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**Judiciary of the Future
International Conference on Court Excellence 2016**

Court Performance Evaluation: Building Public Trust and Confidence in the Judiciary

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Supreme Court of Ukraine
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Singapore January 28-29, 2016



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Judicial Reform Priorities

- Increasing independence
- Strengthening judicial governance and judicial appointment
- Improving competence of the judiciary and efficiency of justice
- Increasing transparency and accountability of the judiciary



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Ukrainian Court System in Numbers

- **767** courts including trial courts, courts of appeals, higher courts and the Supreme Court. Three jurisdictions – general, administrative and commercial
- Over **7,700** sitting judges
- Over **25,000** of court staff
- Over **4,2 mln** cases per year (2014)
- **\$363 mln** equivalent of annual funding in 2014, 0.3% of GDP
- **\$1,580** equivalent of average monthly salary of judge in 2014
- **\$313** approximate equivalent of average monthly salary of court staff in 2014



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Judicial Self-Governance in Ukraine

Courts

~ 7,700 judges

Congress of Judges

Every two years, 450 delegates elected by peer judges

Council of Judges

33 members elected by the Congress of Judges
operates between Congress and on behalf of Congress



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Council of Judges

- Decisions mandatory for all courts in Ukraine
- Ensuring judicial independence
- Organizational support for court operations
- Control over court functioning
- Reports to the Congress of Judges
- Oversees the State Judicial Administration of Ukraine



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Council of Judges

Court Performance Evaluation System

For better management

**Improving competencies
and efficiency**

**For effective reporting to
public**

**Increased transparency
and accountability**



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Court Performance Evaluation: key definitions

- *court performance standards* – quantitative and qualitative characteristics, basic values of the judiciary and democratic society that can be documented in a form of procedural requirements, norms, public expectations
- *court performance criteria* – substantial distinctive features of court performance which are a basis for performance evaluation procedures
- *court performance indicators* – quantitative or qualitative data which identify the level of conformity of court operations to the established quality criteria
- *court performance evaluation methods* - a complex of standard research means and ways of collecting, processing and analyzing court performance data: statistical information collection and analysis, document review and analysis, surveys, etc.



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Council of Judges

Court Performance Evaluation

- Involves Ukrainian and International experts
- Ensures participatory approach to design and pilot testing of CPE System
- Facilitates expert and public discussion of proposed evaluation methods
- Contributes to design and revision of CPE System
- Provides final approval and recommendations for implementation
- Monitors the implementation

Court Excellence

- Promotes common vision for court excellence
- Encourages creative inputs from court teams
- Supports sharing information, knowledge, best practices and lessons learned
- Facilitates identification of issues and finding solutions
- Communicates to public on behalf of the judiciary



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Court Performance Evaluation Models Considered

Trial Court Performance Standards (US)

International Framework for Court Excellence (Australia, Singapore, US, CoE)

Court quality system RechtspraakQ (Netherlands)

European Commission for the Quality of Justice (CEPEJ)

Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi, Finland



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Court Performance Evaluation (CPE) System Development in Ukraine

2009	First-ever in Ukraine court user surveys, Citizen Report Cards (CRC)
2010	CPE Working Group, developing two evaluation modules – Quality of Court Decisions and Timeliness of Court Proceedings
2011	Pilot testing of developed two evaluation modules in 6 courts
2012	Continuation of the CPE Working Group activity. Revision of previously developed evaluation modules, development of new ones.
2012	Pilot testing of full version in 13 courts: Court Administration, Quality of Court Decisions, Timeliness of Court Proceedings and Court User Satisfaction
2013	COJ Approval of the Working Group activity. Revision of the CPE System based on results of pilot testing
2015	Approval of the CPE System and court performance indicators for all courts. COJ becomes member of the International Consortium for Court Excellence. Implementation of the CPE System in 374 courts.



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Court performance evaluation methods

(1) internal court performance evaluation through:

- a) survey of judges and court staff within the court
- b) review of case files

(2) external court performance evaluation through surveys of court users (litigants) based on citizen report card (CRC) methodology

(3) review and analysis of judicial statistics data



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Court Performance Evaluation Modules

- Court administration
- Case disposition timeliness
- Court decisions
- Court user satisfaction



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CPE System in Ukraine

Evaluation Methods	Evaluation Modules		
	Court administration	Timeliness of court proceedings	Court User Satisfaction
1. Internal continuous survey of judges and court staff			
2. Analysis of court statistics			
3. Internal expert review of case files (sampling)			
4. Court user survey using Citizen Report Cards (CRC) method (sampling)			



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Two levels of the CPE System in Ukraine

<u>Basic CPE</u>	<u>Complex CPE</u>
Simple, does not require significant resources and additional funding	Complex, require trained people, additional funding, involves 3d parties
Based on the available statistics	Statistics, surveys, expert work
Set of uni-dimensional indicators linked with quality criteria	Expanded list of indicators, including complex measures (indexes)
Part of the automated case management system	Automated case management system plus a lot of “hand-made” staff, additional surveys and assessments
Illustrates trends	Illustrates trends; produces findings, conclusions and recommendations to improve
Mandatory and frequent (every six month)	As needed and if resources available



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Ukrainian CPE System and IFCE measures

IFCE measure	CPE Basic	CPE Complex
1. Court User Satisfaction	Conducting survey, publishing results, report user satisfaction with court performance in general	Basic plus evaluate specific user satisfaction criteria: accessibility of court premises, timeliness of court proceedings, judicial performance, court staff performance, accessibility and quality of information etc.
2. Access Fees	-	Measures to which degree court fees are accessible to users through the unified 5-point scale
3. Case Clearance Rate	CEPEJ / ICCE formula	CEPEJ / ICCE formula



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Ukrainian CPE System and IFCE measures

IFCE measure	CPE Basic	CPE Complex
4. On-Time Case Processing	Average duration of proceedings in days; Per cent of cases finalized within procedural terms	Basic plus average time for preliminary proceedings, total number of court sessions, largest time between court sessions and other indicators
5. Pre-Trial Custody	-	-
6. Court File Integrity.	-	-
7. Case Backlog	Number of cases where proceedings last for 12 month and longer (should be zero or close to zero)	Same as basic



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Ukrainian CPE System and IFCE measures

IFCE measure	CPE Basic	CPE Complex
8. Trial Date Certainty	-	-
9. Employee Engagement	-	Survey of judges and court staff to evaluate various aspects of court operations: funding, satisfaction with working conditions, leadership, resource management, judicial self-governance, caseload and others.
10. Compliance with Court Orders.	-	-
11. Cost Per Case	-	Total expenditures divided by total number of cases. Not specified by case types.



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Illustrative results of CPE System implementation:

Formulated measures of CPE System

Adequate Funding, Efficiency of Resource Utilization and Satisfaction of Judges and Court Staff with Working Conditions
Leadership and Managerial Capacity of Court Leaders
Effectiveness of Judicial Self-Governance
Efficiency of Court Operations in Adjudicating Cases
Timeliness of Court Proceedings
Judicial Caseload
Court User Satisfaction
Transparency and Openness, Informational Accessibility



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Adequate Funding, Efficiency of Resource Utilization and Satisfaction of Judges and Court Staff with Working Conditions

Court	Instance	Jurisdiction	Actual funding against budget request	Judges and court staff perception of the proper use of resources	Satisfaction of judges with working conditions	Court staff satisfaction with working conditions
Court 1	Trial	General	58%	33%	4.72	4.57
Court 2	Trial	General	N/A	N/A	4.21	4.11
Court 3	Trial	General	N/A	18.72%	4.1	4.4
Court 4	Trial	General	31%	69%	4.48	4.54
Court 5	Appellate	General	63%	19.6%	3.7	3.7
Court 6	Appellate	General	26%	43.9%	3.85	3.86
Court 7	Trial	Specialized	76%	18.72%	3.58	3.44
Court 8	Trial	Specialized	30%	37.75%	4.35	4.22
Court 9	Appellate	Specialized	47%	62%	4.69	4.39



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Efficiency of court operations in adjudicating cases

Court	Instance	Jurisdiction	Average cost per case	Efficiency rate: number of cases completed per judge	Efficiency rate: number of cases completed per court staff	Clearance rate	Number of cases pending for more than 1 years
Court 1	Trial	General	335.23	427	85	89%	7
Court 2	Trial	General	not available	211	46	106%	0
Court 3	Trial	General	265.59	455	110	123%	40
Court 4	Trial	General	273.42	410	122	94%	not available
Court 5	Appellate	General	2,480.77	68	26	99%	1
Court 6	Appellate	General	2,857.10	52	27	99%	2
Court 7	Trial	Specialized	1,055.15	88	25	72%	not available
Court 8	Trial	Specialized	1,206.35	205	59	105%	0
Court 9	Appellate	Specialized	137.01	1653	460	107%	0



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Timeliness of Court Proceedings

Court	Instance	Jurisdiction	Average duration of proceedings (days)	Ratio of cases with violated procedural timelines, percentage	Evaluation of timeliness of court proceedings by court users using the CRC methodology
Court 1	Trial	General	37.96	2%	4.15
Court 2	Trial	General	29.37	N/A	3.95
Court 3	Trial	General	70.79	N/A	3.5
Court 4	Trial	General	79	N/A	3.6
Court 5	Appellate	General	26	0%	4.11
Court 6	Appellate	General	47.84	0.56%	3.55
Court 7	Trial	Specialized	58.7	N/A	4
Court 8	Trial	Specialized	47.3	27.70%	4.1
Court 9	Appellate	Specialized	80.87	0%	3.3



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Court User Satisfaction with Court Performance

Court	Instance	Jurisdiction	Accessibility	Level of comfort	Timeliness	Completeness and understandability of information	Work of judge	Work of court staff	User perception of court
Court 1	Trial	General	4.66	4.62	4.72	4.15	4.6	4.45	4.44
Court 2	Trial	General	3.8	3.5	3.9	3.95	3.3	3.7	3.8
Court 3	Trial	General	3.7	3.5	3.8	3.5	4	3.8	3.2
Court 4	Trial	General	3.6	4.4	4.4	3.6	4.3	4.3	3.9
Court 5	Appellate	General	4.07	4.29	4.69	4.11	4.75	4.46	4.2
Court 6	Appellate	General	4.1	3.71	4.17	3.55	4.3	4.13	4.06
Court 7	Trial	Specialized	3.7	3.9	4.1	4	4.4	4.1	4.2
Court 8	Trial	Specialized	3.4	4.3	4.1	4.1	4.3	4.1	4.2
Court 9	Appellate	Specialized	3.4	3.7	3.8	3.3	3.9	3.7	3.5



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Achievements

- 56% of courts have Speaker Judges
- 100% of courts have press officers
- Press-center for the judiciary created
- On-line translation of high profile cases consideration
- SMS-notifications of litigants
- E-courts pilot projects
- Conducting hearings using video conferencing



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Conclusions

Court performance evaluation:

- important aspect of administrating court operations
- identify general trends
- compare situation in several courts of one type, or compare situation in one and the same court over time
- promotes court excellence
- supports making informed management decisions and effectively communicate with public

Base for formulating court performance standards:

- Public expectations regarding court performance and quality of court services
- Court performance indicators based on clear and commonly agreed quality criteria



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European Commission for the Efficiency of Justice (CEPEJ)

2012 Report	Court performance standards	Use court performance indicators
Number of countries where available	22	40
Number of countries where not available	24 Including Ukraine	6 Including Ukraine



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European Commission for the Efficiency of Justice (CEPEJ)

2014 Report	Court performance standards	Use court performance indicators
Number of countries where available	22	42 Including Ukraine
Number of countries where not available	25 Including Ukraine	5



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Court Performance Evaluation System Impact

Advancing Court Management Increasing Efficiency in Delivery of Justice

Information on current situation

Informed decisions

Determine priorities

Monitor innovations

Compliance with standards and
criteria

Better resource distribution

Better case management

Communication with Public

Publishing results on web-pages

Distributing reports to stakeholders

Illustrating achievements and issues
with indicators

Having more information to respond to
media and public inquiries



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Resources needed

CPE Method	Resource needs
Survey of judges and court staff	Average: training, staff time, additional financial resources, expert work
Review of case files	Average: training, staff time, additional financial resources, expert work
Analysis of existing statistics	Low: court staff training, court staff time, expert work, efficient Case Management System
Court user survey	High: training staff and interviewers, staff time, printing questionnaires, data quality control, expert work, focus group discussions, publishing results



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Court Performance Evaluation in Ukraine: next steps

Training judges and court staff on CPE

Developing Guidelines on CPE System implementation and use for management and reporting purposes

Publication best international practices for court performance evaluation

Revision of CPE System, making it more simple and easy for courts to implement taking into account the limited resources

Expanding CPE System implementation in Ukrainian courts



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Council of Judges of Ukraine
and

USAID FAIR Justice Project will appreciate
your comments, suggestions, remarks and
ideas

Thank you!

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