doing, i.e. the court is very transparent for its employees, but not for the public. Each Supreme Court in Germany publishes an annual report including statistical data on the amount and the kind of cases they deal with and the length of processing.

The named information is internal and not published. However, if a citizen has a special interest, he/she can obtain this information by applying to the court where the evaluation took place (Informationsfreiheitsgesetz) (restricted transparency).

#### **9. Collection and publication of statistical data (Hungary)**

Statistical data is collected and publicised by the Office of the National Council of Justice (NCJ) and via the journal and website of the NCJ, [www.birosag.hu](http://www.birosag.hu). Results are analysed every six months by the NCJ.

#### **10. Annual reports (Hungary)**

The NCJ discusses the annual reports of court presidents (county courts and regional courts). The NCJ's decision is binding for the court to implement the findings.

#### **11. Audit of data of court proceedings (Latvia)**

There is a Court Information System in use since 1998, in which data of all proceedings are collected and analysed for all the courts of Latvia. Special software was produced to enable an audit of data of court proceedings.

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#### **12. Data warehouse (Latvia)**

The Court Administration is setting up a data warehouse information system, which will be used to gather data from the Court Information System and the financial information system to calculate actual expenses of every court procedure.

**13. Management of information, auditing and reporting (Lithuania)**

Upon direction of the Judicial Council, the National Courts Administration gathers information about the administrative activities and the organizational work of judges of the courts, with the exception of the Supreme Court of Lithuania, the Court of Appeal of Lithuania and the Supreme Administrative Court of Lithuania. The supervision of the administrative activity covers: measures ensuring the transparency and reasonable time of the hearing as well as measures guaranteeing high professional ethics of the officials and ensuring the effectiveness of the activities of judges and the court staff, work of the records office of the court. The National Courts Administration is responsible for the internal audit in all courts and in the National Courts Administration.

**14. Audit (Netherlands)**

Quality audits are used in the courts to determine what the score is for several elements of the measuring for the judiciary, and are thus a useful instrument in the plan-do-check-act cycle. The audit may for example be used to check whether there is a procedure for the allocation of cases, or to what extent instruments are used to promote unity of law.

The audit is an internal instrument for improving the quality of the court. Information that results from the audit is confidential. The information brought out by the audit is only for the court itself. The information is part of the workflow within the court.

**15. Key indicators (Netherlands)**

One important new development in policy evaluation and performance measurement is the use of key indicators. Key indicators are designed to provide reliable insight into the performance of an organization with the aid of a limited set of data. The Dutch Parliament requested the development of such key indicators to improve the accountability of the judicial system. The judiciary made the further demand that these key indicators needed to be suitable for strategic management as well as for accountability purposes, which meant that the key indicators had to meet additional requirements. The development of key indicators is basically an attempt to arrange the huge amount of available information in an orderly manner and to make it accessible for users. The current set of key indicators in the Netherlands breaks down into five focal areas: quality, production and finance, people and organization, development, and general.

**16. Improving access to information (Netherlands)**

Information is currently provided via the organizational structure (per court, per sector) and is especially geared to what the judiciary itself wishes to share. That approach is being discarded in favour of a more question-oriented information system which provides the principal target groups with more tailor-made information. The object is to demonstrably improve the supply of information in due course, using the results of the regular user satisfaction surveys. In 2008, a number of courts will start to reformulate the standard correspondence with litigants to make it more easily comprehensible, and judges and justices are being encouraged to write their judgements in less formal terms. In addition, litigants and interested parties have expressed the desire for more practical information, for example on procedures for obtaining access to the courts, the rules and customs in the court buildings and the course of the proceedings. This information will be made available via the website and in folders.

In 2008, the Rechtspraak.nl website will be made better accessible for the various target groups such as professional users, litigants and the general public. The site will play a more active role in informing users by picking up on latest developments and posting more information on specific themes.

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In 2009, the public website (Rechtspraak.nl) will be made more accessible for the various target groups such as professional users, litigants and the general public. The site will play a more active role in informing users by picking up on latest developments and posting more information on specific themes.

Information is currently predominantly supply-driven. That approach is being discarded in favour of a more demand-driven information system providing the principal target groups with more tailor-made information.

#### **17. Internal Audit (Romania)**

Through the Judicial Inspection, the Superior Council of Magistracy (SCM) regularly verifies aspects related to the management of the courts and prosecutors' offices such as: compliance with the procedural norms on registering requests; the random distribution of cases; planning of the court sessions; pronouncement of judicial decisions; communication of decisions; the managerial efficiency and the accomplishment of the obligations deriving from law and regulations in order to ensure the well running of the court and the adequate quality of the judicial service. The Judicial Inspection signals the deficiencies and formulates proposals for eliminating them to the Plenum of the SCM, which may take binding decisions for courts and prosecutors' offices. The verifications' reports issued by the Judicial Inspection are made public through publication on the website of the SCM and press releases and are also comprised in the annual reports issued by the Council: the report on the annual activity of the Council and the report on justice, which are communicated to the general public by press releases and by posting on the web page of the Council.

#### **18. Case management information (Romania)**

An integrated IT system - the ECRIS system - was developed by the Ministry of Justice and the courts to make the decisions of the courts available to the public. Thus, through externally funded programs, a publicly available portal to every court in Romania from all levels of jurisdiction (except the High Court of Cassation and Justice which has its own website) is created on the website of the Ministry of Justice. The portal is an interface of all the courts in Romania.

On the internet page of every court, there is a section for *Cases' Records* through which online access is granted to a certain case. Searching a case by its number on the *Cases' Records* of the website will reveal the name and quality of the parties, date of registration, object of the case (divorce), subject matter of the case (family and minors case) procedural stage (first instance, appeal, second appeal, etc.), progress of the case - number and dates of courts sessions, minutes of each court session, verdict of the court - as well as more general information on the calendar of court sessions, the list of cases for a certain session and relevant jurisprudence of the courts of appeal on various types of cases.

Further developments of the system will create the possibility to gather statistical data more easily - automatically - by the Ministry of Justice and the Superior Council of Magistracy, in order to monitor the activity of the courts, in terms of efficiency - period of time necessary for solving a case, delays in solving cases -, workload, etc. The most important impact the

system has had, was on the random distribution of cases. Judges and court employees have access to more functions of ECRIS.

**19. Management Information, Auditing and Reporting (Slovenia)**

Slovenia has a computer-based information system of case-registers. All judges have online access to all the cases they deal with, to a database of laws, all final decisions of the Supreme Court, important final decisions of the Higher Courts and important articles. The Supreme Court publishes the annual report including statistical data on the homepage. The Ministry of Justice publishes a quarterly statistical report on the work of all the courts on the homepage. Courts are required to prepare activity reports for each quarter of the year, in which they evaluate the compliance with the operational programmes, set by the presidents of courts right after the adoption of the Lukenda Project (programme of measures for the elimination of backlogs till 2010).

In their reports, the courts monitor the following data: number of incoming cases, number of solved and unsolved cases, length of proceedings, human resources, the so-called 'moving cases', the possible involvement of retired judges on contract basis, the solving of older cases, etc. The data gathered is then analysed by the Department for Court Management of the Supreme Court.

## 12. External Communication

### 1. Getting to know the judiciary at school (Belgium)

Project goal: help students to understand the judiciary and its functioning. To have education concerning the institutions and the operation of the judiciary included in the curriculum. Contact was also made with the bars concerning school initiatives.

### 2. External communication (Bulgaria)

The activities of the judicial bodies on informing the society and on securing the relations with the mass media are supported by press offices. The status, rights and obligations of the press offices' servants are determined in the regulations for the administration of the bodies of the judiciary.

According to the Regulations of the organization and the activities of the Supreme Judicial Council and its administration, the Department "Public Relations" performs the following tasks: ensures transparency and publicity of the activities of the Supreme Judicial Council and its administration and organizes the officially regulated access to information; coordinates and interacts with the bodies of the judiciary while performing their informing activities and gives them methodical aid for developing and conducting their media policy; analyzes the effectiveness of the media strategy of the Supreme Judicial Council, draws up periodic reports for the members of the Supreme Judicial Council; when necessary after the end of a session it organizes a press conference (briefing) of the members of the Supreme Judicial Council and provides information on the discussed issues; organizes, summarizes, selects and provides periodic information to the media concerning the issues on the agenda and the work of the Supreme Judicial Council; ensures access for the media to information about the work of the commission and the administration of the Supreme Judicial Council according to regulations set by a decision of the Supreme Judicial Council.

The sessions of the Supreme Judicial Council are public, except for the cases where documents classified under the Law on Classified Information Protection or where suggestions for imposing a disciplinary punishment are discussed. The decisions made during a closed session are publicly announced. The agenda and the minutes from the sessions of the Supreme Judicial Council are published on the website of the Supreme Judicial Council.

There is also a Law on Access to Public Information.

### 3. Publicity of hearings (Bulgaria)

The terms of completion of the cases and the working procedures are regulated in the Civil Procedure Code and the Penal Procedure Code. The court considers the cases in public and closed sittings. The closed sittings are held only when the law makes provisions for such cases.

The consideration/treatment of a case or the performing of particular legal proceedings could be held in camera (behind closed doors) when it is necessary to keep a state secret or morals, as well as to shield the identity of a witness. In all cases the judgment is announced in public.

### 4. External communication (Denmark)

The Danish Court Administration has a communications department. This department is responsible for both internal and external communication. External communication activities include: the homepage of The Courts of Denmark, [www.domstol.dk](http://www.domstol.dk); a quarterly magazine,

“Danmarks Domstole”; an annual report on the activities of The Courts of Denmark; press releases; annual meetings with representatives from the press.

In addition, each court has its own homepage. The same design and a uniform set of templates are used on both [www.domstol.dk](http://www.domstol.dk) and the individual homepages of the courts.

From 2009, each court will have a special press spokesman. The spokesman is a judge who has been trained in dealing with the media, writing press releases etc. In some cases, the presiding judge will also answer questions from the press. On verdicts of common interest the court often issues a press release on the courts website.

The Danish Court Administration facilitates the work of a communications network. An employee from every court is included in this network. The purpose of the network is to improve internal and external communication in The Courts of Denmark and to ensure coordination between the courts. Especially regarding external communication the member of the network coordinates enquiries from the press.

#### **5. External Communications (Germany)**

Almost every court has a website where the public can find information about the organization and duties of the judiciary or the court. Important forms for applications/possessory actions are published there. The Supreme Court and the district courts have press spokespersons and they inform the public about important decisions made by the Supreme Courts and the high courts and sometimes even of the first instance courts. Important verdicts from the high courts and the Supreme Courts are published on the website anonymously.

#### **6. Publicity (Hungary)**

The presidents of the Supreme Court, the courts of appeal and the county courts nominate spokespersons from among the judges. The courts have regular contacts with the press. The spokesperson is responsible for the efficient contacts with the press, the publication or accessibility of up-to-date information about the court's work. About the work of the courts in general the President of the NCJ, the Head of its Office, or an assigned member of the NCJ is entitled to give information, to hold press conferences and to publish announcements. No information can be given about the merit of an ongoing case.

#### **7. Importance of written texts (Hungary)**

An important tool of the acceptance of court decisions is the presentation of judgement and the quality of its content. Court rulings must be justified clearly, according to the facts and convincingly by the judge. This is not only information for the parties concerned but for the whole public and the press as well.

The method of compiling court rulings is an important subject of judicial training. The compilation of an e-learning material in this matter is also under way.

From 1 July 2007, the final judgements of the Supreme Court and the courts of appeal – and judgements on first (and second) instance of the lower courts in these cases – are accessible via internet for the public.

#### **8. Communication (Hungary)**

Internal and external communication by means of own journal leaflets for citizens, etc.

#### **9. External communication (Lithuania)**

The chairmen of courts are obliged to appoint public servants or other employees who are responsible for the preparation of the announcement to the public of court decisions in resonant cases, for the constant presentation of information to the mass media, for the organization and conduct of press-conferences, etc. An assistant to the chairman of the

court, responsible for the relations with public was established in all regional courts and in the Vilnius regional administrative court.

The Judicial Council has adopted regulations on rendering the information on court activities to the public and mass media. There is a possibility to search for the weekly schedules of court sessions in the website of the National Courts Administration.

The websites of institutions of self-governance of courts, the courts and the National Courts Administration provide information relevant to the court system. Article 39 of the Law on Courts has established that various decisions of courts (final acts, annual reviews of court practice of the Supreme Court, decisions of the ECHR) are to be published on the website of the National Courts Administration.

#### **10. External Communication (Netherlands)**

Every court in the Netherlands has one or more so-called "press judges", who are appointed as spokespersons to the press.

To interest young people in the judiciary and the administration of justice, the Netherlands Judiciary has developed a special campaign for them.

Every three or four years, the Dutch judiciary organises an Open Day of the courts, during which all courts in the Netherlands organise various activities for the general public.

Another important instrument in the public information programme is the website Rechtspraak.nl, which consists of - inter alia - a database of judgements.

The last months, the Netherlands Judiciary has been developing a special Internet site to prepare citizens for proceedings.

Every court in the Netherlands has one or more so-called "press judges", who are appointed as

spokespersons to the press. The press judges drew up a set of guidelines for the press in 2003, which has recently been renewed. Besides the guidelines, the Council had published a manual for press judges. To educate the youth, the Netherlands Judiciary has developed special products for them, including a 'education package', with activities, a special website and a brochure in the form of a comic book about a court case.

Another important instrument in the public information programme is the website Rechtspraak.nl,

which consists of - inter alia - a database of judgements. The last months, the Netherlands Judiciary has been developing a special Internet site to prepare citizens for proceedings. Information is currently predominantly supply-based. That approach is being discarded in favour of a more demand-based information system providing the principal target groups with more tailor-made information.

#### **11. Communication policies (Romania)**

The SCM communication policies are aimed at increasing transparency towards:

- Spokespersons: training the spokespersons of judicial authorities, such as Superior Council of Magistracy (SCM), courts and prosecutors' offices to issue clear and reliable messages to the public and the media (in 2008, 947 magistrates and spokespersons were trained, internships for spokespersons were organized abroad, a Guide of good practices for the cooperation between courts, prosecutors' offices and the media and Practical handbook on effective relations with the media were elaborated and posted on the website of the SCM and distributed to the courts and prosecutors' offices).
- Litigants: information guides for litigants are published the websites of the Council and of the courts (mainly the courts of appeal, containing models of actions and complaints in 33 areas of law, fifteen stand-alone, touch-screen info-desks and appropriate software were provided by the SCM to the courts of appeal). Also, in 2008, the SCM produced another five orientation guides for litigants on the rights, obligations of the litigants and rules of conduct before courts.

- The media: three mediated meetings between mass media and judicial representatives were organized in order to assess the actual state of relationships between the spokespersons and the media. Also, a Public Relations and Information Office was established in each court, which will ensure the relations between the court and the public and the media.

## **12. External Communications (Slovenia)**

All courts have homepages, the Supreme court and the largest District Courts have press spokesmen and they inform the public about the important decisions. Nearly all final decisions of the High Courts and the Supreme Court of the Republic of Slovenia are published on the website dedicated to the case law, which is supported by the Supreme Court ([www.sodnapraksa.si](http://www.sodnapraksa.si)). The website also contains legal opinions of the Supreme Court, as well as a special search engine, dedicated to the cases on the amounts of compensation for immaterial damage.

Courts have information desks for court visitors. Information leaflets on court proceedings are not available yet, but initiatives have been taken in this direction. In accordance with the procedural legislation as well as with the Act on the Access to Information of Public Character parties on one hand and the general public on the other have access to court cases and documents. An up-to-date list of lawyers is available on the website of the Slovene Bar Association ([www.odv-zb.si](http://www.odv-zb.si)). Similarly, a list of court experts and translators is available on the website of the Ministry of Justice ([www.mp.gov.si](http://www.mp.gov.si)).

## **13. Other Activities**

### **1. Other Activities (Bulgaria)**

The Supreme Judicial Council became a beneficiary under the Operative Programme "Administrative Capacity" of two projects: 'Renovated information systems for better services. Regulatory legislation for electronic justice' and 'Competent and motivated magistrates and judicial employees/servants'.

The main components of these projects are:

- The creation of specialized software for monitoring and control of the activities of expert witnesses. This software will allow for systematic and up-to-date information on the availability, qualification and activities of the expert witnesses, as well as for control over the financing (planning, reporting) of judiciary expertise procedures.
- The renovation of the systems for court cases management and creation of an internet portal for judiciary acts. A central web-based interface for publishing of court acts will be created.
- Training for applying legislative regulations (international private legislation and international civil proceeding; computer crimes); training of magistrates for improving their skills and supporting their activities outside the legal sphere (time management and work organization with regard to timely dealing with cases; training skills; coaching and mentoring at the workplace - for improving the work with trainees, as mentors for junior judges, prosecutors and investigators, as well as legal servants); training of employees in the judicial system for providing better service.
- The human resources management - creation and implementation of an Information System for Human Resources Management in the judicial system. Working out of the methodologies for human resources management and the integrated information system within the frames of the component will ensure the submission of the information system to the real management needs.

### **2. Best practice consultants (Denmark)**

A best practice team consisting of employees working as both process consultants and as ordinary court employees has been created. The task of the best practice team is to observe working procedures, propose new ways to work, gather information, and secure knowledge sharing. Due to the workload connected with the implementing of the court reform, only one best practice consultant is functioning at the moment but it is the intention to recruit more consultants in 2008.

Due to the workload connected with the implementation of the court reform, only one best practice consultant is functioning at the moment, but an additional number of consultants will start working in the spring of 2009.

### **3. Other Activities (Germany)**

Every judge and prosecutor is committed to maintaining high standards. For this reason they discuss quality standards and questions of ethics related to judges and prosecutors in their associations, for example the German Association of Judges (Deutscher Richterbund) or the New Society of Judges (Neue Richtervereinigung).

### **4. Physical security of judges (Hungary)**

Judges are psychically often overburdened by their work, since they meet and must handle personal conflicts at the trials. No consequences of the most objective and high-standard decisions can be calculated in advance. Decisions can generate impacts which could result in verbal, written or even physical attack of the judge. Therefore it is a task of the management to minimise the possibilities of these attacks to reach the judges. The forum of defending

against verbal and written attacks is the press activity of the courts and the complaint procedure. To prevent the physical attacks the NCJ draws the attention of the government to this problem, in order to allocate funds for improving the security infrastructure of the courts, and the setting up of a personal guard system in accordance with the impartiality of the judiciary.

Furthermore there can be a need for the continuous psychological supervision of judges and to operate a special health care system in order to be able to prevent mental diseases.

**5. Audio records in the court proceedings (Latvia)**

Latvia has started to implement audio records in the court proceedings. This pilot project is at the moment being implemented in three Latvian courts. One court room in each court is equipped with the professional audio recording equipment to fix the court proceedings in an audio record. The aim is the modernization of judicial proceedings, to improve the quality of court proceedings, making process more effective and promoting efficient use of court staff.

**6. Distribution of the summons fully automated process (Latvia)**

Starting from December 2007, the centralised distribution of the court summons is implemented. The data of the court summons are gathered electronically, printed out and distributed. At this moment, the pilot project is implemented in the Administrative district court. During 2008, it was planned to implement the project in all district and regional courts. The aim is to relieve the court employees – instead of bringing the court summons to the post office they could perform more qualified tasks. Implementing the new technology will reduce the expenses of office supplies, equipment and human resources.

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**7. Electronic service 'Track court proceedings' (Latvia)**

Starting from November 2008, the Court Administration has launched a new electronic service called 'Track court proceedings'. It is a free of charge service that is available to the general public on the court portal for tracking any court proceeding in any court of Latvia. Information is available on the current status of any specific court proceeding – name and contact information of the court, judge assigned, court hearings scheduled, claims received, court decisions made within proceeding (without full-text exposed) and information on case proceedings throughout other court instances. Information is provided publicly without any personal data exposed.

**8. Recording the court proceedings (Lithuania)**

Article 38 part 3 states that from 1<sup>st</sup> July, 2010 following the procedure established by procedural law, the court proceedings shall be audio-recorded. For recording and investigating the evidence, the court may video-record, film and photograph following the procedure established by procedural law or use any other technical equipment. Until the 1<sup>st</sup> July, 2010, for recording and investigating the evidence, the court may audio-record, video-record, film and photograph the proceedings following the procedure established by procedural law or use any other technical equipment.

**9. Annual reports issued by the Superior Council of Magistracy (Romania)**

Annually, the Superior Council of Magistracy issues a series of reports which are made public (through publication on the website of the Council [www.csm1909.ro](http://www.csm1909.ro) and press releases), disclosing information on the quality of the courts' activities, namely: an annual report on the activity of the courts, an annual report on the activity of the prosecutors' offices, an annual report on the activity of the Superior Council of Magistracy and an annual report on justice.

The annual reports on the activity of the courts and prosecutors' offices deal with information on: the number of cases registered at the courts/prosecutors' offices classified on subject matter and on levels of jurisdiction, the efficiency of the courts/prosecutors' offices from all levels of jurisdiction and the workload of each judge/prosecutor from all levels or jurisdiction. The report on justice contains a quantitative and a qualitative analysis of the judiciary by presenting data on: the random distribution of cases, the length of proceedings, the uniform application of laws, quality indicators in the activity of the courts/prosecutors' offices, the specialization of judges and prosecutors, raising free access to justice, improving the quality of courts/prosecutors' offices management and the degree of transparency of the judiciary. These reports are public, being posted on the webpage of the SCM and communicated to the general public and media by press release.

## 10. Publicity of court sessions in Romania

Publicity of court sessions has a constitutional basis and is now provided, in a general form, in the law on the judicial organization and in the two codes of procedure.<sup>26</sup>

Thus, court sessions take place, as a rule, with 'open doors'. Judges can limit the access of public in the courtroom only on grounds of the size of the courtroom<sup>27</sup> and can remove people from the courtroom on discipline-keeping grounds (e.g., if one becomes noisy or in any way disturbs the activity of the court<sup>28</sup>). Non-public sessions are exceptions, provided *expressis verbis* by the law.<sup>29</sup>

In civil cases, court sessions can be declared non-public, when the publicity of proceedings/hearings could damage public order, good morals, or the interests of parties involved. In situations like these, only the lawyers of the parties and two persons nominated by them can accompany the parties involved in the hearings.

The verdict is always announced in public session. In situations where the rule of publicity was not observed in criminal court sessions, the result is the nullity of proceedings.

If the court session is public, in accordance with the law, media representatives, or general public are allowed to record court proceedings by audio and/or video means. The only restriction regards the maintaining of order and avoidance of disturbances - if these conditions are not met, the president of the panel may expel those who caused problems.

## 11. General obligation of Romanian courts to report information of public interest

According to the Law no. 544/2001 on the free access to information of public interest, every public institution, including courts and prosecutors' offices, is bound to report *ex officio* the following information of public interest:

- the legal regulations that pertain to the organization and functioning of the public authority or institution;

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<sup>26</sup> Criminal Procedure Code (art. 290), Civil Procedure Code (art. 121).

<sup>27</sup> Civil Procedure Code, art. 122

<sup>28</sup> Criminal Procedure Code, art. 298

<sup>29</sup> Criminal Procedure Code, art. 228 (2): criminal court proceedings cannot be attended by minors under 16 years of age. Also, court sessions can be declared secret by the court at the request of the prosecutor, of the parties involved or *ex officio*, during all proceedings or just for a certain part of a session, in situations where the public character of the court session can jeopardize certain interests, such as: *state interests* (e.g. in cases of crime against national security or against the national capacity of defence); *good morals* (e.g. in cases of sexual crimes); *dignity or privacy* (e.g. in cases of defamation, libel or slander or breach of privacy). art. 121 (2) of the Civil Procedure Code

- the organization structure, functions of departments, functioning schedule and hearings schedule;
- names of those in the leading structure and those responsible for the dissemination of public information;
- contact coordinates of public authorities and institutions;
- financial sources, budget and the balance sheet;
- public authorities' or institutions' programmes and development strategies;
- list of documents of public interest;
- modalities of disputing public authorities' or institutions' decision, whenever a person considers that prejudices with respect to their right of access to information of public interest occurred.

Webpages of the courts display all the required information.

In order to provide access to information of public interest, courts organized specialized information and public relations departments, appointed spokespersons and organized periodical press conferences to inform about issues of public interest. Courts, as any other public authorities and institutions, are bound to grant accreditation for journalists and media representatives. The refusal to grant accreditation should be communicated in writing and should not affect the press organ's right to obtain accreditation for another journalist.

## **12. Other Activities (Slovenia)**

The Central department for Enforcement was formed on the basis of authentic documents at the local court in Ljubljana. The department represents a new development in enforcement cases, since it is centralised – it deals with enforcement cases on the basis of authentic documents for the whole country – and is fully computerised.

## Contact Persons for Quality Activities

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7	Hungary, National Council of Justice (Országos Igazságszolgáltatási Tanács)	<ul style="list-style-type: none"> <li>- Mr. Arpad Orosz, judge of the Supreme Court, member of the National Council of Justice</li> <li>- Mr Peter Sarkozy, head of Department for International Affairs, Office of the National</li> </ul>	<p><a href="mailto:orosza@legfelsobb.birosag.hu">orosza@legfelsobb.birosag.hu</a> T: +36 1 268 46 03 F: +36 1 268 45 15</p> <p><a href="mailto:nkf@oith.birosag.hu">nkf@oith.birosag.hu</a> T: +36 1 312 74 27 F: +36 1 331 37 20</p>

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