



FAIR JUSTICE PROJECT

**COUNCIL OF
JUDGES
OF UKRAINE**



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

Practice Report

for

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The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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INTRODUCTION

The Council of Judges of Ukraine (COJ) is the single body responsible for judicial self-governance in Ukraine. The COJ implements decisions of the Congress of Judges which takes place every two years, oversees the activity of the State Judicial Administration of Ukraine (SJA), the national court administration agency, and develops and implements a broad range of initiatives aimed at safeguarding judicial independence and promoting accountability. The decisions of the COJ are obligatory for implementation by all courts in Ukraine, thus they are part of regulatory framework for Ukrainian justice system.

The United States Agency for International Development (USAID) Fair, Accountable, Independent and Responsible (FAIR) Judiciary Project is supporting legislative, regulatory and institutional

Ukraine in Numbers	
Independence:	since August 1991
Area:	603,500 km ²
Population (2015 est):	44,429,000
GDP nominal (2015 est):	equivalent \$90.138 billion
GDP nominal per capita (2015 est):	\$2,199

reform of judicial institutions in Ukraine in order to build a foundation for a more accountable and independent judiciary in Ukraine. In advancing this goal, FAIR involves judges, justice sector personnel, legal scientist and civil society stakeholders in the process of improving court quality and promoting public trust and confidence in the judiciary through court performance evaluation processes.

Ukrainian Court System in Numbers
<p>767 courts including:</p> <ul style="list-style-type: none"> • Supreme Court • Constitutional Court • High Civil and Criminal Court, 27 courts of appeals and 665 local trial courts – for civil and criminal cases • High Administrative Court, 9 court of appeals and 27 trial courts for administrative cases • High Commercial Court, 8 court of appeals and 27 first-instance courts for commercial jurisdiction
<p>National Judicial institutions</p> <ul style="list-style-type: none"> • High Council of Justice of Ukraine • Council of Judges of Ukraine • High Qualifications Commission of Judges of Ukraine • State Judicial Administration of Ukraine
<p>Over 7,700 sitting judges (2014) Over 25,000 court staff (2014) Over 4,2 mln cases per year (2014)</p>
<p>\$363 mln – equivalent of annual funding in 2014, 0.3% of GDP</p>
<p>\$1,580 – equivalent of average monthly salary of judge in 2014 \$313 – equivalent of average monthly salary of court staff in 2014</p>

In 2014 Ukraine experiences crucial development challenges. The civil unrest and political crisis started in the end of 2013 and became very intense in January-February 2014 resulted in the fall of Viktor Yanukovich’s regime and drastic grow of public demand for rapid reform of state institutions and vetting public officials. Further Russia’s invasion of the sovereign territory of Ukraine and armed conflict in Donetsk and Lugansk regions impacted the government agenda to proceed with necessary reforms and address public demands. Meanwhile, the Government of Ukraine recognizes the judicial reform as the priority number for itself and for Ukrainian people.

The chart on this page demonstrates how big the

Ukrainian court system is and, further, it gives an idea of how much work we should do in terms of reforming the Ukrainian judiciary.

The main task of the Ukrainian court system is ruling justice based on the rule of law principles, and, providing everyone the right to a fair trial. Meanwhile, the legal framework for judiciary is still largely oriented around protecting government interests rather than defending citizens rights, courts are grossly underfunded and overburdened, and thus subject to political and institutional pressures. According to the survey data during the last several years, the public views the judiciary as dependent upon political interests and largely unaccountable.

Among the most significant institutional challenges Ukrainian judiciary is facing are weak and ineffective court administration, insufficient case management and low level of public trust and confidence in the judiciary. They are connected to other broader challenges such as executive branch interference in the judiciary, lack of judicial independence and accountability, and, perception of the judiciary by the public as ineffective and corrupt. These challenges are the result of limited interaction between judicial institutions and citizens reinforced by the Soviet-era public perception of courts as law enforcement or punitive institutions having neither traditions nor purpose related to public service and the administration of justice. The controversial relationship between the Ukrainian judiciary and Ukrainian people can be summarized as everybody knows that courts do not perform well in general, but very few people can clearly formulate what court' good performance means. Thus, it is difficult for the judicial leadership in Ukraine as well as for Ukrainian Government in large to deliver the clear and specific messages to the public regarding the judicial reform process and what public can expect in this regards in the nearest years.

COJ and FAIR in partnership with other Ukrainian and international organizations work together in order to help Ukrainian justice sector to overcome mentioned above challenges. Among other goals we work to achieve together is strengthening professionalism and effectiveness of the Ukrainian Judiciary. On the way to achieve this goal one of our key task is developing and implementation the national Court Performance Evaluation (CPE) System that further promotes proper evaluation of judicial operations according to an objective criteria for better management and proper reporting to tax payers.

ROLE OF THE JUDICIAL SELF-GOVERNANCE IN THE PROCESS OF PROMOTING COURT EXCELLENCE IN UKRAINE

According to the Law of Ukraine “On the Judiciary and the Status of Judges” the judicial self-governance shall exist in Ukraine as an independent participatory way for judges to solve themselves the issues of the judiciary. The highest body of the judicial self-governance is Congress of Judges that takes place ones in two years and makes decisions mandatory for all judicial self-governance bodies and all courts in Ukraine. The highest judicial self-governance body in Ukraine within the period between Congresses of Judges shall be the Council of Judges of Ukraine (COJ). COJ develops and organizes the implementation of activities regarding ensuring judicial independence and improving organizational support for court operations. It also exercises control over court functioning.

Since 2008, COJ and USAID¹ worked together on developing a CPE System for Ukraine. Our activities included organizing and participation in the numerous conferences, workshops, working group meetings, consultation with Ukrainian and international experts. We considered several international models for court performance evaluation: in the next section of this paper we will discuss it with more details. In the process of developing the CPE System for Ukraine we found out that the International Framework for Court Excellence (IFCE) is the most practical and applicable in Ukraine comparing to other models.

In the beginning of the process of developing a CPE System we operated mostly with the term “court performance standards” keeping in mind the well-known U.S. Trial Court Performance Standards. We immediately faced an issue of multiple definitions to the term “performance

¹ USAID Ukraine Rule of Law Project before 2011 and USAID FAIR Justice Project after 2011

standards” – some people see it as qualitative characteristics of performance, other see it as quantitative specific norms that courts should aim to comply with. Further, it was very helpful for us to get acquainted with the IFCE, and with the entire concept of court excellence based on the universal core values of the judiciary, areas of excellence aligned with these values, tools to assess court performance against excellence areas and universal global measures of court performance. We admit that the IFCE provides judiciaries overall as well as individual courts with specific measures and roadmaps to promote and achieve court excellence.

In 2011 COJ and USAID conducted first-ever in Ukraine the International Court Excellence Conference in a close cooperation with the International Consortium for Court Excellence. At that Conference Professor Gregory Reinhardt, the Consortium’ Executive Director provided the Ukrainian judiciary with deeper insight of the IFCE. Judge Tan of the State Courts of Singapore (at that time Subordinate Courts on Singapore) in his key-note speech underlined challenges connected with the implementation of the IFCE and, emphasized that the key pre-requisite to overcome these challenges is a capable leadership. This was a momentum when we understood that the CPE System will only be successful in Ukraine in terms of its development, testing, approval and implementation if the COJ, the highest judicial self-governance institution, will take the leadership in all these processes.

Court excellence can’t be a set of legislative benchmarks. We can’t promote, for example, law stipulating that “at least X% of litigants should be completely or mostly satisfied with court services.” But as the judicial self-governance we can promote that the court management, in case of Ukraine chief judges and chiefs of staff, works with their teams to implement programs aimed to increase user satisfaction with court services, do as much as courts can do in this direction in terms of available resources. Judges are, perhaps, as nobody else interested in court excellence since the court excellence, from A to Z, is about judge work: his/her work as representative of the whole government branch – the judiciary, his/her work as representative of the specific organization – the court, and his/her work on ruling justice based on the rule of law principle. The court performance evaluation provides the opportunity to assess judges and court staff working conditions, efficiency of court proceedings and processes, court user needs and satisfaction etc. This is why the COJ took over the leadership in promoting court excellence through court performance evaluation in Ukraine.

UKRAINIAN COURT PERFORMANCE EVALUATION SYSTEM: HISTORY OF DEVELOPMENT AND BRIEF DESCRIPTION

As stated above, the work on developing CPE System for Ukraine has been ongoing for several years. Initially we started from getting acquainted with international court performance evaluation models through various roundtables and workshops. In 2010, in response to the Ukrainian judicial self-governance needs, the USAID through Ukraine Rule of Law Project supported the establishing and further functioning of the *Court Performance Evaluation (CPE) Working Group* consisting of the representatives of Council of Judges of Ukraine, higher courts, local and appellate courts as well as international and local independent experts. This participatory approach ensured the contribution of the various stakeholders to the process of developing the national CPE System. In the meantime, the inclusion of different parties in this process led to the challenge of permanent lack of consensus among them regarding the specific CPE aspects especially in terms of formulating and defining court performance standards.

The USAID FAIR Justice Project started in Ukraine in 2011 and continued providing support to the mentioned above CPE Working Group who took a strategy of developing the CPE System as a practical tool aimed to improve court functions and service delivery to citizens for further increasing public trust in courts. The Working Group elaborated the consideration of international court performance evaluation models together with the Ukrainian specifics, especially, the large

number of courts in the country, their mostly weak organizational capacity, low level of court automation, insufficient funding, human resource issues as well as issues of the judicial independence.

The CPE Working Group considered the following international models:

- The US Trial Court Performance Standards (TCPS) - one of the basic CPE models articulating the fundamental purpose of courts and providing a comprehensive tools to measure the quality of services delivered by a court through 22 standards and 68 measures.
- The integral court quality system *RechtspraakQ* developed by the Dutch Judiciary in 1999-2002 that defines five areas of court performance measurement and provides a list of indicators and specific instruments to assess the court quality (court statistics, staff and court user surveys, audits).
- The International Framework for Court Excellence (IFCE) developed by the Consortium. What the framework makes different from other court performance evaluation models that it takes into account the relationship between the core values of a court, the areas of measurement, court performance and quality and, this relationship is based on two pre-requisites for court excellence: management and leadership.
- Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi, Finland – this comprehensive court performance evaluation module was also under the consideration of the CPE Working group, specifically in terms of drafting the evaluation module for the quality of judgement which further did not become the part of CPE Framework.

The CPE Working Group also considered the European Commission for the Efficiency of Justice (CEPEJ)' *Checklist for Promoting the Quality of Justice*, the *Handbook for Conducting Satisfaction Surveys Aimed at Court Users* and the *Checklist for Court Coaching in the Framework of Customer Satisfaction Surveys Among Court Users*.

Based on the review of the various CPE models in the world the CPE Working Group defined the main components of the court performance evaluation for Ukraine:

- *court performance standards* – quantitative and qualitative characteristics of operations of a court as a specialized state institution which are developed according to basic values of the judiciary and democratic society and may be documented in a form of procedural requirements, norms, public expectations, etc.;
- *court performance criteria* – substantial distinctive features of court performance which are a basis for performance evaluation procedures, in particular, selection of indicators and evaluation methods;
- *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.

The first draft of Ukrainian CPE System was ready in 2012 and it included four evaluation modules: *efficiency of court administration*, *case disposition timeliness*, *quality of judgement*, and *level of satisfaction of court users (litigants) with court operations*. The draft CPE System consisted of 24 court performance evaluation criteria and over 100 indicators to measure the

compliance of court with these criteria. Besides, the draft CPE System combined the following evaluation methods:

- (1) internal court performance evaluation through (a) survey of judges and court staff within the court, (b) peer judges review and analysis of selected court decisions, and c) review of case files;
- (2) external court performance evaluation through surveys of court users (litigants) based on citizen report card (CRC) methodology; and
- (3) review and analysis of judicial statistics data.

Court Administration Evaluation Module aims primarily to measure the organizational capacity of court, mainly in terms of managerial and organizational relations and taking into consideration their formal and informal components. It is expedient to conduct concurrent anonymous surveys of judges and court staff who rank the performance of their court in terms of fairness and reasonability of distribution of powers and responsibilities, availability of adequate working conditions for judges and court staff (within available resources), extent of realization of judicial self-governance potential, ensuring conditions for support of independence and impartiality (no external influence), efficiency of using available resources and other criteria.

The Annexes 1 and 2 contain the survey questionnaire for judges and court staff used. In addition to the surveys this evaluation module used the analysis of basic court statistics (Annex 3).

Case Disposition Timeliness Evaluation Module measures the compliance of actual timelines of procedural actions of court with the principle of reasonability and optimality of court timelines and normative timelines provided for by law. This evaluation is based on a sample of cases formed depending on the types of cases and types of proceedings, existing priorities and needs. Data from automated case management system are related to the whole array of cases, while expert evaluations – to selected arrays. This module uses basic procedural standards of timeliness - compliance with procedural terms established by legislation and compliance with reasonability of timelines established by court. The list of proposed indicators for this evaluation module included general case disposition time, time of preparation of a case for adjudication (preliminary proceedings), duration of an active phase of proceedings (from the day of rendering decision to the first court session), total number of court sessions and others. Among the indicators used by court statistics this module proposed clearance rate, backlog of cases, number of cases pending for more than one year and specific weight of cases with violations of timelines for consideration.

The data collection method for this evaluation module should be the data available within the automated case management system. However, considering the fact that case management system in Ukrainian courts is available but poorly functioning, the working group suggested to substitute this method with the expert analysis of case files of a sample of cases. For this matter, the court has to form the sample of cases based on their types within the specific period of time. The recommended size of sample was from 100 to 250 per court depending of the court size.

Court Decision Evaluation Module (or Quality of Judgement Evaluation Module) is an assessment of court decisions in general but not the individual legal views. All findings and conclusions *do not pertain to the performance of an individual judge*, they are generalized in terms of court performance in general. The evaluation criteria included reasonability, application of law, adherence to formal requirements, standard of speech and writing style among others. The data was collected through the peer judge reviews of selected court decisions based on the *Form for Case Analysis* (Annex 5). Sampling of cases for this module is the same algorithm as the one used for the *Case Disposition Timeliness*.

It is important to note that the Court Decision Evaluation Module did not become the part of final approved version of the CPE. The majority of COJ members did not consider as appropriate to evaluate quality of court decisions made since it may question the mandatory enforcement of

judgements. However, the developers of the CPE System recommend the application of this evaluation method as an assessment tool when developing ongoing training programs for judges.

Court User Satisfaction Evaluation Module is based on the collection of information concerning the user perception of court performance and quality of services delivered which is also a part of public trust to court.

The Citizen Report Cards (CRC) surveys have proven to be an effective tool in measuring citizen satisfaction with municipal services in many countries, including India where the methodology was first successfully piloted with support from the World Bank.² In 2008 the USAID Ukraine Rule of Law Project modified this methodology to measure citizen satisfaction with court services with a broader purpose to collect citizen feedback to develop recommendations to improve court operations and establish a basis for the development of court performance standards in Ukraine. The true value of the CRC methodology is that it reflects actual feedback from court users and engages judges, court staff and civil society partners at every stage of the process. The CRC methodology also provides courts with a diagnostic tool to help identify gaps in service; promote accountability and transparency – CRC survey reports are always available to the public; and benchmark and track progress in improving court services over time.

Considering the successful pilot implementation of CRC surveys in Ukrainian courts, the Court Performance Evaluation Working Group decided to make them a part of the national Court Performance Evaluation System as external court performance evaluation.

The calculation of sample of respondents for CRC surveys is based on the best estimated number of citizens using the court services at the moment. This estimation further is based on the number of ongoing cases at the moment multiplied by two assuming that there are at least two parties involved in each case. Experience of CRC implementation allows making a conclusion that the highest level of representation can be achieved by using a sample of 200 respondents per participating court. Meanwhile, for smaller courts the sample varies from 100 respondents.

The evaluation criteria for the level of court user satisfaction correspond to some of discussed above in the previous evaluation modules – e.g. terms of the quality of court decision, case disposition timeliness, and requirements to judges and court staff. At the same time, there are some additional standards included in this module, in particular, minimum standards of court facility accessibility and standards of information support of participants of court proceedings.

The Annex 6 contains the court user questionnaire recommended for the conducting the CRC surveys in courts.

The draft of Court Performance Evaluation System in Ukraine had been piloted in 2013 during six month in 13 pilot courts which represent three jurisdictions – general, administrative and commercial – in eight Oblasts of Ukraine. Nine pilot courts were first instance courts, and four courts were courts of appeals. Each court formed an evaluation team which consisted of incumbent and retired judges and court staff. These teams performed internal evaluation of the efficiency of court administration, case disposition timeliness and quality of court decisions. At the same time, these 13 courts participated in external court performance evaluation through surveys of court users (litigants) based on Citizen Report Cards (CRC) methodology.

Due to complexity of the developed CPE System only nine courts were able to implement all four evaluation modules and four others completed only part of the CPE Framework. The most difficult module as it turned out is *court decisions evaluation*, which as mentioned above further was taken out from the final draft of the CPE System.

² See Public Affairs Centre, www.pacindia.org.

The pilot implementation of the developed CPE System allowed its developers - CPE Working Group and experts - to overcome one of the major initial challenge regarding the formulating court performance evaluation criteria and indicators. Through the deeper analysis of existing laws and bylaws the CPE Working Group outlined the *areas of evaluation*. The combination of the outlined areas with the results of pilot testing of the developed CPE System allowed to formulate more specifically the criteria and indicators, as well as to exclude less important components in favor to underline the more important ones.

Meanwhile, the developed and tested CPE System remained in the status of draft for almost two year. The previous compositions of the COJ were busy with other priorities and, despite of their active involvement in the process of developing and pilot testing the CPE System, they did not have enough of will to take a leadership and responsibility for its official approval.

The COJ elected in 2014 took, under the dynamic leadership of Justice Valentyna Simonenko, took the necessary steps to consider, discuss and approve the CPE System in early 2015. The COJ in its decision recommends Ukrainian courts to use at least ones per three years the CPE System in full or its selected modules depending on the managerial goal and objectives aimed at improving court operations.

The Annex 7 contains the finalized framework for court performance areas of evaluation, criteria and proposed indicators with their definitions, units of measure, management utility and other important characteristics.

IMPLEMENTATION OF COURT PERFORMANCE EVALUATION SYSTEM IN UKRAINE: BASIC AND COMPLEX LEVELS

Taking into consideration the complexity of the CPE System and the results of its pilot testing showing that its not very easy for courts to implement the CPE System in full we proposed to break the system in two-stage evaluation procedures:

Basic court performance evaluation. This procedure is based on agreed upon set of basic indicators. The basic evaluation must be simple in terms of data collection and processing, since the bulk of indicators must be based on judicial statistics data which are available in each court. The difference between the basic court performance evaluation and the regular judicial statistics must lie in agreed upon and established standards and the required minimum of data analysis which is already in place in some courts upon the initiative of the leadership of these courts. In prospect, such basic evaluation is recommended for implementation in all courts of Ukraine pursuant to decision of the Council of Judges of Ukraine. Basic evaluation may be implemented as one of the modules of automated case management system in courts.

The COJ approved a list of basic mandatory indicators to be used by all courts of Ukraine in order to analyze their operations biannually and annually and publish these indicators on websites of relevant courts:

- number and percentage of cases and case files pending for over one year;
- case clearance rat calculated according to the formula recommended by the European Commission for the Efficiency of Justice (CEPEJ): number of considered cases and case files for the reporting period divided by the number of new incoming cases for the reporting period and multiplied by 100 percent;
- average number of considered cases per one judge;
- average number of cases and case files pending during the reporting period per one judge;

- average case disposition time (calendar days);
- conducting surveys of citizens – participants of court proceedings about their satisfaction with court operations;
- publishing results of surveys of citizens – participants of court proceedings on court webpage;
- level of satisfaction of citizens – participants of court proceedings with court operations according to results of survey conducted under a unified methodology.

Complete court performance evaluation. This set of methods is recommended as an additional tool of modern court administration, courts should implement them as needed and within available resources. Complete evaluation may be implemented both as a whole and in separate modules, depending on the need. While basic evaluation shows certain negative trends in terms of court performance efficiency as to case disposition, court leadership may apply tools of complete internal evaluation of court administration through extended survey of judges and court staff to identify existing problems and solutions thereto. As in case of identifying negative trends related to case disposition timeliness (e.g., increase of percentage of cases with violations of timelines for consideration), court leadership may use “Case Disposition Timeliness” evaluation module through expert analysis of case disposition. Complete evaluation is designed to identify problem issues and possible solutions thereto, while basic evaluation allows examining the status of court performance.

In the end of 2015 FAIR conducted monitoring of courts implementing approved CPE System at its both levels – basic and complex. We monitored the CPE System implementation through observation court web-pages on the portal www.court.gov.ua and through the direct communication with courts. The results of this monitoring are the following:

- 143 courts (18,6% of all courts in Ukraine) implement basic court performance indicators including clearance rate, backlog of cases and judicial caseload. However, only 27 courts of 143 are able to calculate and report on average duration of court proceedings which is also one of basic performance indicators.
- 63 courts implemented the Court Administration CPE module through survey of judges and court staff in connection with analysis of court statistics.
- 313 courts (40,8% of all courts in Ukraine) implement court user satisfaction surveys using Citizen Report Cards (CRC) methodology.
- Only 30 courts have experience to implement all modules of the approved CPE including 13 courts where COJ and FAIR conducted the pilot testing of CPE System back in 2013 and 17 courts implemented the CPE System per their own decision and using only their own resources.
- The total number of courts that have any experience with the CPE System is 374 (48,8% of all courts in Ukraine). It includes all listed above courts implementing CPE System at its basic level (e.g. mandatory court performance indicators) and/or those that implement CPE System at its complex level in full or selected CPE modules (for example, only user satisfaction surveys or only surveys of judges and court staff).

INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE MEASURES INCORPORATING INTO UKRAINIAN COURT PERFORMANCE EVALUATION SYSTEM

The Ukrainian CPE System in its complex (complete) version addresses seven of eleven IFCE measures:

- Court User Satisfaction: at the basic CPE level court should conduct user satisfaction surveys at least once per three years, publish survey results on its web-site and report to public the general user satisfaction with court services using the unified 5-point scale. At

the complex CPE level court should evaluate its performance using specific quality criteria: accessibility of court premises, timeliness of court proceedings, judicial performance, court staff performance etc.

- Access Fees: Ukrainian CPE System at the complex level measures the quality data in terms of to which degree court fees are accessible to users through the unified 5-point scale.
- Case Clearance Rate: used at both, basic and complex level using the formula recommended by the European Commission for the Efficiency of Justice (CEPEJ).
- On-Time Case Processing: at the basic level Ukrainian CPE measures the average duration of proceedings in calendar days and per cent of cases within procedural terms.
- Case Backlog: used at both, at the basic and complex level and it measures the number of cases where proceedings last for 12 months and longer
- Employee Engagement: at the complex level the Ukrainian CPE System engages 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.
- Cost Per Case: at the complex level the Ukrainian CPE System recommends this measure using the IFCE formula, but we do not calculate cost per case for different case types.

Taking into consideration the recent success of the COJ in developing and approving the CPE System and addressing the IFCE measures, the COJ applied to the International Consortium for Court Excellence membership confirming its high motivation and interest to implement the IFCE recommended measures as part of the Ukrainian CPE Framework, its willingness to share the experience with other members of the Consortium, and its interest to have access to new methods for achieving court excellence. The Consortium' Secretariat approved the COJ application and since October 2015 the COJ is the Consortium member.

ROLE OF COURT PERFORMANCE EVALUATION SYSTEM FOR ADVANCING BETTER COURT MANAGEMENT, EFFICIENCY IN THE DELIVERY OF JUSTICE, AND IMPROVED COMMUNICATIONS WITH THE PUBLIC

Court performance evaluation (CPE) must be seen as an important aspect of court management and administration which is carried out at the level of individual courts and does not include the evaluation of the individual performance of judges. Depending on the needs and requirements CPE examines general trends and/or compares the performance of several (similar kind of) courts too. CPE allows court leadership to fulfill the following tasks:

- obtain information about current situation in court;
- justify current and strategic decisions;
- determine priorities for changes;
- monitor innovations, evaluate their productivity and efficiency;
- evaluate the compliance of certain parameters of court performance with existing standards and norms.

It is important to mention that **the aim of CPE is to improve the organization of court operations, namely: to increase the effectiveness, efficiency and quality of judicial procedures. CPE is by no means aimed at evaluating the performance of individual judges.**

We illustrated the efficiency of the proposed court performance evaluation methods by generalized results of the pilot testing of CPE System in the nine pilot courts that have fully

completed this process and prepared reports for all four evaluation modules. In order to avoid competitive comparison of pilot courts, it was decided not to mention the names of the courts in presentations, however, given the specifics of different types of courts, information about the instance and jurisdiction is kept there. The Annex 8 contains all generated results of the pilot testing of the CPE System.

There are several findings resulted from the pilot testing of the CPE System which we found out interesting as confirming some hypothesis or as denying some stereotypes. One of the interesting things among others is that *the better funding for court does not necessary mean the better court performance*. Even taking into account the causality between the level of funding and working conditions for judges and court staff we saw that in some courts the funding was better then in others however the level of judges and staff satisfaction with working conditions was lower. We concluded that the working conditions depend not only from the level of funding but also depend from the management in court.

We also confirmed our hypothesis that the duration of proceedings directly impacts the user satisfaction with court services. The longer court proceedings take – the lesser court users are satisfied with this particular court.

Another sample of the interesting finding is that the judicial caseload perception is a subjective matter. We used to hear from the judicial community that judges in Ukraine are overloaded. Meanwhile when we compared the results of the assessment related to the judicial caseload in courts of the same level and the same jurisdiction we found out that it's not exactly the case. In one court where the average number of cases per judge was 230 per year 100% of judges perceived their caseload as excessive. In another court where the number of cases per judge was more then 900 per year 87% of judges recognized their caseload as excessive. Deeper analysis informed us that it is not exactly the excessive caseload but it's more about the equal distribution of cases among judges taking into account the case weight.

Two courts of the same level and the same jurisdiction demonstrates that judges' perception of their caseload does not correlate with their actual caseload. Thus, this issue is more managerial and internal within the court rather then depending of the outside objective factors.

The pilot implementation of the developed CPE System led to the following basic conclusions of:

- Court performance evaluation conducted at specific court is an important aspect of administrating court operations. Such evaluation informs current and strategic decisions of court leadership to improve the performance of a court as an institution and increase the level of satisfaction of court users with court operations.
- Based on needs and demands, court performance evaluation can be also used to identify general trends and/or compare situation in several courts of one type, or compare situation in one and the same court over time in order to determine how efficient and effective court management is.
- In general, courts-participants of a pilot project on testing court performance evaluation framework comply with the proposed court performance evaluation criteria. There are some open issues related to some of the criteria which require urgent solution both at the level of a court and at the level of the judiciary.
- The developed draft court performance evaluation framework includes several methodologies: internal evaluation through surveys of judges and court staff, internal expert evaluation of cases and decisions, external evaluation through surveys of court users (litigants), and statistical data analysis. Such approach of complete court performance

evaluation is rather efficient, since it gives a possibility to evaluate court performance evaluation criteria using different methods and make conclusions as to the objectivity of evaluation.

- The most controversial issues of the developed CPE System are evaluation of court managers, particularly Chief Judge and Chief of Staff and the evaluation of the quality of court decisions. Regardless of the controversy it is still useful to implement these aspects however with the strong assumption that it's evaluation of the court performance in general and not an evaluation of individuals.
- The developed CPE System is equally applicable for using for development purposes (specifically, making the informed decisions aimed at the improving court functions) as well as for the broad reporting purposes including the judicial leadership communication with the public.

RESOURCE NEEDS AND AVAILABILITY FOR FULL IMPLEMENTATION OF COURT PERFORMANCE EVALUATION SYSTEM BY UKRAINIAN COURTS

The approved CPE System is rather complicated to be used by an individual court and, obviously, requires human, information, technical, time and financial resources.

The following numbers illustrate the implementation of CPE System in nine courts during its pilot testing:

- 60 judges and court staff have actively worked on leading the internal court performance evaluation through survey of judges and court staff, review of case files and analysis of selected decisions;
- more than 260 judges and 700 court staff participated in the survey on the efficiency of court administration;
- internal evaluation teams dealing with Timeliness of Court Proceedings module analyzed documentation on more than 1,200 cases, assessing the duration of case adjudication, its compliance with procedural timelines, and reasonability;
- internal evaluation teams dealing with Court Decision Evaluation module analyzed more than 1,400 pilot court decisions, assessing fullness of application of legislation, correctness of evaluation of legally significant factual background, completeness of examination of available evidence, completeness and clarity of an operative part of decision, quality of writing and other criteria;
- over 2000 court users participated in user satisfaction surveys through Citizen Report Cards (CRC).

The evaluation methods proposed by the CPE System are different in terms of needed resources. Some methods require more expert work but less financial resources, others are more expensive and time consuming. The following table briefly discusses our findings in terms of needed resources for CPE:

Evaluation method	Resources needed	Court size impact on resources for CPE
Survey of judges and court staff	<ul style="list-style-type: none"> • Court staff training on data collection and data entry • Significant amount of additional court staff time 	Direct impact: bigger courts need more resources

	<ul style="list-style-type: none"> • Additional financial resources: printing questionnaires or developing electronic questionnaire • Expert work on findings, conclusions and developing recommendations 	
Review of case files	<ul style="list-style-type: none"> • Court staff training on data collection and data entry • Significant amount of additional court staff time • May require judges work time • Additional financial resources: printing forms for analysis or developing electronic forms • Expert work on findings and conclusions 	No direct correlation between court size and resources needed for CPE: case file sampling varies between 100-200 per court
Analysis of existing court statistics	<ul style="list-style-type: none"> • No additional judges work time • Court staff training on data collection • Additional court staff time, but not significant • Expert work on findings and conclusions • Key resource: efficient Case Management System 	Court size does not matter
Court user survey	<ul style="list-style-type: none"> • Interviewers training • Court staff training on data collection and data entry • Significant amount of additional court staff time • Additional financial resources: printing questionnaires or developing electronic questionnaire system, data quality control • Data quality control (third party – NGO or company, or additional training for court staff) • Expert work on findings, conclusions and developing recommendations • Focus groups on discussing findings, conclusions and recommendations 	No direct correlation between court size and resources needed for CPE: court user respondents sampling varies between 100-200 per court

As we see, the implementation of CPE System is human resource consuming and requires additional capacity building training for court personnel. Meanwhile, we do not see that the court performance evaluation processes in courts will create additional permanent burdens for court budgets except for the initial investments in court staff training.

CHALLENGES AND OPPORTUNITIES FOR ACHIEVING COURT EXCELLENCE IN UKRAINE

We understand that the actual implementation of CPE System in Ukrainian courts may further lead to the revisions of the system itself. COJ leaves the door open for this process: we will monitor how the system is implemented in practice and will come back to revise it if necessary. However, it is clear that the International Framework for Court Excellence will remain a long-term base for any revisions of the CPE System.

It is our significant achievement of having 374 courts implementing CPE System in full or its selected modules during the first year of the CPE System’ official approval. However, the largest contribution to this number is FAIR-supported Citizen Report Cards (CRC) surveys in Ukrainian

courts implemented jointly by courts and civil society organizations (CSO). In this process the CSO partners train interviewers, print questionnaires, conduct data quality control actions, help courts with data entry and provide expert support to analyze survey results and develop recommendations. CSOs also assist courts to publish survey results, organize focus group and roundtable discussions and implement other components of CRC surveys. Our goal is building capacity of our courts to implement user satisfaction surveys as well as other CPE System modules using their own resources, without the international donors funding.

The key issues for implementing the CPE System by Ukrainian courts using their own resources at the moment are the following:

- Majority of Ukrainian courts lack of human resources and technical capacity to implement the CPE System even at its basic level.
- Current operational status of the Case Management System (CMS) in Ukrainian courts does not fully support the implementation of CPE System. Calculation of some performance indicators, as mentioned above average duration of proceedings, is complicated because the CMS does not function properly in all courts.
- Court leadership (e.g. chief judges, deputy chief judges, chiefs of staff) does not always understand the benefit of using the CPE System not only for reporting, but also for management purposes.

Taking into consideration the listed above issues in this reporting period COJ and FAIR work together now on developing Guidelines for courts on implementation of CPE System along with training module on this topic.

Another outstanding issue is a challenge to *formulate and define court performance standards*. Among the various court performance evaluation models we considered so far, the only one model – US Trial Court Performance Standards (TCPS) propose the framework of well-defined standards. But as we know, this model is not very easy to implement. Other court performance evaluation models operate with indicators under measurement areas. There are various approaches to the definition of standards among experts. Some of them propose to set quantitative standards as indicator targets that would illustrate in the best way the society expectations from the court. For example, the *number of cases pending for more than one year* should be 0, or the *clearance rate* should be within the range from 95% to 105%. Other experts consider that when we speak about court performance standards, we have to consider broader means of community expectations in regards to court performance, for example “court gives all who appear before it the opportunity to participate effectively, without undue hardship or inconvenience” (TCPS, Standard 1.3 Effective Participation). At this moment, we have only set recommended targets for basic court performance indicators.

Regardless of the existing challenges and outstanding issues we achieved the common understanding between various stakeholders that the CPE System is a pre-requisite for proper management of courts, making informed decisions and, further, for increasing public trust and confidence in courts. We expect that our participation in the International Conference on Court Excellence will lead to more ideas about making the CPE System implementation in Ukraine more easy and efficient.

Annex 1. Questionnaire for internal survey of judges

Dear Colleague!

We propose you to fill out the questionnaire with questions related to separate aspects of operations of your court. The survey is being conducted to **obtain information which will be used to make managerial decisions and develop action plans aimed at improving court performance, namely: ensuring adequate working conditions, increasing the efficiency of the use of available resources, improving material and technical support to court operations, increasing the efficiency of court management and efficiency of HR policy and work.** This survey will help to eliminate problems and flaws both in the organization of court operations and in relations with court users (litigants).

The survey is anonymous, i.e. its results will be used only in a generalized form. Evaluations and views expressed by you will not be personalized or revealed in any other way as your personal opinion. Quality and completeness of information based on which a general picture of court performance will be obtained depend on your sincerity and responsible attitude to the survey.

In filling out the questionnaire you must circle only one number of answer you have chosen and in some questions – act according to explanations to such questions.

Thank you for your consent to participate in the survey!

Gender

Male	1
Female	2

I. To which extent are you satisfied with the following working conditions in your court?

Please, answer using a 5-point scale, where 5 means completely satisfied, 1 – completely dissatisfied and 0 – difficult to answer.

I.1	Your working place (availability of an individual working place, condition of furniture, lighting, etc.)	1	2	3	4	5	0
I.2	Level of comfort of court facilities for court users (litigants)	1	2	3	4	5	0
I.3	Court automation (sufficiency of computers and their quality)	1	2	3	4	5	0
I.4	Provision with literature and specialized press	1	2	3	4	5	0
I.5	Telephone connection	1	2	3	4	5	0
I.6	Internet access	1	2	3	4	5	0
I.7	Access and possibilities of using local area network in court	1	2	3	4	5	0
I.8	Condition of court facilities (cleanness, regularity and quality of cleaning, etc.)	1	2	3	4	5	0
I.9	Possibilities for ongoing training	1	2	3	4	5	0
I.10	Fairness and reasonability of caseload (cases under consideration)	1	2	3	4	5	0
I.11	Management style typical of chief judge	1	2	3	4	5	0
I.12	Relations in a team (social and psychological environment in a team)	1	2	3	4	5	0
I.13	Level of comfort of courtrooms	1	2	3	4	5	0
I.14	Sufficient number of courtrooms	1	2	3	4	5	0

I.15	Sufficiency of qualifications of court staff with whom you directly work (assistant and secretary)	1	2	3	4	5	0
I.16	Management style typical of chief of staff	1	2	3	4	5	0
I.17	Business hours of court (when the working day starts, time for lunch, vacation, etc.)	1	2	3	4	5	0
I.18	Possibilities for spending free time and communication between team members after working hours	1	2	3	4	5	0
I.19	Provision with stationary, cartridges, etc.	1	2	3	4	5	0
I.20	Quality of operations of automated case management system	1	2	3	4	5	0
I.21	Security of facilities	1	2	3	4	5	0

II. Have you ever had a feeling that even under current conditions of financing and material and technical support, conditions in the court could be better (i.e., available resources are used not efficiently enough)? (Choose only one answer)

I am definite	1
I have had this feeling very often	2
Sometimes I have had	3
I have never had	4
Difficult to answer	4

III. Please indicate to which extent you agree with the following statements, using a 5-point scale, where 1 – definitely no, 2 – more no than yes, 3 – more or less (both no and yes), 4 – more yes than no, 5 – definitely yes, 0 – difficult to answer.

Your chief judge....

III.1	is a real leader of the court team	1	2	3	4	5	0
III.2	promotes and introduces everything new and advanced	1	2	3	4	5	0
III.3	takes care of a team	1	2	3	4	5	0
III.4	has high level of professional training	1	2	3	4	5	0
III.5	is a good organizer	1	2	3	4	5	0
III.6	is authoritative among and respected by court staff	1	2	3	4	5	0
III.7	ensures enforcement of decisions of meeting of judges of your court	1	2	3	4	5	0
III.8	distributes assignments and workload in a fair way	1	2	3	4	5	0
III.9	controls quality of performance of employees and timeliness of tasks fulfillment	1	2	3	4	5	0
III.10	is authoritative among and respected by judges	1	2	3	4	5	0
III.11	is able to establish communication with the media and the public	1	2	3	4	5	0
III.12	makes impartial staffing decisions – selection and promotion of staff based on their qualifications and business qualities	1	2	3	4	5	0
III.13	maintains mutual understanding with the Chief of Staff	1	2	3	4	5	0
III.14	is proactive in the issues of upgrading qualification of employees	1	2	3	4	5	0
III.15	is courteous and polite in business relations	1	2	3	4	5	0
III.16	does not take presents, which is not compatible with the position and creates conflict of interests or may be deemed as such	1	2	3	4	5	0
III.17	does not perform actions which may lead to conflict of interests, in particular – may be favorable for one of the parties in litigation, or	1	2	3	4	5	0

	may be personally beneficial						
III.18	does not interfere in consideration of cases by judges, respects their independence, never tries ‘pressing on’ or in any other way influencing them	1	2	3	4	5	0
	can create positive social and psychological environment in the team, prevent conflicts and confrontations						

IV. Please indicate to which extent you agree with the following statements, using a 5-point scale, where 1 – definitely no, 2 – more no than yes, 3 – more or less (both no and yes), 4 – more yes than no, 5 – definitely yes, 0 – difficult to answer.

Your chief of staff

IV.1	is a real leader of the court team	1	2	3	4	5	0
IV.2	promotes and introduces everything new and advanced	1	2	3	4	5	0
IV.3	takes care of a team	1	2	3	4	5	0
IV.4	can create positive social and psychological environment in the team, prevent conflicts and confrontations	1	2	3	4	5	0
IV.5	has high level of professional training	1	2	3	4	5	0
IV.6	is a good organizer	1	2	3	4	5	0
IV.7	is authoritative among and respected by court staff	1	2	3	4	5	0
IV.8	takes into consideration opinions and wishes of court staff in making decisions	1	2	3	4	5	0
IV.9	distributes assignments and workload in a fair way	1	2	3	4	5	0
IV.10	controls quality of performance of employees and timeliness of tasks fulfillment	1	2	3	4	5	0
IV.11	never tries to “press” or in any other way to influence court staff in order for them to act in a way which is unethical, illegal or inappropriate to the office or circumstances	1	2	3	4	5	0
IV.12	is able to establish cooperation with the media and the public	1	2	3	4	5	0
IV.13	makes unbiased HR decisions – merit-based recruitment and promotion of staff	1	2	3	4	5	0
IV.14	maintains mutual understanding with chief judge	1	2	3	4	5	0
IV.15	is active in the issues of ongoing training of staff	1	2	3	4	5	0
IV.16	is tolerant and polite in official relations	1	2	3	4	5	0
IV.17	does not take presents, which is not compatible with the position and creates conflict of interests or may be deemed as such	1	2	3	4	5	0

V. Please indicate to which extent you agree with the following statements, using a 5-point scale, where 1 – definitely no, 2 – more no than yes, 3 – more or less (both no and yes), 4 – more yes than no, 5 – definitely yes, 0 – difficult to answer.

Meeting of judges of your court

V.1	is an authoritative and independent judicial self-governance body	1	2	3	4	5	0
V.2	has real impact on decisions made by the court leadership	1	2	3	4	5	0
V.3	in its decisions reflect real needs of court	1	2	3	4	5	0
V.4	discusses the issues of internal organization of court operations or performance of individual judges or court staff members	1	2	3	4	5	0

V.5	identifies specialization of judges in considering specific categories of cases of relevant jurisdiction upon the proposal of chief judge	1 2 3 4 5 0
V.6	hears the reports of judges who hold administrative positions in this court and chief of staff	1 2 3 4 5 0
V.7	discusses the issues of the practice of law application, develops relevant proposals as to improving such practice and legislation, submit their proposals for consideration of a specialized court and the Supreme Court of Ukraine	1 2 3 4 5 0
V.8	discusses issues which raise from inappropriate funding of court and proposes solutions to certain problems	1 2 3 4 5 0
V.9	discusses problems and make decisions on the issues of operations of the automated case management system of court	1 2 3 4 5 0
V.10	is convened not less than once every three months	! No=1, Yes=2 0

VI. According to the facts you know and your personal impressions, try to identify how positions of chief judge and chief of staff are correlated in work planning or evaluating current court performance (choose only one answer)

Difficult to answer	1
Almost always do not correlate	2
Mostly do not correlate	3
Mostly correlate	4
Almost always correlate	5

VII. Try to recollect the last week – work or assignments you performed. What part of your working time was spent on activities (actions) which are not directly related to the preparation for and consideration of cases?

This never happened	1
Up to 10 %	2
11-30 %	3
31-50 %	4
Over 50 %	5

VIII. Did you happen to work overtime or take work home during the last 12 months? (choose only one answer)

This happened continuously	1
Quite often	2
Sometimes	3
Never	4

VIII.1 If this happened, how do you explain this? (You may choose several answers)

Your qualifications and experience do not always allow performing work in time yet	1
Unequal workload distribution	2
General workload of the court is excessive, we do not cope	3
Lack of adequate working conditions (there are no computers or they are not operational, etc.)	4
Other reasons	5

IX. Which of the below mentioned statements may characterize your personal caseload (number of pending cases)

(choose only one answer)

Caseload is not excessive (there are not so many cases and most of them are not too complicated)	1
There are not so many cases, but some of them are too complicated	2
There are many cases but within reasonable limits (their number does not impact quality and timeliness of case disposition)	3
Caseload is to certain extent excessive (by about 20-30% more than it should be)	4
Caseload is excessive	5

X. Do you find seminars, trainings and other forms of education which take place in you court useful for you?

Very useful	1
More useful than not	2
More useless than useful	3
Totally useless	4

XI. To which extent is the following typical for your court?

Please answer the following questions using a 5-point scale

(5 – untypical; 4 – more untypical than typical; 3 – more typical than not; 2 – partially typical; 1 – very typical; 0 – difficult to answer)

XI.1	Availability of ‘favorites’ of the leadership, unequal treatment of employees by the leadership	5	4	3	2	1	0
XI.2	Spreading rumors, expressing views about court decisions and commenting them	5	4	3	2	1	0
XI.3	Insufficient number of court staff	5	4	3	2	1	0
XI.4	Uneven distribution of assignments or types of work (unrelated directly to case consideration) among judges by court leadership	5	4	3	2	1	0
XI.5	Uneven distribution of caseload (cases) among judges due to drawbacks of automated case assignment	5	4	3	2	1	0
XI.6	Automated case management system complicates the work of court rather than simplifies it	5	4	3	2	1	0

XII. To which extent are the following features typical of relations in a team of your court?

Please answer the following questions using a 5-point scale

(5 – untypical; 4 – more untypical than typical; 3 – more typical than not; 2 – partially typical; 1 – very typical; 0 – difficult to answer)

XII.1	benevolence, courtesy, politeness	1	2	3	4	5
XII.2	feeling of belonging to one team	1	2	3	4	5
XII.3	mutual help, information exchange	1	2	3	4	5
XII.4	respectful treatment of court visitors	1	2	3	4	5
XII.5	discussion and condemnation of unethical or improper conduct of your colleagues	1	2	3	4	5
XII.6	mutual respect (respect to experience, knowledge and professional qualification)	1	2	3	4	5

XIII. What changes have taken place in your court for last 12 months?**XIII.1 Your personal caseload**

Has increased	1
Has not changed	2
Has reduced	3

	Have improved	Have not changed	Have become worse
XIII.2 Working conditions (quality of working place)	3	2	1
XIII.3 Conditions of court facilities	3	2	1
XIII.4 Relations in a team	3	2	1
XIII.5 Organization of work and court management	3	2	1

ADDITIONAL QUESTION (AT THE DISCRETION OF COURT)**XIV. What changes have taken place in your court for the tenure of your current chief judge?**

	Have improved	Have not changed	Have become worse
XIV.1 Working conditions (quality of working place)	3	2	1
XIV.2 Conditions of court facilities	3	2	1
XIV.3 Relations in a team	3	2	1
XIV.4 Organization of work and court management	3	2	1

Annex 2. Questionnaire for internal survey of court staff

Dear Colleague!

We propose you to fill out the questionnaire with questions related to separate aspects of operations of your court. The survey is being conducted to **obtain information which will be used to make managerial decisions and develop action plans aimed at improving court performance, namely: ensuring adequate working conditions, increasing the efficiency of the use of available resources, improving material and technical support of court operations, increasing the efficiency of court management and efficiency of HR policy and work.** This survey will help to eliminate problems and flaws both in the organization of court operations and in relations with court users (litigants).

The survey is anonymous, i.e. its results will be used only in generalized form. Evaluations and views expressed by you will not be personalized or revealed in any other way as you personal opinion. Quality and completeness of information based on which general picture of court performance will be obtained depend on you sincerity and responsible attitude to the survey.

In filling out the questionnaire you must circle only one number of answer you have chosen and in some questions – act according to explanations to such questions.

Thank you for your consent to participate in the survey!

Gender

Male	1
Female	2

I. To which extent are you satisfied with the following working conditions in your court?

Please, answer using a 5-point scale, where 5 means completely satisfied, 1 – completely dissatisfied and 0 – difficult to answer.

I.1	Your working place (availability of an individual working place, condition of furniture, lighting, etc.)	1	2	3	4	5	0
I.2	Level of comfort of court facilities for court users (litigants)	1	2	3	4	5	0
I.3	Court automation (sufficiency of computers and their quality)	1	2	3	4	5	0
I.4	Provision with literature and specialized press	1	2	3	4	5	0
I.5	Telephone connection	1	2	3	4	5	0
I.6	Internet access	1	2	3	4	5	0
I.7	Access and possibilities of using local area network in court	1	2	3	4	5	0
I.8	Condition of court facilities (cleanness, regularity and quality of cleaning, etc.)	1	2	3	4	5	0
I.9	Possibilities for ongoing training	1	2	3	4	5	0
I.10	Prospects of professional growth	1	2	3	4	5	0
I.11	Management style typical of chief judge	1	2	3	4	5	0
I.12	Relations in a team (social and psychological environment in a team)	1	2	3	4	5	0
I.13	Level of comfort of courtrooms	1	2	3	4	5	0
I.14	Compliance with principles of fairness and reasonability in determining official duties and distribution of workload or assignments	1	2	3	4	5	0

I.15	Management style typical of chief of staff	1	2	3	4	5	0
I.16	Business hours of court (when the working day starts, time for lunch, vacation, etc.)	1	2	3	4	5	0
I.17	Possibilities for spending free time and communication between team members after working hours	1	2	3	4	5	0
I.18	Provision with stationary, cartridges, etc.	1	2	3	4	5	0
I.19	Quality of operations of automated case management system	1	2	3	4	5	0
I.20	Security of facilities	1	2	3	4	5	0

II. Have you ever had a feeling that even under current conditions of financing and material and technical support, conditions in the court could be better (i.e., available resources are used not efficiently enough)? (Choose only one answer)

I am definite	1
I had this feeling very often	2
Sometimes I had	3
I have never had	4
Difficult to answer	0

III. Please indicate to which extent you agree with the following statements, using a 5-point scale, where 1 – definitely no, 2 – more no than yes, 3 – more or less (both no and yes), 4 – more yes than no, 5 – definitely yes, 0 – difficult to answer.

Your chief judge

III.1	is a real leader of the court team	1	2	3	4	5	0
III.2	promotes and introduces everything new and advanced	1	2	3	4	5	0
III.3	takes care of a team	1	2	3	4	5	0
III.4	can create positive social and psychological environment in the team, prevent conflicts and confrontations	1	2	3	4	5	0
III.5	is a good organizer	1	2	3	4	5	0
III.6	is authoritative among and respected by court staff	1	2	3	4	5	0
III.7	ensures enforcement of decisions of Meeting of Judges of your court	1	2	3	4	5	0
III.8	distributes assignments and workload in a fair way	1	2	3	4	5	0
III.9	controls quality of performance of employees and timeliness of tasks fulfillment	1	2	3	4	5	0
III.10	is authoritative among and respected by judges	1	2	3	4	5	0
III.11	is able to establish communication with the media and the public	1	2	3	4	5	0
III.12	makes impartial staff decisions – selection and promotion of staff based on their qualification and business qualities	1	2	3	4	5	0
III.13	retains mutual understanding with chief of staff	1	2	3	4	5	0
III.14	is proactive in the issues of upgrading qualification of employees	1	2	3	4	5	0
III.15	is courteous and polite in business relations	1	2	3	4	5	0
III.16	does not take presents, which is not compatible with the position and creates conflict of interests or may be deemed as such	1	2	3	4	5	0

IV. Please indicate to which extent you agree with the following statements, using a 5-point scale, where 1 – definitely no, 2 – more no than yes, 3 – more or less (both no and yes), 4 – more yes than no, 5 – definitely yes, 0 – difficult to answer.

Your chief of staff

IV.1	is a real leader of the court team	1	2	3	4	5	0
IV.2	promotes and introduces everything new and advanced	1	2	3	4	5	0
IV.3	takes care of a team	1	2	3	4	5	0
IV.4	can create positive social and psychological environment in the team, prevent conflicts and confrontations	1	2	3	4	5	0
IV.5	has high level of professional training	1	2	3	4	5	0
IV.6	is a good organizer	1	2	3	4	5	0
IV.7	is authoritative among and respected by court staff	1	2	3	4	5	0
IV.8	Takes into consideration opinions and wishes of court staff in making decisions	1	2	3	4	5	0
IV.9	distributes assignments and workload in a fair way	1	2	3	4	5	0
IV.10	controls quality of performance of employees and timeliness of tasks fulfillment	1	2	3	4	5	0
IV.11	Never tries to “press” or in any other way to influence court staff in order for them to act in a way which is unethical, illegal or inappropriate to the office or circumstances	1	2	3	4	5	0
IV.12	Is able to establish cooperation with the media and the public	1	2	3	4	5	0
IV.13	Makes unbiased HR decisions – merit-based recruitment and promotion of staff	1	2	3	4	5	0
IV.14	Maintains mutual understanding with chief judge	1	2	3	4	5	0
IV.15	Is active in the issues of ongoing training of staff	1	2	3	4	5	0
IV.16	Is tolerant and polite in official relations	1	2	3	4	5	0
IV.17	does not take presents, which is not compatible with the position and creates conflict of interests or may be deemed as such	1	2	3	4	5	0

V. Please indicate to which extent you agree with the following statements, using a 5-point scale, where 1 – definitely no, 2 – more no than yes, 3 – more or less (both no and yes), 4 – more yes than no, 5 – definitely yes, 0 – difficult to answer.

“ Meeting of judges of your court...”

V.1	is an authoritative and independent judicial self-governance body	1	2	3	4	5	0
V.2	has real impact on decisions made by the court leadership	1	2	3	4	5	0
V.3	in its decisions reflect real needs of court	1	2	3	4	5	0

VI. According to the facts you know and your personal impressions, try to identify how positions of chief judge and chief of staff are correlated in work planning or evaluating current court performance (*choose only one answer*)

Difficult to answer	1
Almost always do not correlate	2
Mostly do not correlate	3
Mostly correlate	4
Almost always correlate	5

VII. Try to recollect the last week – work or assignments you performed.

VII.1 What part of your working time have you spent on discharge of duties (types of activities) which directly or indirectly are not envisaged by your official duties (are not typical of your position)?

This never happened	1
up to 10 %	2
11-30 %	3
31-50 %	4
51 % and more	5

VII.2 If it happened, whose work did you do? (You may choose several answers)

Of other court staff employee	1
Judge (judges)	2
Chief of Staff	3
Chief Judge (Deputy Chief Judge)	4
other	5

VIII. Did you happen to work overtime or take work home during the last 12 months?

This happened continuously	1
Quite often	2
Sometimes	3
Never	4

VIII. If this happened, how do you explain this? (You may choose several answers)

Your qualifications and experience do not always allow performing work in time yet	1
Unequal workload distribution	2
General workload of the court is excessive, we do not cope	3
Lack of adequate working conditions (there are no computers or they are not operational, etc.)	4
Other reasons	5

IX. Do you find seminars, trainings and other forms of education which take place in you court useful for you?

Very useful	1
More useful than not	2
More useless than useful	3
Totally useless	4

X. To which extent is the following typical of your court?

Please answer the following questions using a 5-point scale

(5 – untypical; 4 – more untypical than typical; 3 – more typical than not; 2 – partially typical; 1 – very typical; 0 – difficult to answer)

X.1	Availability of ‘favorites’ of the leadership, unequal treatment of employees by the leadership	5	4	3	2	1	0
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X.2	Spreading rumors, expressing views about court decisions and commenting them	5	4	3	2	1	0
X.3	Insufficient number of court staff	5	4	3	2	1	0
X.4	Uneven distribution of assignments or types of work (unrelated directly to case consideration) by court leadership	5	4	3	2	1	0
X.5	Automated case management system complicates the work of court rather than simplifies it	5	4	3	2	1	0

XI. To which extent are the following features typical for relations in a team of your court?

Please answer the following questions using a 5-point scale

(5 – untypical; 4 – more untypical than typical; 3 – more typical than not; 2 – partially typical; 1 – very typical; 0 – difficult to answer)

XI.1	benevolence, courtesy, politeness	1	2	3	4	5	0
XI.2	feeling of belonging to one team	1	2	3	4	5	0
XI.3	mutual help, information exchange	1	2	3	4	5	0
XI.4	respectful treatment of court visitors	1	2	3	4	5	0
XI.5	discussion and condemnation of unethical or improper conduct of your colleagues	1	2	3	4	5	0
XI.6	mutual respect (respect to experience, knowledge and professional qualification)	1	2	3	4	5	0

XII. What changes have taken place in your court for last 12 months?

XII.1 Your personal workload:

Has increased	1
Has not changed	2
Has reduced	3

	Have improved	Have not changed	Have become worse
XII.2 Working conditions (quality of working place)	3	2	1
XII.3 Conditions of court facilities	3	2	1
XII.4 Relations in a team	3	2	1
XII.5 Organization of work and court management	3	2	1

ADDITIONAL QUESTION (AT THE DISCRETION OF COURT)

XIII. What changes have taken place in your court for the tenure of your current chief judge?

	Have improved	Have not changed	Have become worse

XIII.2 Working conditions (quality of working place)	3	2	1
XIII.3 Conditions of court facilities	3	2	1
XIII.4 Relations in a team	3	2	1
XIII.5 Organization of work and court management	3	2	1

Annex 3. Table of basic statistics information about court

1	Number of judges in payroll	
2	Actual number of judges	
3	Number of court staff in payroll	
4	Actual number of court staff	
5	Total floor area of court	
6	Number of judicial chambers	
7	Number of courtrooms	
8	Required funding of court according to budget request for the reporting period (year)	
9	Budget funding of court for the reporting period (year)	
10	Actual funding of court for the reporting period (year)	
11	Total number of state-owned computers in court	
12	Number of state-owned operational computers which judges use	
13	Number of state-owned operational computers which court staff use	
14	Number of state-owned operational computers connected into local network	
15	Number of state-owned operational computers with Internet access	
16	Number of operational equipment to make audio records of trial	
17	Number of operational printers in court	
18	Number of cases considered during the previous reporting period (year)	
19	Backlog of cases as of the first day of the current reporting period	
20	Backlog of cases pending for over one year as of the first day of the current reporting period	
21	Number of cases which were pending in court as of the first day of the current reporting period but were not registered	
22	Incoming cases from the first day of the current reporting period to the last day of the current reporting period	
23	Completed cases from the first day of the current reporting period to the last day of the current reporting period	
24	Backlog of cases as of the last day of the current reporting period	
25	Backlog of cases pending for over 1 year as of the last day of the current reporting period	
26	Number of cases pending in court as of the last day of the current reporting period but not registered	
27	Total number of applications (complaints, etc.) of citizens and legal entities to the court for the previous reporting period	
28	Number of applications (complaints, etc.) of citizens and legal entities regarding improper organization of court operations for the previous reporting period	
29	Total number of applications (complaints, etc.) of citizens and legal entities to the court for the current reporting period	
30	Number of applications (complaints, etc.) of citizens and legal entities regarding improper organization of court operations for the current reporting period	

Annex 4. Form for case file analysis.

(evaluation based on record and statistical cards)

The aim of analysis of record and statistical data of court decision is to obtain generalized information about current situation in court as to the compliance of actual timelines of performing procedural actions by court with *reasonability and optimality of court timelines and normative timelines provided for by law.*

This generalized information will be used to make managerial decisions and develop action plans aimed at improving court operations and increasing the quality of court services. All evaluations and conclusions obtained in the result of analysis *are not related to the performance of individual judges*, they are generalized in terms of performance of a court in general or certain court departments in particular. In the process of data collection and evaluation any information about individual judge is deleted.

Code of court

--	--	--	--	--	--

No of document in a sample

--	--	--

Subsample (case category)

--	--

No	Stages of court proceedings	Quantity	Measuring unit
<i>Provide quantitative data as to the duration of certain stages of court proceedings</i>			
1.	Total duration of case disposition		Calendar days
2.	Duration of period from the day the claim (complaint, petition etc.) was filed to the day the proceeding was commenced		Calendar days
3.	Period between the day of intake of petition (claim) and day of its registration (setting up a card)		Calendar days
4.	Duration of preparation of a case for adjudication (from the day a judge received case files to the first court session)		Calendar days
5.	The longest period between court sessions		Calendar days
6.	Total number of court sessions		Court sessions
7.	Number of court sessions that were appointed but did not take place		Court sessions
8.	Duration of the period between the first court session and the day of judgment announcement last		Calendar days
9.	Period of producing the full text of court decision in a case when only opening and operative parts of decision were announced at the court session ³		Calendar days

³ Note: in case of sending by mail the deadline is the date of sending mail.

10. Has the schedule of hearings (time of the beginning of court session) established by the court been always followed?

The schedule is mainly not followed	1
It is often broken	2
It is broken in some cases	3
It is almost always followed	4

11. Try to give general evaluation of promptness and timeliness of case disposition using a 10-point scale where 10 means that case was considered promptly and within reasonable timelines, and 1 is unsatisfactory point, i.e. during consideration of a case substantial violations of procedural terms were made, 0 – difficult to provide general evaluation.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 0.

12. Below you may write your comments and evaluations as to the analysis of timeliness of considering a given case

THANK YOU!

Annex 5. Form for court decision analysis.

This form is not a part of approved by the Council of Judges of Ukraine CPE Framework. CPE System developers kept this form for its possible application in developing ongoing training programs for judges.

The aim of expert analysis of court decision is to obtain generalized information about current situation in court as to the *reasonability, legality and quality of court decisions*. All evaluations and conclusions obtained in the result of analysis *are not related to the performance of individual judges*, they are generalized in terms of court performance in general or certain court departments in particular. In the process of data collection and evaluation any information about individual judge is deleted.

Code of court

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

No of document in a sample

| | | |
|--|--|--|
| | | |
|--|--|--|

Subsample (case category)

| | |
|--|--|
| | |
|--|--|

Determine, to which extent are the following typical of court decision:

1. Fullness of application of legislation

| | |
|--|----------|
| There are no references to legislation or they are of a formal nature, or they are excessive (such which complicate comprehension) | 1 |
| There are substantial mistakes in selection of normative and legislative acts (irrelevant acts or those which are null and void, etc.) | 2 |
| Not all normative and legislative acts were used | 3 |
| Generally, full application of relevant norms of substantive law | 4 |

2. Understanding of legislation (knowledge and correct interpretation)

| | |
|---|----------|
| Substantial mistakes in understanding (interpretation) of legislation | 1 |
| Some minor mistakes in interpretation of normative and legislative acts | 2 |
| Generally, sufficient knowledge and correct interpretation of legislation | 3 |

3. Using legal views of higher courts (adherence to unified case law) and (if you consider it relevant or advisable) ECHR case law?

| | |
|---|----------|
| Completely new subject of consideration (there are no legal views of higher courts, or they are vague, contradictive) | 1 |
| Legal views of higher courts were ignored by a judge (although the decision does not contradict them) | 2 |
| Decision contradicts legal views of higher courts (or ECHR) | 3 |
| Generally, correct use of legal views of higher courts (if there are references to them) | 4 |

4. Correctness of evaluation of legally significant factual background (its completeness, strength, proof, etc.)

| | |
|--|----------|
| Substantial mistakes in evaluation | 1 |
| Minor mistakes in evaluation of factual background | 2 |
| Factual background is evaluated correctly | 3 |

5. Completeness of examination of available (submitted by parties) evidence.

In court of appeals – completeness of examination of arguments of appeal.

| | |
|--|---|
| Evidence is not examined or is formally examined | 1 |
| Evidence was examined partially (e.g. only evidence submitted by one of the parties) | 2 |
| Evidence was examined in full and comprehensively | 3 |

6. Presentation of motives to adduce or not adduce evidence of the parties

| | |
|--|---|
| There is no motivation or it is of a formal nature | 1 |
| Significant mistakes in motivation of adduction or non-adduction of evidence | 2 |
| Generally, motivation is correct but there are some minor mistakes | 3 |
| Complete and correct explanation of motivation | 4 |

7. Availability of spelling, grammar, syntactic and stylistic mistakes in the text of decision (which are obvious for a person without special philological education)

| | |
|--|---|
| Large number of mistakes, which impedes understanding of purport of decision | 1 |
| Large number of mistakes which do not change purport of decision | 2 |
| Some mistakes | 3 |
| No mistakes | 4 |

8. Complete, clear, exhaustive wording of an operative part of decision

| | |
|--|---|
| Wording of an operative part is incomplete and unclear | 1 |
| Wording is complete but unclear (e.g., it is difficult to understand it) | 2 |
| Wording of an operative part is complete, clear and exhaustive | 3 |

9. Simplicity and understandability of decision formulation (i.e. use of generally accepted terms, word combinations, expressions, etc. rather than use of complicated legal constructions)

| | |
|---|---|
| Generally, style is too complicated | 1 |
| It is difficult to understand some provisions | 2 |
| Style is simple and understandable | 3 |

10. Possibility to understand views and opinions of the court by a person who lost the case (or who was held liable) and has an intention to appeal against the decision

| | |
|---|---|
| It is most likely that person who is going to appeal against this decision will not understand it | 1 |
| Some provisions may be not understood | 2 |
| Decision is completely understandable | 3 |

11. Possibility to understand views and opinions of the court by a person without legal education who was not a participant of litigation

| | |
|---|---|
| It is most likely that such person will not understand it | 1 |
| Some provisions may be not understood | 2 |
| Decision is completely understandable | 3 |

12. Try to provide general evaluation of quality of court decision using a 10-point scale, where 10 means that decision complies with all the criteria of a quality decision, and 1 is unsatisfactory point, 0 – it is difficult to provide general evaluation.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 0.

13. Below you can write your comments and evaluations as to court decision

THANK YOU!

Annex 6. Questionnaire for a survey of court users regarding court performance (Citizen Report Card)

Dear court user!

We propose you to participate in the survey of citizens about their satisfaction with court performance. The survey is being conducted to objectively evaluate the quality of services provided by court. The obtained information will be used to develop effective recommendations on improving the quality of court services and increasing the level of public trust in courts. This surveying is random and you have been randomly selected. Be sure that the collected information is confidential and your answers will be used in a generalized form. Quality and completeness of information based on which general picture of court performance will be obtained depend on you sincerity and responsible attitude to the survey.

**NUMBER OF
QUESTIONNAIRE**

| | | |
|--|--|--|
| | | |
|--|--|--|

Interviewer _____

Number of interviewer

| | |
|--|--|
| | |
|--|--|

Date of interview:

| | |
|--|--|
| | |
|--|--|

date

| | |
|--|--|
| | |
|--|--|

month

| | |
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| | |
|--|--|

1 2

Time when interview started:

| | |
|--|--|
| | |
|--|--|

hours

| | |
|--|--|
| | |
|--|--|

min.

Block 1 General characteristics of respondent

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|--------------------|---|-------|---|---------------------------------------|---|----------------------------|---|---------|---|---|------------------------------------|---------------------|--------------|--|--|---|--|---|------------------------------|---|--------------------------------------|---|-----------|---|------------------|---|
| <p>1. Age:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>18-25</td><td style="text-align: right;">1</td></tr> <tr><td>26-39</td><td style="text-align: right;">2</td></tr> <tr><td>40-59</td><td style="text-align: right;">3</td></tr> <tr><td>60 and more</td><td style="text-align: right;">4</td></tr> </table> <p>3. Gender:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Male</td><td style="text-align: right;">1</td></tr> <tr><td>Female</td><td style="text-align: right;">2</td></tr> </table> | 18-25 | 1 | 26-39 | 2 | 40-59 | 3 | 60 and more | 4 | Male | 1 | Female | 2 | <p>2. Education:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Secondary and incomplete secondary</td><td style="text-align: right;">1</td></tr> <tr><td>Basic higher</td><td style="text-align: right;">2</td></tr> <tr><td>Higher</td><td style="text-align: right;">3</td></tr> <tr><td>Other (please specify) _____</td><td style="text-align: right;">4</td></tr> </table> <p>4. Do you have legal background:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Yes</td><td style="text-align: right;">1</td></tr> <tr><td>No</td><td style="text-align: right;">2</td></tr> </table> | Secondary and incomplete secondary | 1 | Basic higher | 2 | Higher | 3 | Other (please specify) _____ | 4 | Yes | 1 | No | 2 | | | | |
| 18-25 | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26-39 | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 40-59 | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 60 and more | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Male | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Female | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Secondary and incomplete secondary | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Basic higher | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Higher | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other (please specify) _____ | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Yes | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| No | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>5. You live in:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>The settlement where this court is located</td><td style="text-align: right;">1</td></tr> <tr><td>Another settlement</td><td style="text-align: right;">2</td></tr> </table> <p>7. You consider yourself to be:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Poor</td><td style="text-align: right;">1</td></tr> <tr><td>Person with income lower than average</td><td style="text-align: right;">2</td></tr> <tr><td>Person with average income</td><td style="text-align: right;">3</td></tr> <tr><td>Wealthy</td><td style="text-align: right;">4</td></tr> <tr><td>Rich</td><td style="text-align: right;">5</td></tr> <tr><td>NC (no answer code)</td><td style="text-align: right;">9</td></tr> </table> | The settlement where this court is located | 1 | Another settlement | 2 | Poor | 1 | Person with income lower than average | 2 | Person with average income | 3 | Wealthy | 4 | Rich | 5 | NC (no answer code) | 9 | <p>6. In court you represent:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Yourself (you are a plaintiff/defendant /witness/victim)</td><td style="text-align: right;">1</td></tr> <tr><td>Another person (you are an attorney, legal consultant)</td><td style="text-align: right;">2</td></tr> <tr><td>Other (please specify) _____</td><td style="text-align: right;">3</td></tr> </table> <p>8. How often you've been a party to court proceedings:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>These are my first court proceedings</td><td style="text-align: right;">1</td></tr> <tr><td>2-5 times</td><td style="text-align: right;">2</td></tr> <tr><td>6 times and more</td><td style="text-align: right;">3</td></tr> </table> | Yourself (you are a plaintiff/defendant /witness/victim) | 1 | Another person (you are an attorney, legal consultant) | 2 | Other (please specify) _____ | 3 | These are my first court proceedings | 1 | 2-5 times | 2 | 6 times and more | 3 |
| The settlement where this court is located | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Another settlement | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Poor | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Person with income lower than average | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Person with average income | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wealthy | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Rich | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NC (no answer code) | 9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Yourself (you are a plaintiff/defendant /witness/victim) | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Another person (you are an attorney, legal consultant) | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other (please specify) _____ | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| These are my first court proceedings | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2-5 times | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 times and more | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | | |
|---|---|---|---|
| 9. In which proceedings in this court you are participating: | | 10. Please specify the stage of your case hearing? | |
| Civil | 1 | The case hearing has not started yet | 1 |
| Criminal | 2 | The hearing is in process | 2 |
| Administrative | 3 | The hearing is over | 3 |
| Administrative offense case | 4 | Other (please specify) | 4 |

11. To what extent you are aware of the work of courts and judges in general?

| | | | | |
|------------------|-----------------|----------------|--------------------|----|
| Completely aware | Generally aware | Almost unaware | Completely unaware | NC |
| 4 | 3 | 2 | 1 | 9 |

12. Using the 5-point scale, please estimate the quality of this court performance:

(1 – very poor, 5 – excellent, 9 – NC):

| | | | | | |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 9 |
|---|---|---|---|---|---|

Block 2 Main part – evaluation by quality measurements

Please answer the following questions using a 5-point scale

(1 – definitely no, 2 – at most no, 3 – more or less (yes and no), 4 – at most yes, 5 – definitely yes, 0 – difficult to say, 9 - NC).

☞ Interviewer, offer to a respondent Card #1

Accessibility of court

| | | |
|------|---|-------------------|
| 13.1 | Was it easy for you to find the courthouse? | 1 2 3 4 5 9 |
| 13.2 | Is it easy to reach the court using public transport? (<i>If you do not use public transport, go to the next question</i>) | 1 2 3 4 5 9 |
| 13.3 | Is it convenient to park (are there enough parking places) near the courthouse? | 1 2 3 4 5 9 |
| 14 | Did you face any obstacles in accessing court facilities due to security limitations? | Yes – 1, No - 2 9 |
| 15 | Do you think that people with disabilities can easily get to the court premises and use court services? | 1 2 3 4 5 9 |
| 16 | When you tried to call to the court, did you always manage to reach it and get all the necessary information by phone? | 1 2 3 4 5 9 |
| 17 | Are business hours of the chancellery convenient for you to attend to your matters (to file a case, review materials, get a copy of decision/ruling/verdict, etc.?) | 1 2 3 4 5 9 |
| 18 | Could you afford hiring a lawyer (legal counsel) if needed? ⁴ | 1 2 3 4 5 9 |

How convenient and comfortable it is to be in court

| | | |
|----|---|-------------|
| | <i>Is the following typical of a courthouse:</i> | |
| 19 | - enough comfortable areas\seats in the court to wait, file documents, review files and prepare for hearings? | 1 2 3 4 5 9 |
| 20 | - free access to amenities (toilets)? | 1 2 3 4 5 9 |
| 21 | - facilities are clean and tidy? | 1 2 3 4 5 9 |
| 22 | - enough lighting? | 1 2 3 4 5 9 |

Completeness and clarity of information

☞ ⁴ Interviewer! If the responded uses the services of a lawyer or represents interests of state, put «9» – «NC»!

| | | |
|----|---|--------------------------|
| 23 | Are information stands (boards) in the courthouse conveniently placed? | 1 2 3 4 5 9 |
| | <i>Are you fully satisfied with the information placed in court regarding:</i> | |
| 24 | – Location of offices, courtrooms and other facilities | 1 2 3 4 5 9 |
| 25 | – Rules to access and be in court | 1 2 3 4 5 9 |
| 26 | – Cases scheduled for hearing | 1 2 3 4 5 9 |
| 27 | – Samples of documents (applications, petitions, etc.) | 1 2 3 4 5 9 |
| 28 | – Procedure for paying court fees, duties, details and amount of fees | 1 2 3 4 5 9 |
| 29 | Have you used the Internet web-site of the court? | Yes – 1,
No – 2 → №31 |
| 30 | If you have used the Internet web-site of the court, have you found the required information there? | 1 2 3 4 5 9 |

Perception of the work of court staff

| | | |
|----|--|-------------|
| 31 | Did Court staff work diligently and make no mistakes which led to rewriting documents and deadline violations? | 1 2 3 4 5 9 |
| | <i>Did court staff when dealing with you show the following:</i> | |
| 32 | – Benevolence, respect, readiness to help | 1 2 3 4 5 9 |
| 33 | – Equal treatment of all visitors irrespective of their social status | 1 2 3 4 5 9 |
| 34 | – Professionalism, knowledge of what they had to do | 1 2 3 4 5 9 |

Respondents who in question No 10 answered «1» → to question No53 or → stop the interview!

Compliance with deadlines for case disposition

| | | |
|----|---|-------------|
| 35 | Has the hearing of your most recent case started on time (according to the schedule)? | 1 2 3 4 5 9 |
| 36 | Was the date and time of hearing agreed with you? | 1 2 3 4 5 9 |
| 37 | Did you timely receive subpoenas and notifications about your case hearing? | 1 2 3 4 5 9 |
| 38 | Do you think the delays/rescheduling of hearing was justified? | 1 2 3 4 5 9 |

Perception of the judge's work

| | | |
|----|---|-------------|
| | <i>Was the following typical of a judge who handled your case (alone or as a chief of a panel of judges):</i> | |
| 39 | - impartiality and independence (judge resisted external influence if any) | 1 2 3 4 5 9 |
| 40 | - civility, benevolence, courtesy | 1 2 3 4 5 9 |
| 41 | - appropriate level of preparedness to case hearing and knowledge of a case | 1 2 3 4 5 9 |
| 42 | - providing parties with a possibility to substantiate their views | 1 2 3 4 5 9 |
| 43 | - compliance with the procedure of consideration | 1 2 3 4 5 9 |

Respondents who in question No10 answered «2» or «4» → to question No 53 or → stop the interview!

Court decision (if case disposition is over)

| | | Yes | No | NC |
|---|---|-----|----|----|
| 44 | Was decision on your case in your favor? | 1 | 2 | 9 |
| 45 | Are you planning to challenge decision on your case? | 1 | 2 | 9 |
| 46 | Have you obtained full text of decision on your case? | 1 | 2 | 9 |
| ☞ Interviewer! Respondents who in question No 45 answered «2» or «9» → to question No 50! | | | | |
| 47 | Have you obtained the decision on your case on time? | 1 | 2 | 9 |

If you have got familiarized with the text of court decision, please answer the following questions using a 5-point scale:

(1 – definitely no, 2 – at most no, 3 – more or less (yes and no), 4 – at most yes, 5 – definitely yes, 9 - NC).

| | | | | | | | |
|----|--|---|---|---|---|---|---|
| 48 | Was the court decision written in a clear and easy to understand language? | 1 | 2 | 3 | 4 | 5 | 9 |
| 49 | In your opinion was the court decision on your case well grounded? | 1 | 2 | 3 | 4 | 5 | 9 |

| | Specify the total number of: | Quantity | NC |
|----|---|----------|----|
| 50 | - court sessions on your case that took place | _____ | -1 |
| 51 | - court sessions that did not take place due to improper organization of court activity | _____ | -1 |
| 52 | - visits to the court which were not connected with participation in court sessions | _____ | -1 |

THANK YOU FOR PARTICIPATION IN THE SURVEY!

Time when interview ended:

| | |
|--|--|
| | |
|--|--|

hours

| | |
|--|--|
| | |
|--|--|

min.

Interviewer's signature _____

Block 3. Changes and recommendations (is completed at discretion of court)

53. Speaking of improving court performance, in your opinion, what quality measurements should be improved first of all? Place in the order of their importance to you seven quality measurements. 1 – the most important quality measurement (it should be improved first of all), 7 – the least important quality measurement.

☞ Interviewer! Offer Card No 2 to respondent

| Quality measurement | Rank |
|--|------|
| Accessibility of court | |
| Level of comfort in the courthouse | |
| Completeness and clarity of information | |
| Compliance with timeliness of case consideration | |
| Performance of court staff | |
| Performance of judges | |

54. What specific changes, in your opinion, are necessary to improve the performance of this court today:

9

55. In your opinion, do available material and technical resources meet the needs of court staff for efficient discharge of their duties?

| Yes | No | NC |
|-----|----|----|
| 1 | 2 | 9 |

56. What are your impressions of your today's visit to the court compared with you expectations?

| | |
|-----------------------|---|
| Better than expected | 1 |
| Worse than expected | 2 |
| Meet the expectations | 3 |
| NC | 9 |

57. If you have been in this court before (last year or earlier), how has general court performance changed?

☞ Interviewer! If respondent is for the first time in this court, mark answer «9» – «NC»!

| | |
|--------------------------------|---|
| Has significantly improved | 5 |
| Has slightly improved | 4 |
| Has not changed | 3 |
| Has become slightly worse | 2 |
| Has become significantly worse | 1 |
| Difficult to answer | 0 |
| NC | 9 |

58. Have you experienced any changes in the organization of operations of this court after the introduction of automated case management system?

| | |
|--|---|
| Yes, I have experienced positive changes | 1 |
| Yes, I have experienced negative changes | 2 |
| No, I have not experienced any changes | 3 |
| NC | 9 |

→ Stop the interview

→ Stop the interview

Annex 7. CPE Framework and detailed description of recommended indicators

| Area of evaluation | Evaluation criteria | Indicators |
|--|--|---|
| 1. Adequate funding and resources | 1.1 Correspondence of funding to the needs of court | 1.1.1 Percentage of actual funding as compared to budget request |
| | 1.2 Adequate working conditions for judges and court staff | 1.2.1 Level of satisfaction of judges with working conditions on a 5-point scale
1.2.2 Level of satisfaction of court staff with working conditions on a 5-point scale |
| | 1.3 Efficiency of resource usage | 1.3.1 Specific weight of judges and court staff who consider use of available resources as justified and efficient |
| 2. Court administration | 2.1 Professionalism, managerial and business qualities of chief judge | 2.1.1 Evaluation of chief judge by judges on a 5-point scale
2.1.2 Evaluation of chief judge by court staff on a 5-point scale |
| | 2.2 Professionalism, managerial and business qualities of chief of staff | 2.2.1 Evaluation of chief of staff by judges on a 5-point scale
2.2.2 Evaluation of chief of staff by court staff on a 5-point scale |
| | 2.3 Rationality and reasonability of workload distribution | 2.3.1 Average number of cases per one judge
2.3.2 Minimum number of cases per one judge
2.3.3 Maximum number of cases per one judge
2.3.4 Percentage of judges who characterize caseload as excessive
2.3.5 Percentage of judges who admit the increase in caseload |
| | 2.4 Staffing | 2.4.1 Number of court staff per one judge |
| 3. Judicial self-governance | 3.1 Exercise of powers of meeting of judges | 3.1.1 Level of perception of actual operations of meeting of judges on a 5-point scale |

| Area of evaluation | Evaluation criteria | Indicators |
|---|--|---|
| 4. Efficiency and quality of court performance in case disposition | 4.1 Productivity of work on case disposition | 4.1.1 Clearance rate
4.1.2 Disposition rate in terms of time
4.1.3 Disposition rate in terms of human resources
4.1.4 Average number of adjudicated cases per one judge
4.1.5 Average cost of disposition
4.1.6 Average number of processed materials per one court staff member |
| | 4.2 Case disposition timeliness | 4.2.1 Average duration of disposition
4.2.2 Number of cases pending for more than one year
4.2.3 Index for evaluation case disposition timeliness (optional) |
| 5. Quality of court decisions | 5.1 Quality of court decisions | 5.1.1 Percentage of cancelled and changed decisions by higher courts of the total number of decisions

5.1.2 Index for evaluation court decisions (optional)

5.1.3 Perception of clarity and motivation of court decision by court users who have already received decisions on their cases |
| 6. Satisfaction of court users (litigants) with court operations | 6.1 Territorial, information and organizational accessibility of court

6.2 Level of comfort

6.3 Timeliness in providing court services | 6.1.1 Integral evaluation of court accessibility by court users
6.1.2 Perception of accessibility of court facilities for court users with disabilities

6.2.1 Integral evaluation of the level of comfort in court by court users on a 5-point scale

6.3.1 Integral evaluation of timeliness of providing court services by court users on a 5-point scale |

| Area of evaluation | Evaluation criteria | Indicators |
|---|---|--|
| | 6.4 Completeness and clarity of information | 6.4.1 Integral evaluation of completeness and clarity of information by court users |
| | 6.5 Court user perception of the quality of court decisions | Same as 5.1.3 |
| | 6.6 Perception of the work of judge | 6.5.1 Integral evaluation of work and conduct of judge by court users |
| | 6.7 Perception of the work of court staff | 6.7.1 Integral evaluation of work and conduct of court staff by court users |
| 7. Court openness and transparency | 7.1 Quality and accessibility of information about court operations | 7.1.1 Availability of a webpage of court
7.1.2 Availability of the needed minimum information for court users on a webpage of court
7.1.3 Availability of additional information about court operations, including judicial statistics |

1.1.1. Percentage of actual funding as compared to budget request.

| | |
|---|---|
| <i>Definition</i> | This indicator is a ratio of actual funding for reporting period to budget request for reporting period. It is important that in calculating this indicator the numerator (actual funding) included the same groups of expenditures as in denominator. Groups of expenditures include organizational expenditures, salary fund and capital expenditures. |
| <i>Measuring unit</i> | Percent |
| <i>Purpose of indicator</i> | One of basic indicators of adequate funding under conditions of correspondence of budget request to actual needs of court. When compared with other indicators (e.g., level of satisfaction of judges and/or court staff with working conditions, clearance rate and average duration of disposition), the indicator demonstrates efficiency of resource usage. |
| <i>Method of information collection</i> | Calculation based on financial reporting |
| <i>Regularity of information collection</i> | Once a year |

1.2.1 Level of satisfaction of judges with working conditions on a 5-point scale

1.2.2 Level of satisfaction of court staff with working conditions on a 5-point scale

| | |
|-----------------------|--|
| <i>Definition</i> | These indicators are integral (average) evaluations of the level of satisfaction of judges and court staff (separately) with the following working conditions: working place (level of comfort, etc.), provision with stationary and other office supplies, automation, accessibility of information, procedure of distribution of workload and assignments, safety, relations in a team, etc. |
| <i>Measuring unit</i> | Score on a 5-point scale |

| | |
|---|---|
| <i>Purpose of indicator</i> | The indicators give general idea about the availability of adequate working conditions and their compliance with the expectations of staff and existing norms or generally accepted ideas. Data analysis must be accompanied by the use of objective information about relevant parameters of working conditions. |
| <i>Method of information collection</i> | Internal (within one court) survey of judges and court staff. |
| <i>Regularity of information collection</i> | Once a year |

1.3.1 Specific weight of judges and court staff who consider use of available resources as justified and efficient

| | |
|---|--|
| <i>Definition</i> | Rationality, reasonability and efficiency of the use of budget funds and other available resources by court in general according to the perception of court employees. Percentage of respondents who do not doubt the efficiency of resource usage is taken into account. |
| <i>Measuring unit</i> | Percent |
| <i>Purpose of indicator</i> | Allows identifying how efficiently available court resources are used from the perspective of court employees. The indicator is based on assumption that employees compare existing needs of court and actual use of resources. Therefore, it may show the existence (or lack) of problem issues which must be further identified by analyzing objective data. |
| <i>Method of information collection</i> | Internal (within one court) survey of judges and court staff. |
| <i>Regularity of information collection</i> | Once a year |

2.1.1 Evaluation of chief judge by judges

2.1.2 Evaluation of chief judge by court staff

| | |
|---|--|
| <i>Definition</i> | These indicators are integral (average) evaluations of the level of satisfaction of judges and court staff (separately) with business, personal and managerial qualities of chief judge: ability to be a leader, support of new and progressive things, organizational skills, ability to create positive social and psychological environment, fairness and impartiality, tolerance and politeness, professionalism, and ability to work with the media and the public. |
| <i>Measuring unit</i> | Score on a 5-point scale |
| <i>Purpose of indicator</i> | Information based on these indicators gives an idea about how certain business and personal qualities of chief judge are manifested in his/her day-to-day operations and what the perception of style and methods of his/her work by judges and court staff is. It may be used as an indicator of success in evaluating performance of judges who hold administrative positions. |
| <i>Method of information collection</i> | Internal (within one court) survey of judges and court staff. |
| <i>Regularity of information collection</i> | Once a year |
| | According to FAIR experts, this indicator cannot be used to evaluate the performance of individuals. |

2.2.1 Evaluation of chief of staff by judges

2.2.2 Evaluation of chief of staff by court staff

| | |
|---|---|
| <i>Definition</i> | These indicators are integral (average) evaluations of the level of satisfaction of judges and court staff (separately) with business, personal and managerial qualities of chief of staff: ability to be a leader, support of new and progressive things, organizational skills, ability to create positive social and psychological environment, fairness and impartiality, tolerance and politeness, professionalism, and ability to work with the media and the public. |
| <i>Measuring unit</i> | Score on a 5-point scale |
| <i>Purpose of indicator</i> | Information based on these indicators gives an idea about how certain business and personal qualities of chief of staff are manifested in his/her day-to-day operations and what the perception of style and methods of his/her work is. It may be used as an indicator of success in evaluating performance of civil servants who hold managerial positions. |
| <i>Method of information collection</i> | Internal (within one court) survey of judges and court staff. |
| <i>Regularity of information collection</i> | Once a year |
| | According to FAIR experts, this indicator cannot be used to evaluate the performance of individuals. |

2.3.1 Average number of cases per one judge

2.3.2 Minimum number of cases per one judge

2.3.3 Maximum number of cases per one judge

| | |
|---|--|
| <i>Definition</i> | Data are obtained from official judicial statistics and case management system data. |
| <i>Measuring unit</i> | Quantitative unit (case) |
| <i>Purpose of indicator</i> | These indicators all together allow evaluating the evenness of caseload of one judge both within one court and compared with other courts of a relevant level and jurisdiction. It may be one of justifications of the expediency of introducing organizational changes within a specific court. It also allows evaluating the efficiency of court performance when used together with other indicators. |
| <i>Method of information collection</i> | Data of judicial statistics and case management system |
| <i>Regularity of information collection</i> | Once every half a year |

2.3.4 Percentage of judges who characterize caseload as excessive

2.3.5 Percentage of judges who admit the increase in caseload

| | |
|-----------------------------|---|
| <i>Definition</i> | Ratio of the number of judges who find caseload as excessive or somewhat excessive (for indicator 2.3.5 – those who admit the increase in caseload in the current year) to the number of judges who participated in internal survey. |
| <i>Measuring unit</i> | Percent |
| <i>Purpose of indicator</i> | Together with other indicators, these indicators give additional information about caseload per one judge both within one court and compared with other courts of a relevant level and jurisdiction. Partially, the indicators also show the level of satisfaction with working conditions. |

| | |
|---|--|
| <i>Method of information collection</i> | The indicators are calculated based on internal survey of judges. At the same time, in generalizing data, it is necessary to take into consideration those judges who find caseload excessive and those judges who find caseload somewhat excessive. |
| <i>Regularity of information collection</i> | Once a year |

2.4.1 Number of court staff per one judge

| | |
|---|--|
| <i>Definition</i> | Ratio of the actual number of court staff to the actual number of judges. |
| <i>Measuring unit</i> | Number |
| <i>Purpose of indicator</i> | When compared with other indicators, the number of court staff per one judge facilitates making decisions on staffing and efficient use of HR. |
| <i>Method of information collection</i> | Simple calculation |
| <i>Regularity of information collection</i> | Always available data |

3.1.1 Level of perception of actual operations of meeting of judges on a 5-point scale

| | |
|---|---|
| <i>Definition</i> | The indicator measures the perception of judges of the operations of meeting of judges by the parameters (tasks) which are directly provided for by law: identifying specialization of judges; evaluating reports of judges who hold administrative positions; and discussing issues of improving the quality of case disposition. Evaluations of independence, authority and effectiveness of meeting of judges and compliance with the established regularity of convening thereof are additionally determined. |
| <i>Measuring unit</i> | Average score on a 5-point scale |
| <i>Purpose of indicator</i> | It allows identifying to which extent the potential of judicial self-governance at the level of individual court is realized and existing problems. |
| <i>Method of information collection</i> | Internal (within one court) survey of judges and court staff |
| <i>Regularity of information collection</i> | Once a year |

4.1.1 Clearance rate

| | |
|---|---|
| <i>Definition</i> | It is calculated as the number of cases adjudicated in the reporting period divided by the number of new cases and case files.
If the clearance rate exceeds 100%, this means that the backlog of cases is reducing. If this rate is less than 100%, the backlog of cases is increasing. |
| <i>Measuring unit</i> | Percent |
| <i>Purpose of indicator</i> | One of expedient and objective indicators which allows evaluating how successful the court is in adjudicating cases. This is one of major indicators recommended by the European Commission for the Efficiency of Justice (CEPEJ) |
| <i>Method of information collection</i> | Simple calculation based on judicial statistics |
| <i>Regularity of</i> | Once every half a year |

| | |
|-------------------------------|--|
| <i>information collection</i> | |
|-------------------------------|--|

4.1.2 Disposition rate in terms of time (or time required for complete adjudication of cases)

| | |
|---|--|
| <i>Definition</i> | It is calculated as the number of days in reporting period (year – 365, half a year – 182 or 183) divided by the number of resolved cases in the reporting period divided by the number of unresolved cases as of the end of the reporting period. The indicator shows how many days the court needs to complete all cases. |
| <i>Measuring unit</i> | Number of calendar days |
| <i>Purpose of indicator</i> | It is one of indicators recommended by CEPEJ which allows demonstrably evaluating court performance efficiency. This indicator is especially topical when comparing certain indicators for different reporting periods. If the value of indicator is reducing, this means that court performance efficiency in case disposition is increasing. |
| <i>Method of information collection</i> | Simple calculation based on judicial statistics |
| <i>Regularity of information collection</i> | Once every half a year |

4.1.3 Disposition rate in terms of human resources

| | |
|---|--|
| <i>Definition</i> | It is calculated as the number of judges who worked in the reporting period divided by the number of resolved cases in the reporting period divided by the number of unresolved cases at the end of the reporting period. The indicator shows how many judges the court needs to complete all cases. |
| <i>Measuring unit</i> | Conditional number of judges |
| <i>Purpose of indicator</i> | As the previous indicator, this indicator allows demonstrably evaluating court performance efficiency. This indicator is especially topical when comparing certain indicators for different reporting periods. If the value of indicator is reducing, this means that court performance efficiency in considering cases is increasing. |
| <i>Method of information collection</i> | Simple calculation based on judicial statistics |
| <i>Regularity of information collection</i> | Once every half a year |

4.1.4 Average number of adjudicated cases per one judge

| | |
|---|--|
| <i>Definition</i> | Is calculated as the number of resolved cases in the reporting period divided by the number of judges who has been working in court during the reporting period. |
| <i>Measuring unit</i> | Number of cases |
| <i>Purpose of indicator</i> | The indicator shows the efficiency of court performance in case disposition as compared with average (minimum and maximum) caseload per one judge. |
| <i>Method of information collection</i> | Simple calculation based on judicial statistics |
| <i>Regularity of</i> | Once every half a year |

| | |
|-------------------------------|--|
| <i>information collection</i> | |
|-------------------------------|--|

4.1.5 Average cost of disposition

| | |
|---|--|
| <i>Definition</i> | Actual expenditures of court for the reporting period divided by the total number of cases which have been pending in the court for this period.
Actual expenditures of court include operating costs, salary and capital expenditures.
Total number of cases is a sum of the backlog of cases for the previous reporting period and all new incoming cases and materials in the reporting period. |
| <i>Measuring unit</i> | UAH |
| <i>Purpose of indicator</i> | One of the mandatory indicators which allows identifying the cost of adjudicating one case by specific court. It may be used in comparison with analogous indicator between courts of one level and jurisdiction. Results of complete evaluation together with other indicators may become justification of the need to introduce certain organizational reforms in the judiciary or individual court. |
| <i>Method of information collection</i> | Calculations based on accounting data and judicial statistics. |
| <i>Regularity of information collection</i> | Once a year |

4.1.6 Average number of processed materials per one court staff member

| | |
|---|--|
| <i>Definition</i> | It is calculated as the number of materials processed during the reporting period divided by the number of court staff who have been working in the court during this reporting period |
| <i>Measuring unit</i> | Number of cases |
| <i>Purpose of indicator</i> | The indicator shows the efficiency of court staff performance in processing materials. |
| <i>Method of information collection</i> | Simple calculation based on the data of automated case management system. |
| <i>Regularity of information collection</i> | Once every half a year |

4.2.1 Average duration of disposition

| | |
|---|---|
| <i>Definition</i> | It is calculated as a mean of the total duration of disposition based on the data of automated case management system. |
| <i>Measuring unit</i> | Number of days |
| <i>Purpose of indicator</i> | It allows evaluating the efficiency of court operations organization as to ensuring the expeditiousness of disposition and reasonability of case disposition timeliness. It may also help in introducing specialization of judges by case categories and planning even distribution of caseload among judges. |
| <i>Method of information collection</i> | Calculations with the help of automated case management system.
Alternative method – expert review of a sample of cases. |
| <i>Regularity of information</i> | Once every half a year |

| | |
|-------------------|--|
| <i>collection</i> | |
|-------------------|--|

4.2.2 Number of cases pending for more than one year

| | |
|---|--|
| <i>Definition</i> | Up-to-date prime number which is always available in the automated case management system of a court. |
| <i>Measuring unit</i> | Number of cases |
| <i>Purpose of indicator</i> | One of basic indicators which warns about delays in disposition which exceed acceptable (reasonable) time. |
| <i>Method of information collection</i> | Statistical data |
| <i>Regularity of information collection</i> | Data are always accessible. Data analysis – once every half a year. |

5.1.1 Percentage of repealed and changed decisions by higher courts of the total number of decisions

| | |
|---|---|
| <i>Definition</i> | Ratio of the sum of cancelled and changed decision for the reporting period to the total number of rendered decisions. |
| <i>Measuring unit</i> | Percent |
| <i>Purpose of indicator</i> | It is one of the mandatory indicators which allows evaluating the quality of the product of court performance – court decision. If the indicator is high, it is necessary to identify reasons for this – they can be of an objective (e.g., change of legislation and case law) or subjective (e.g., inadequate level of professional training of judges) nature. Depending on the reasons, it is necessary to make relevant organizational and managerial decisions. |
| <i>Method of information collection</i> | Judicial statistics data |
| <i>Regularity of information collection</i> | Once every half a year |
| | In identifying negative dynamics (increase of percentage over time) or in developing training programs for judges in the field of judicial opinion writing, it is possible to use additional internal evaluation of court decisions by an expert group which consists of judges |

6.1.1 Integral evaluation of court accessibility by court users

6.1.2 Perception of accessibility of court facilities for court users with disabilities

6.2.1 Integral evaluation of the level of comfort in court by court users on a 5-point scale

6.3.1 Integral evaluation of timeliness of providing court services by court users on a 5-point scale

6.4.1 Integral evaluation of completeness and clarity of information by court users

5.1.3 Perception of clarity and motivation of court decision by court users who have already received decisions on their cases

6.6.1 Integral evaluation of work and conduct of judge by court users

6.7.1 Integral evaluation of work and conduct of court staff by court users

| | |
|-----------------------|---|
| <i>Definition</i> | The listed indicators are integral (average) evaluations of the level of satisfaction of court users, respondents of a survey, based on citizen report cards (CRC) methodology. |
| <i>Measuring unit</i> | Score on a 5-point scale. |
| <i>Purpose of</i> | Complete evaluation by citizens, who have used the judicial mechanism of |

| | |
|---|--|
| <i>indicator</i> | protecting/restituting violated rights, of the accessibility of court, case disposition timeliness, professionalism of court employees, quality of court decision and other important from the perspective of citizens aspects of court performance allows establishing feedback between the court and citizens who apply to the court. The obtained information may facilitate improving the organization of court operations and increasing the authority of court in society. |
| <i>Method of information collection</i> | Survey. Questionnaire – Annex 6. |
| <i>Regularity of information collection</i> | Once every 1-3 years. |

7.1.1 Availability of a webpage of court

| | |
|-----------------------------|--|
| <i>Definition</i> | Simple qualitative indicator (the fact of availability). |
| <i>Purpose of indicator</i> | It shows a certain level of information access in a court as an institution. |

7.1.2 Availability of the needed minimum information for court users on a webpage of court

| | |
|-----------------------------|--|
| <i>Definition</i> | Simple qualitative indicator. It is necessary to develop a list of minimum requirements to a court webpage based on information needs of court users (address, contact information, samples of documents, business hours, reception hours, court fee, availability of legal aid, etc.) |
| <i>Purpose of indicator</i> | The indicator show the availability of a possibility for citizens to obtain the needed minimum information in a convenient way. |

7.1.3 Availability of additional information about court operations, including judicial statistics

| | |
|-----------------------------|--|
| <i>Definition</i> | Simple qualitative indicator |
| <i>Measuring unit</i> | |
| <i>Purpose of indicator</i> | The indicator demonstrates the transparency of court, since it characterizes not only the possibility of citizens to obtain minimum information necessary for a court user, but also citizen access to information about court operations. Efficient use of mechanisms of informing citizens about court operations can significantly increase public trust in it. |

Annex 8. Results of the pilot testing of Court Performance Evaluation System in Ukrainian courts

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

The following table combines the results of evaluation under several criteria. We found reasonable to link the indicators on funding to the indicators on satisfaction with working conditions for the purpose of data analysis. The combination of selected indicators is the following:

- *Actual funding against budget request for 2012.*
- *Judges and court staff perception of the proper use of resources.* This indicator shows percentage of judges and court staff who, according to the data of internal survey, do not feel that material and technical resources are used not quite efficiently or absolutely inefficiently.
- *Satisfaction of judges with working conditions.* This complex indicator is an average of 21 indicators on the basis of which judges evaluated their working conditions on a 5-point scale.
- *Court staff satisfaction with working conditions.* This complex indicator is an average of 20 indicators of court staff evaluation of their working conditions on a 5-point scale.

| Court | Instance | Jurisdiction | Actual funding against budget request for 2012 | 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 ⁵ | 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 |

As we see from this table, the better funding does not necessary mean the better working conditions in court although the judicial leadership of Ukraine is sure that there is a direct causality between these two components.

2. Leadership and Managerial Capacity of Court Leaders

⁵ No data or inaccurate data.

The following table shows the results of evaluating a Chief Judge and Chief of Staff separately by judges and court staff:

- *Evaluation of a Chief Judge by judges* on a 5-point scale is an average of 18 indicators.
- *Evaluation of a Chief Judge by court staff* on a 5-point scale is an average of 16 indicators.
- *Evaluation of a Chief of Staff by judges* on a 5-point scale is an average of 17 indicators.
- *Evaluation of a Chief of Staff by court staff* on a 5-point scale is an average of 17 indicators.

| Court | Instance | Jurisdiction | Evaluation of a Chief Judge by judges | Evaluation of a Chief Judge by court staff | Evaluation of a Chief of Staff by judges | Evaluation of a Chief of Staff by court staff |
|---------|-----------|--------------|---------------------------------------|--|--|---|
| Court 1 | Trial | General | 4.75 | 4.85 | 4.69 | 4.72 |
| Court 2 | Trial | General | 4.9 | 4.64 | 4.9 | 4.56 |
| Court 3 | Trial | General | 4.8 | 4.7 | 4.5 | 4.6 |
| Court 4 | Trial | General | 4.78 | 4.64 | 4.5 | 4.3 |
| Court 5 | Appellate | General | 4 | 4.1 | 3.7 | 3.6 |
| Court 6 | Appellate | General | 4.54 | 4.55 | 3.33 | 3.08 |
| Court 7 | Trial | Specialized | 4.48 | 4.31 | 4.34 | 4.22 |
| Court 8 | Trial | Specialized | 4.8 | 4.6 | 4.55 | 4.49 |
| Court 9 | Appellate | Specialized | 4.98 | 4.73 | 4.89 | 4.68 |

The evaluation of court leaders is one of the most controversial in the proposed CPE Framework. This is the only case when the objects of the evaluation are personalized, e.g. we know the names of people whose performance is under the evaluation. The international and Ukrainian experts warned the Working Group about this issue, however the Working Group still decided to implement this part of the evaluation motivating it that the Council of Judges of Ukraine wants to know how chief judges perform. Meanwhile, the negative impact of this exercise took place immediately in the court 6 – the chief of staff was dismissed.

3. Efficiency of Judicial Self-Governance

The following table reflects the results of evaluation of meetings of judges by judges. Evaluation on a 5-point scale is an average of 10 indicators that were developed in line with the provisions of the Law on the Judiciary and Status of Judges regarding the judicial self-governance at the level of court.

| Court | Instance | Jurisdiction | Evaluation of meetings of judges by judges |
|---------|-----------|--------------|--|
| Court 1 | Trial | General | 4.88 |
| Court 2 | Trial | General | 4.85 |
| Court 3 | Trial | General | 4.6 |
| Court 4 | Trial | General | 4.44 |
| Court 5 | Appellate | General | 3.6 |

| Court | Instance | Jurisdiction | Evaluation of meetings of judges by judges |
|---------|-----------|--------------|--|
| Court 6 | Appellate | General | 4.13 |
| Court 7 | Trial | Specialized | 4.4 |
| Court 8 | Trial | Specialized | 4.52 |
| Court 9 | Appellate | Specialized | 4.76 |

4. Efficiency of court operations in adjudicating cases

Efficiency of court operation in adjudicating and disposition of cases is one of the most important criteria of court performance in the world. This criterion is multidimensional as its content comprises several aspects of court performance: funding and its efficient use, judges and staff performance, case management, etc. Therefore, to illustrate the results of the pilot court performance evaluation in this area we selected several indicators regarding the efficiency of court performance in resolving cases:

- *The average cost of adjudicating one case in the first half of 2012.* This indicator is calculated in monetary unit (UAH) as actual expenditures of court for the reported period divided by the overall number of cases that were considered by court during that period of time. The overall number of cases, accordingly, is the sum of backlog of cases as of the first day of the reported period (01/01/2012) and all new cases and materials that came to court during the reported period. It should be mentioned that this indicator does not serve as a measure of financial and business activity of a court and is used only in combination with other indicators.
- *Number of adjudicated cases per one judge in the first half of 2012.* This indicator is calculated as the number of cases considered during the reported period divided by the number of judges who worked during that period.
- *Number of adjudicated cases per one member of staff in the first half of 2012.* This indicator is calculated as the number adjudicated cases during the reported period of time divided by the number of court staff who worked in the court during that period.
- *Clearance rate* – one of the key indicators in evaluation court performance efficiency used worldwide. In its content this indicator is close to generally known macroeconomic indicators. In court performance evaluation practice clearance rate is calculated as the number of adjudicated cases during the reported period divided by the number of new cases and materials (CPEJ defines it as relationship between the new cases and completed cases within a period, in percentage). If this ratio is more than 100%, it means that the backlog is decreasing. If respectively this indicator is less than 100%, the backlog is increasing.
- *The number of cases older (consideration of which lasts for more) than one year* – a whole updated current number which has to be always available in automated case management system.

| Court | Instance | Jurisdiction | Average cost per case in 2012, UAH | Efficiency rate: number of cases completed per judge in 2012 | Efficiency rate: number of cases completed per court staff in 2012 | Clearance rate in 2012 | 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 | Instance | Jurisdiction | Average cost per case in 2012, UAH | Efficiency rate: number of cases completed per judge in 2012 | Efficiency rate: number of cases completed per court staff in 2012 | Clearance rate in 2012 | Number of cases pending for more than 1 years |
|---------|-----------|--------------|------------------------------------|--|--|------------------------|---|
| 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 | 2480.77 | 68 | 26 | 99% | 1 |
| Court 6 | Appellate | General | 2857.10 | 52 | 27 | 99% | 2 |
| Court 7 | Trial | Specialized | 1055.15 | 88 | 25 | 72% | not available |
| Court 8 | Trial | Specialized | 1206.35 | 205 | 59 | 105% | 0 |
| Court 9 | Appellate | Specialized | 137.01 | 1653 | 460 | 107% | 0 |

Conclusion for «*clearance rate*» indicator: in courts 2, 3, 8 and 9 the backlog in the first half of 2012 dropped. In courts 1, 4 and 7 the backlog went up, and in courts 5 and 6 it remained approximately the same. This table also illustrates that the better funding does not necessary mean the higher efficiency rate and clearance rate.

5. Timeliness of Court Proceedings

To illustrate the results of the pilot testing regarding timeliness of court proceedings we selected the following indicators:

- *Average duration of proceedings in the first half of 2012.* This indicator is calculated as an average total duration of adjudication of cases analyzed by internal evaluation teams in each pilot court.
- *Ratio of cases with violated procedural timelines in the first half of 2012* – official court statistics data.
- *Evaluation of timeliness of court proceedings by court users using the CRC methodology* – indicator of external court performance evaluation through Citizen Report Card (CRC) surveys of court visitors. This indicator is an average of four indicators used in 2012 during CRC surveys on a 5-point scale.

| Court | Instance | Jurisdiction | Average duration of proceedings in the first half of 2012 (days) | Ratio of cases with violated procedural timelines in the first half of 2012, percentage | Evaluation of timeliness of court proceedings by court users using the CRC methodology, 2012 |
|---------|-----------|--------------|--|---|--|
| 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 | Instance | Jurisdiction | Average duration of proceedings in the first half of 2012 (days) | Ratio of cases with violated procedural timelines in the first half of 2012, percentage | Evaluation of timeliness of court proceedings by court users using the CRC methodology, 2012 |
|---------|-----------|--------------|--|---|--|
| 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 |

The table above confirms the hypothesis that in the duration of proceedings directly impacts the user satisfaction with court services. The longer court proceedings take – the lesser court users are satisfied with this particular court.

6. Judicial Caseload

To illustrate the results of pilot testing regarding judicial caseload in this generalized report, FAIR experts recommend the following indicators:

- *Average number of cases per judge in the first half of 2012.* This indicator is calculated by dividing the number of pending cases in the reporting period by the number of judges who worked in this reporting period.
- *Number of judges that report excessive caseload* – is calculated based on the internal survey of judges under “Court Administration” module; the generalized data include those judges who report excessive caseload and judges who report relatively excessive caseload (about 20-30% more than it should be). This indicator does not include those judges who report that there were “not many cases but some of them were too difficult”.
- *Percentage of judges that report increase in caseload in the current year* was also calculated based on the internal survey of judges under “Court Administration” module.

| Court | Instance | Jurisdiction | Average number of cases per judge in the first half of 2012 | Percentage of judges that report excessive caseload, 2012 | Percentage of judges that report increase in caseload in the current year |
|---------|-----------|--------------|---|---|---|
| Court 1 | Trial | General | 502 | 50% | 0% |
| Court 2 | Trial | General | 229.5 | 100% | 0% |
| Court 3 | Trial | General | 929 | 87.5% | 25% |
| Court 4 | Trial | General | 657 | 80% | 0% |
| Court 5 | Appellate | General | 77 | 8.7% | 26% |
| Court 6 | Appellate | General | 65 | 32% | 42% |
| Court 7 | Trial | Specialized | 187 | 10.3% | 7.7% |
| Court 8 | Trial | Specialized | 252 | 6% | 6% |
| Court 9 | Appellate | Specialized | 1879 | 64% | 43% |

This table illustrates that the judicial caseload perception is a subjective matter. Comparing two courts of the same level and the same jurisdiction – Court 1 and Court 2 – demonstrates that judges’ perception of their caseload does not correlate with their actual caseload. Thus, this

issue is more managerial and internal within the court rather than depending on the outside objective factors.

7. Court User Satisfaction with Court Performance

This section provides generalized information about court user satisfaction with court performance obtained in the result of external court performance evaluation based on CRC methodology. The selected indexes illustrate court performance evaluation by citizens under the following criteria:

- court accessibility;
- level of comfort in the courthouse;
- completeness and understandability of information;
- timeliness of court proceedings;
- satisfaction of citizens with work of judges;
- satisfaction of citizens with work of court staff.

Besides, there is information on average court performance evaluation by citizens on a 5-point scale generated as an answer to the survey question “To what degree you are satisfied with the performance of this court?”

| Court | Instance | Jurisdiction | Accessibility | Level of comfort | Timeliness | Completeness and understandability of information | Work of judge | Work of court staff | User perception of court performance on a 5-point scale |
|---------|-----------|--------------|---------------|------------------|------------|---|---------------|---------------------|---|
| 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 |

The individual indexes for six selected criteria in this table are complex indicators, as these are generated from several uni-dimensional progress scales (see the Annex 6 for the details). The fact that the user perception of court performance on a 5-point scale is within the numerical frame of individual indexes illustrates that the CRC methodology is precise enough to measure the user satisfaction with court performance in general as well as in terms of selected components. In another words, we see the case when different evaluation approaches contribute to each other.