

# INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE

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## Framework Users –

### Your feedback is requested

The Executive Committee is committed to ensuring the Framework and the associated tools, including the ICCE website, are as beneficial as possible for Consortium members and users. Consortium members or those who are interested in using the Framework can send any feedback they may have about the Framework and how we can improve the website by email to Liz Richardson at the ICCE Secretariat.

### Want to know more about the Framework?

Interested in holding an IFCE Regional Forum in your region? These workshops give an:

- explanation of the Framework;
- overview of the self-assessment questionnaire;
- overview of how to interpret and analyse the results of an assessment; and
- an explanation of how to develop an action plan for improvement.

Please contact the ICCE Secretariat for further information.

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## International Consortium for Court Excellence Newsletter Issue 4 – May 2015

### What is the Framework?

The *International Framework for Court Excellence* (IFCE) is a resource for assessing the performance of a court against seven detailed areas of excellence and provides guidance to courts intending to improve their performance. The IFCE was first developed in 2008 and a Second Edition was published in 2013 by the International Consortium for Court Excellence (ICCE), consisting of organisations from Europe, Asia, Australia, and the United States. The IFCE uses the term 'court' for all bodies that are part of a country's formal judicial system including courts and tribunals of general, limited or specialised jurisdiction, as well as secular or religious courts.

### In this issue:

#### Consortium news

Read about the latest Consortium news including the work of the ICCE Executive Committee and Secretariat, visits to Melbourne from Chinese delegates and a membership update. (page 2)

#### International updates

Read about IFCE developments in:

- Pacific Islands - page 3-4.
- Ukraine – pages 5-7.

#### Feature articles

In this issue we have two feature articles on the theme of leadership and culture change in implementing the IFCE, from:

- Chief Justice Marilyn Warren AC, Supreme Court of Victoria – 'Leadership and Culture Change in applying the International Framework for Court Excellence'. Pages 8-9.
- Chief Justice Robert Torres, Supreme Court of Guam – 'Adopting and Adapting the International Framework for Court Excellence'. Pages 10-11.

#### Regional forum reports

- Singapore - pages 12.

**Other news, conferences and contacts** - page 13.

## Consortium news

The Executive Committee and Secretariat of the ICCE has been busy considering the strategic directions of the ICCE for 2015-2016. The Consortium is developing its strategic priorities for the next two years in the key areas of work of the Consortium, which include governance, publications, membership, communications, education and training, and research.

A particular focus for 2015 and 2016 will be increasing contact with our members and building knowledge about the experiences our members have had with implementing the Framework. Looking forward, attention will be on increasing services and resources to current members and increasing our membership numbers.

In recent months, members of the Executive Committee have been active in providing advice to different members of the Consortium around the globe that are implementing the Framework as well as responding to a range of other jurisdictions who have shown interest in the Framework and who may have indeed made steps towards implementation. These include Indonesia, Saudi Arabia, Dubai and Abu Dhabi.

The Executive Committee and the Secretariat are also actively reaching out to Canada, the United Kingdom and Europe, where the Framework has great potential to assist new jurisdictions.

The Executive Committee has also been working to ensure that all Framework documentation remains current and relevant. The IFCE Brochure and 'Thinking of Implementing the International Framework for Court Excellence' are being updated and translations of those documents into Spanish have recently been posted onto the Consortium website at [www.courtexcellence.com](http://www.courtexcellence.com)

The ICCE Secretariat has also been busy in its role supporting the Executive Committee and members by maintaining the register of ICCE members and the mailing list, collecting information about implementation of the Framework by our members and developing the current ICCE newsletter. The ICCE Secretariat has received a number of queries from new jurisdictions about membership. The Secretariat is pleased to welcome the Singapore Judicial College as its newest member. Details of their recent workshop on case management and the IFCE can be found on page 12.

## Visits

On 8 December 2014, the AIJA hosted a visit from the Jiangsu Provincial People's Procuratorate in China at the ICCE Secretariat office in Melbourne. The delegation consisted of senior officials and experts in the field of litigation. The visit provided an opportunity to talk to the delegation about the International Framework for Court Excellence and what it might achieve in relation to their work.

## Membership update

The ICCE now has 32 member organisations, with more jurisdictions implementing or contemplating implementation of the IFCE. The latest member, the Singapore Judicial College, joined the ICCE in March 2015 as an Affiliated Judicial Institution.

Interest in becoming an ICCE member continues to grow. In addition to its founding members, the Consortium has two categories of members under its Membership Policy including:

- *Members by Application* for judicial institutions (including courts and court systems) that have expertise in judicial, court or tribunal administration and, among other criteria, have an active and demonstrated interest in the Framework and its implementation.
- *Affiliated Judicial Institutions* for institutions that provide active support and assistance to judges, courts and court systems but do not have direct responsibility for implementing the Framework in courts or court systems. They support the goals of the Consortium and implementation of the Framework and seek to assist and support the promotion of the Framework.

If your organisation is interested in joining the ICCE, visit our website for an application form or contact the ICCE Secretariat for further information:

<http://www.courtexcellence.com/Members/Membership-Policy.aspx>

The Consortium also asks members to keep the Secretariat informed of any changes in membership contact details and any developments in implementing the Framework.

# International updates

## Pacific Islands

### Report from the Pacific Judicial Development Programme

The Pacific Judicial Development Programme (PJDP) has operated since the mid-1990s to promote the rule of law and strengthen the capacity of courts across the Pacific. PJDP operates under the oversight of the Pacific Judicial Conference, comprising the Chief Justices of the Pacific, which convenes biennially. At present, it serves the judiciaries of 14 Pacific Island Countries (PIC), being: Cook Islands, Federated States of Micronesia, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu.

The founding vision of PJDP, earlier known as the PJEP, was to train judges and magistrates particularly in small PICs which otherwise receive little official development assistance. The current phase, between July 2010 - December 2015, is funded by the Ministry of Foreign Affairs and Trade of New Zealand.

The goal of PJDP is to strengthen governance and rule of law in PIC through enhanced access to justice and professional judicial officers who act independently according to legal principles. Its purpose is to support PICs to enhance the professional competence of judicial officers and court officers, and the processes and systems used.

The vision for the current phase is to consolidate and extend the delivery of the highest quality practical judicial training and court development services, while significantly enhancing the institutionalisation, localisation and sustainability of those services for stakeholders across the region.



Photo: Chief Registrar John Alilee from the Supreme Court of Vanuatu, leading a discussion and practical exercise with his fellow Regional Trainers at the Advanced Curriculum Development and Programme Management Workshop in Palau, November 2013. © PJDP November 2013

The focus of the PJDP extends beyond meeting the educational needs of judicial officers (both lay and law trained) and court officers to include support for process and system improvement, driven by locally conducted action-research of formal and customary dispute resolution, judicial administration, promotion of ethics and integrity, performance monitoring and sustainability.



Photo: Sister Bernadette Mee Eberi facilitating a discussion about how to improve support to unrepresented litigants in the courts at the Enabling Rights Workshop in Kiribati, November 2014. L to R: Mrs Tokouea (Court Clerk), Sister Bernadette Mee Eberi (Deputy Registrar, High Court Kiribati and Mr Tioti Taaite (Assistant Secretary Public Service Office). © L Armytage 2014

Over the past five years the PJDP has improved the quality of justice across the Pacific in ways that are relevant, effective, efficient and sustainable. These improvements have been measured and captured in the Completion Report which finds that courts are administering justice better and that the quality of society and human wellbeing in the Pacific is improving.

A significant contributor to this achievement was the development of the 15 "Cook Island Court Performance Indicators". The ability of PIC to collect court performance data according to these Indicators and more regular annual reporting by more countries have equipped courts and the public respectively with the knowledge and capacity to drive continuing improvements in judicial quality. Improving the professionalism, integrity and conduct of courts is building public trust in Pacific courts.

Data on each of the Indicators provides an overview of court performance against core or essential characteristics integral to the functions of a court. The International Framework for Court Excellence (IFCE) was one of three statements used to identify and develop these core and essential characteristics

which relate to case management, appeals, access, complaints, human resources and judicial transparency.

The PJDP recently surveyed court users across the region, 68% of whom reported that they have experienced improvements in efficiency, transparency and accountability over the past five years as a result of the PJDPs activities. In addition, 81% of court users stated that they have experienced improvements in the competence and reliability of justice services.

PJDP's activities in this sphere have also built the capacity of courts to administer and deliver justice more efficiently. Courts in several PIC are increasingly disposing of cases and reducing backlogs according to established time standards with 96% of judicial and court officers reporting improvements in time standards and/or case disposal rates. Improved efficiency and public awareness of these efficiencies is also strengthening public trust and consolidating confidence in courts. Further, it works towards the achievement of the IFCE standards of timeliness and fairness in court proceedings.



**Photo: Participants exchanging ideas during an interactive session at the locally run Lay Judges' Orientation course in Pohnpei of the Federated States of Micronesia, June 2014. Front row L to R: Pro-temp Judge Albert Falcam, U Municipal Court, Presiding Judge Halverson Hedson, Mwoakiloa Municipal Court, Judge Irene Phillip, Kolonia Town Court. Back row L to R: Judge Nelpet Perez, Madolinihmw, Judge Petrus Beyan, Yap Municipal Court. © L Armytage 2014.**

The evaluation of the PJDP also found that citizens in some PIC feel more empowered to access and use the courts to redress injustice, and the courts are more responsive to the needs of the public seeking justice.

Two-thirds (67%) of court users experienced improvements in performance and 85% of judicial and court officers indicated that the PJDP has assisted their courts be more responsive to community needs.

Several PJDP projects worked towards the achievement of other core standards within the IFCE by providing access to information about legal remedies and how un/represented litigants can access the court as essential prerequisites to the improvement of access to justice and instilling public trust and confidence in the judiciary.

Moving towards sustainable and localised capacity, as a result of the PJDPs interventions, courts are better able to build capacity through the availability of committed and experienced local trainers who are proactively designing and delivering development activities across the region with little or no external technical and/or financial assistance. 84% of judicial and court officers reported that their courts are managing their development more effectively.

To further support local trainers and progress in key areas across the PJDPs mandate, 14 'toolkits' have been developed:

- Access to Justice;
- Public Information;
- Enabling Rights;
- Judges' Orientation;
- Training-of-Trainers,
- Judicial Conduct;
- Family Violence/Youth Justice;
- Time Goals;
- Reducing Backlog and Delay;
- Judicial Decision-making;
- Judicial Complaints Handling;
- Annual Court Reporting;
- Project Management; and
- Judicial Development Committees.

Each toolkit provides practical guidance and resources to enable needs to be addressed locally. Several PIC are using various toolkits to guide and develop their own initiatives. The toolkits may be accessed on the PJDP website:

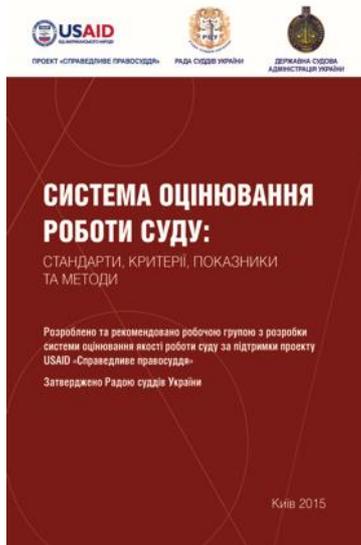
(<http://www.fedcourt.gov.au/pjdp/pjdp-toolkits>).

To learn more about PJDP's activities, outcomes and results, the Completion Report will be available shortly on the PJDP Website:

(<http://www.fedcourt.gov.au/pjdp>).

# Ukraine

## Report from Tomas Verteletskyy, Monitoring, Evaluation and Court Performance Specialist, USAID FAIR Justice Project, Ukraine



### Background

In 2014, civil unrest and political crisis resulted in the fall of former president Viktor Yanukovich's regime and led to crucial development challenges in Ukraine. Strong public demand for the rapid reform of state institutions means that judicial reform is currently the number one priority for the Government of Ukraine and for the Ukrainian people. For many years, the Ukrainian judiciary has been facing crucial challenges: executive branch interference in the judiciary, lack of judicial independence and accountability, and public perception of the judiciary as ineffective and corrupt. However, although there is a general public sentiment that the court system is not performing well, defining good court performance has been a challenge.

### FAIR Project

The United States Agency for International Development (USAID) Fair, Accountable, Independent and Responsible (FAIR) Judiciary Project is supporting legislative, regulatory and institutional reform of judicial institutions in Ukraine in order to build a foundation for a more accountable and independent judiciary. In advancing this goal, FAIR involves judges, justice sector personnel, legal scientists and civil society stakeholders in the process of improving court quality and promoting public trust and confidence in the judiciary via court performance evaluation processes. FAIR's key Ukrainian partners are the Council of Judges of Ukraine (COJ) and the State Judicial Administration of Ukraine (SJA).

### Initial activities

In 2008, FAIR, in cooperation with its partners, conducted for the first time two key activities:

- An international conference in Ukraine on court performance which demonstrated to Ukrainian judicial leadership the value of measuring court performance as the pre-requisite for building an accountable, independent and effective judiciary.
- A court user satisfaction survey using the Citizen Report Cards (CRC) methodology. This methodology was originally designed in India to measure citizen satisfaction with the municipal services and was modified for measuring user satisfaction with court performance.

### Evidence of changing attitudes to court performance evaluation

In 2008-2009, 11 courts agreed to participate in the court user satisfaction survey initiative. In 2015, more than 170 courts are participating, highlighting that Ukrainian judicial leadership has moved to an understanding that court user satisfaction surveys are necessary for proper court management and a pre-requisite for building public trust in the judiciary.

This change has been due to the success of the initial court user satisfaction pilot project and due to the involvement of representatives from the ICCE, Dr Pim Albers and Professor Gregory Reinhardt, who participated in the international conferences in Ukraine in 2010 and 2011 and introduced the IFCE. Ukrainian counterparts were inspired by IFCE and decided to develop the Ukrainian national Court Performance Evaluation (CPE) System.

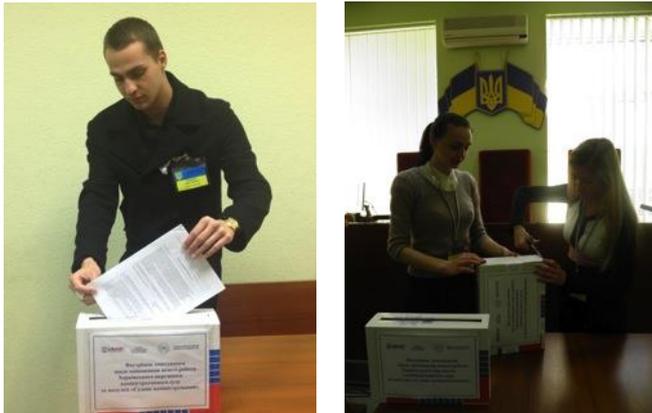
### Court Performance Evaluation System

In 2010, the CPE Working Group was established consisting of the representatives of the COJ, the SJA, 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 for Ukraine.

The CPE Working Group considered several international court performance evaluation models and concluded that the IFCE contained the best international practices. Judge Anatoliy Babiy of Odessa Oblast Court of Appeals, one of the leaders of the CPE System development and active participant of the CPE Working Group, has noted that the Framework has been a key resource in developing the Court Performance Evaluation system and motivating courts to implement it.

## Piloting the draft CPE System

In 2012, the draft of Ukrainian CPE System became ready. It included four evaluation modules: efficiency of court administration, case disposition timeliness, quality of court decisions, and court user satisfaction. The draft CPE System consisted of 24 court performance evaluation criteria and over 100 indicators to measure the compliance of court with these criteria. The draft proposed a combination of several evaluation methods: 1) internal survey of judges and court staff; 2) review of randomly selected case files; 3) expert analysis of selected court decisions; 4) analysis of judicial statistics data; and 5) court user satisfaction survey.



Photos (left): CPE System pilot testing: member of court staff of Kharkiv District Administrative Court with completed Court Staff Questionnaire; (right) CPE System pilot testing: opening survey boxes in Kharkiv District Administrative Court, 2013.

The draft of CPE System was piloted in 13 courts. The pilot-testing illustrated the efficiency of the proposed court performance evaluation methods. Further, it led to enhanced understanding within the courts and CPE Working Group that court performance evaluation is an important aspect of court administration: it informs current and strategic decisions of court leadership to improve the performance of each institution and also increases the level of satisfaction of court users with court operations.

### Basic (mandatory) evaluation vs. complete (complex) evaluation

The pilot phase illustrated that the draft CPE System was rather complicated to be used by an individual court and resource intensive. As a result, FAIR Project recommended to the Ukrainian judicial leadership that the CPE system be divided between basic (mandatory) court performance evaluation and complete (or complex) court performance evaluation.

The basic level of CPE should be based on easily accessible case management data, including, for example, clearance rates, average duration of procedures, and backlog. The complete level of CPE uses more comprehensive evaluation tools, such as court user surveys, surveys of judges and court staff, and expert analysis of case files. While basic CPE demonstrates trends, the complex provides the roadmap for improving court performance.

FAIR Project promoted the two-level CPE System with the COJ over a two year period. The current composition of the COJ commenced in August 2014 and under the leadership of Justice Valentyna Simonenko, the Chair of the COJ and Judge Grygoriy Aleynikov, the Head of the COJ Committee for Judicial Administration the COJ has taken a leading role in strengthening the judicial independence and accountability as well as improving court administration and management.

Between February and April 2015 the COJ considered and discussed the proposed CPE system. The COJ approved the set of basic (mandatory) court performance indicators recommended by the CPE Working Group and recommended that courts implement the complete CPE System once every three years if courts have necessary resources.



Photo: Council of Judges of Ukraine meeting on February 5, 2015 where CPE system was preliminary approved for discussion within judicial community. (L to R): Judge Anatoliy Babiy of Odessa Oblast Court of Appeals; Serhiy Suchenko, FAIR Judicial Administration Specialist; David Vaughn, FAIR Chief of Party; Judge Grygoriy Aleynikov, Head of the COJ Committee for Judicial Administration. 2015.

Court user surveys are part of both basic and complex CPE levels. Citizen Report Cards (CRC) surveys in full became part of complex court performance evaluation system. However the “basic” court performance standards require conducting of court user surveys as a case, not targeting specific criteria, but as fact that illustrate openness of the court to society and as a court strategy for improving services.



Photos top and bottom: CPE System Implementation in action: court user surveys using Citizen Report Cards (CRC) method. Chernivtsi Oblast Court of Appeals. 2015

### The final version of the Ukrainian CPE System

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

- **Court User Satisfaction:** at the basic CPE level courts 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 courts should evaluate its performance using specific quality criteria: accessibility of court premises, timeliness of court proceedings, judicial performance, court staff performance etc.
- **Access Fees:** the Ukrainian CPE system at the complex level measures the quality data in terms of the degree which court fees are accessible to users through a 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 (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 month 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 etc.
- **Cost Per Case:** at the complex level the Ukrainian CPE System recommends this measure using the IFCE formula.

### Conclusion

The actual implementation of CPE System in Ukrainian courts may further require revisions of the system itself. The COJ decision leaves the door open for this process: the COJ will monitor how the system is implemented in practice and will come back to revise it if necessary. However, it is clear that the IFCE will remain a long-term base for these revisions.

In conclusion, as comments by Judge Anatoliy Babiy from Odesa Oblast Court of Appeals, Co-Head of the Working Group for Court Performance Evaluation indicate, these developments show a positive move forward for Ukraine in court performance.

His Honour notes, "As a result of close cooperation on the issue of court performance evaluation between judicial self-governance bodies, pilot courts of all jurisdictions and the USAID FAIR Justice Project, and thanks to the proactive position and substantive approach taken by the current Council of Judges of Ukraine, we are proud to declare that Ukraine has finally gotten off the list of those countries that do not have court performance standards, and became a country that adopted the national Court Performance Evaluation System for practical implementation based on international standards."

## Feature articles

On the theme of leadership and culture change

### Leadership and culture change in implementing the International Framework for Court Excellence

Chief Justice Marilyn Warren, AC  
Supreme Court of Victoria, Australia



Photo: Chief Justice Marilyn Warren, provided by the Supreme Court of Victoria.

Area 1 of the International Framework for Court Excellence is dedicated to the topic of court management and leadership. It emphasises that inspirational leadership is crucial for court success and excellence. It stresses that strong leadership is imperative in many aspects of court operations. But, a real commitment to the Framework has even broader implications. It can place compelling demands upon a court's leadership and have a profound impact on the culture that prevails throughout the organisation.

For the Supreme Court of Victoria the long term, dynamic implementation of the Framework has been one of the greatest examples of strong leadership and positive cultural change that the Court has experienced in its recent history.

Effective implementation of the Framework at the Court has required the unwavering commitment from all those who are responsible for the Court's good management, myself included. We realised that to meet our challenges we had to engage our people in innovations and reforms, not just manage existing systems and processes. Quite simply, it became evident that success would be dependent upon the quality of leadership exhibited within the Court.

This process has required the judicial and administrative leaders of the Court to inspire their colleagues about the benefits of the Framework and engage them in processes for the improvement of Court operations. It has required that we keep focus and maintain the confidence of the organisation as those benefits are realised. The importance of firm, consistent, visible leadership cannot be overemphasised.

In its early implementation of the Framework the Court found the following paragraph, from the High Performance Court Framework developed by the National Center for State Courts, USA, to be a useful statement of the importance of courts themselves taking the initiative to adopt the framework and improve and innovate:

“Courts that are in fact well run, and are perceived to be well run, will be well funded, even in periods of tight budgets. The rest will be told to do more with less. Hence, the financial challenge courts face today demands creative thinking. The courts that will flourish are those willing to implement changes they may not even have considered absent a crisis.”<sup>1</sup>

Whilst written in the context of the financial crisis affecting US State Courts at the time, the message is equally applicable to any challenge which a court may face. If a court is able to demonstrate competence, efficiency and the ability to innovate, it will receive greater support and flourish.

Those who work in the Supreme Court of Victoria, both judicial officers and staff, have welcomed the development of goals for the future along with strategies for producing the changes needed to achieve those goals. The Victorian Parliament and the Victorian Government have responded favourably to the Court's clarity of purpose and direction.

<sup>1</sup> B Ostrom and R Hanson, Achieving High Performance: A Framework for Courts. (National Center for State Courts, 2010), i, <[http://www.ncsc.org/~media/Files/PDF/Services%20and%20Expe%20rts/CTF/Achieving\\_HPC\\_April\\_2010.ashx](http://www.ncsc.org/~media/Files/PDF/Services%20and%20Expe%20rts/CTF/Achieving_HPC_April_2010.ashx)>

The Court's partners, in the form of other courts within Victoria, appreciate the cooperative and collegiate attitude that comes from a commitment to the values and principles of the Framework.

As strategies have been implemented and results achieved, the leadership has been able to build confidence in the benefits of the Framework across the Court and further enthusiasm for new projects and initiatives. We have also built a reputation which gives us further credibility when dealing with government.

The Court is gaining the maximum benefit from the Framework by regarding it as our foundation management model. All other management frameworks, tools and models, such as those associated with business planning or risk management or people management, are regarded as contributing to the effective implementation of the Framework. This has a unifying effect across the Court, allowing everyone to connect their work to a common goal and a coordinated strategy.

Significant outcomes achieved by the Court as a result of implementing the Framework in terms of leadership and cultural change include:

- The establishment of a comprehensive governance system by which the Court is directed and managed. The governance arrangement sees judicial committees operating on behalf of the Council of Judges to develop organisational objectives, monitor finances and risk, and review key performance outcomes.
- A strategic plan that aims to modernise and reform the Court's service delivery to create a centre for court excellence and forum of choice for litigators which maintains the respect and confidence of the community and government.
- A rigorous program of implementing the global measures of court performance as the Court's default suite of key performance measures and steady improvement against those measures.
- Collaboration with other courts in Victoria, and beyond, to promote the adoption of the Framework, including sharing policies, knowledge and experiences that previously would not have occurred.

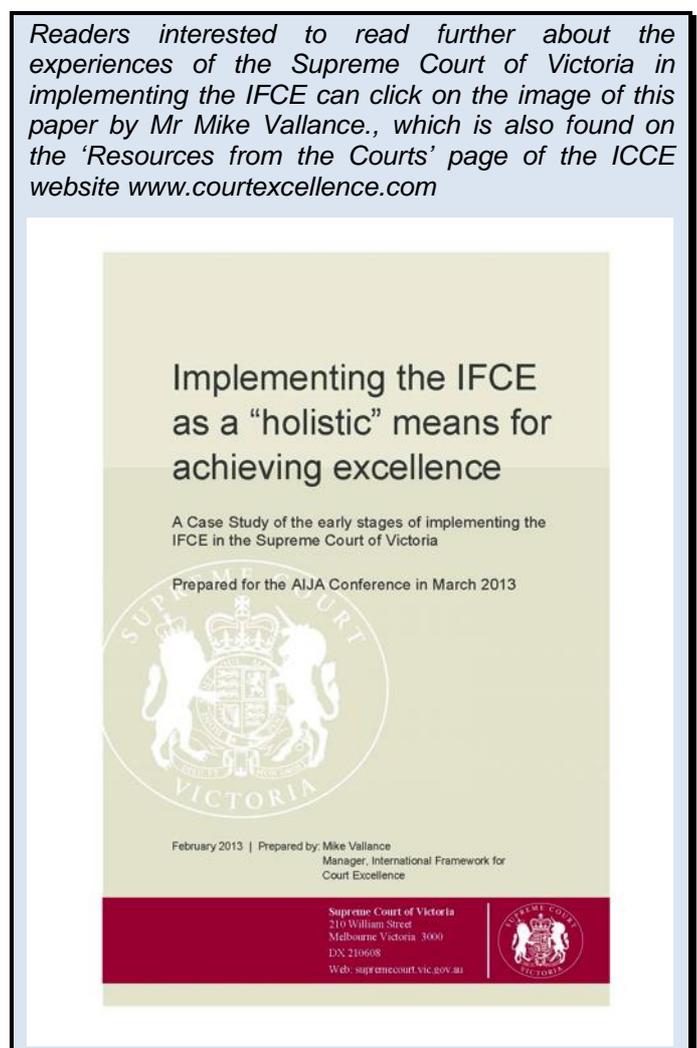
From my experience in implementing the Framework I would offer the following insights to others:

- First and foremost, if implemented as a proper management model (and not just a self-assessment tool), the Framework offers real and substantial advantages for a court.
- If a court is truly seeking to maximise the benefits from implementing the Framework then the judicial and administrative leadership must demonstrate a clear, visible and unwavering

commitment to using the Framework. If this is not the case then any improvements will be relatively minor and the Framework will soon be regarded as irrelevant or a failure.

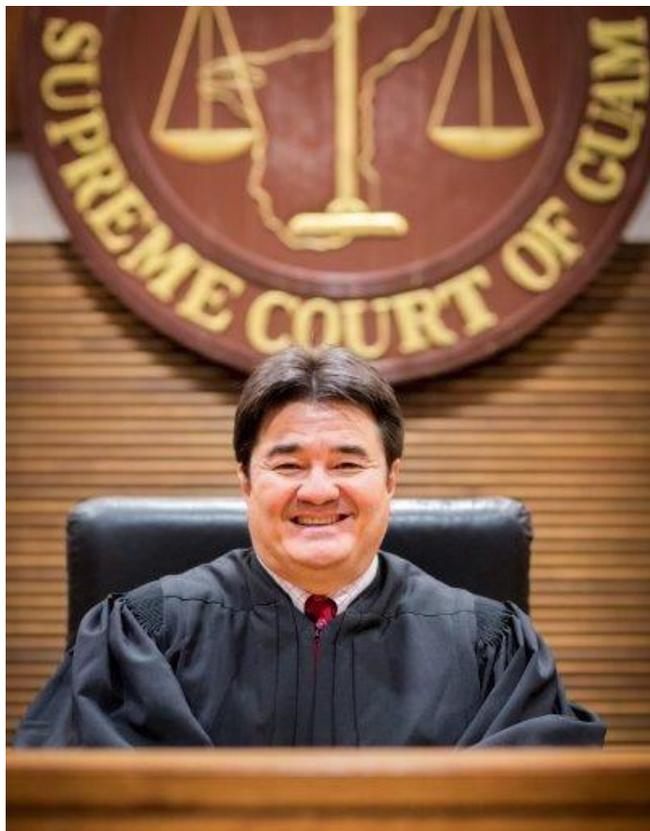
- A better organisational culture is an inevitable outcome from effective implementation of the Framework and one of the most enjoyable aspects of the process.
- In the case of multiple jurisdictions within a particular country or state, cooperative, but independent, implementation of the Framework offers a multitude of opportunities to learn and share with the overall aim of improving the value of services offered to the community.

*Readers interested to read further about the experiences of the Supreme Court of Victoria in implementing the IFCE can click on the image of this paper by Mr Mike Vallance., which is also found on the 'Resources from the Courts' page of the ICCE website [www.courtexcellence.com](http://www.courtexcellence.com)*



# Adapting and Adopting the International Framework for Court Excellence

**Chief Justice Robert J. Torres**  
Supreme Court of Guam



**Photo: Chief Justice Robert Torres, provided by the Supreme Court of Guam.**

Over the last four years Daniel Hall, Vice President of the Court Consulting Service Division of the National Center for State Courts, and I have had the privilege and opportunity to present the International Framework for Court Excellence (the *Framework*) in numerous countries across the Asia Pacific including Bangladesh, Bhutan, the Philippines, the Federated States of Micronesia and Malaysia.

Our experiences validate that the *Framework's* values, concepts, and tools are capable of being used by courts worldwide to voluntarily assess and improve the quality of justice and court administration they deliver notwithstanding the ethnic and cultural diversities, the varying populations, the sophistication, the jurisdictional limitations and resources available to these courts.

In the Philippines, the *Framework* was unveiled at the Philippine Judicial Academy to Regional Trial Court judges, Municipal Court Judges and Municipal Circuit Trial Court Judges. An additional presentation of the *Framework* was given in the Visayas region. The Philippine Judiciary comprises of both regular courts and special courts. The regular courts include the Supreme Court of the Philippines, the Court of Appeals, the Regional Trial Courts, Metropolitan Trial Courts and Municipal Circuit Trial Courts. The Regional Trial Courts alone make up over 950 courts scattered throughout the island country and the legal system has been described as one mixed of civil, common, Islamic and customary law.

The Federated States of Micronesia consists of four groups of island states – Yap, Chuuk, Pohnpei, and Kosrae – each with its own language, culture and traditions. The FSM has slightly more than 100,000 inhabitants spread over more than 600 islands with an exclusive economic zone of over 2.6 million kilometers. The FSM judicial branch consists of a FSM Supreme Court and separate state courts.

These courts face the challenge of ensuring respect for customs and traditions and values underlying customary structures and practices while implementing constitutional mandates. The *Framework* workshop was conducted to assist the courts in providing transparency and clarity, reducing delay, enhancing court access, and simplifying overly complex procedures.



**Photo: Iloilo Visayas Philippines IFCE Workshop.**

Our experiences confirm that strong and effective leadership is essential to implementing the *Framework*. Courts cannot remain relevant and secure the trust and confidence of the public unless they constantly reinvent themselves. The *Framework* gives courts the tools to constantly improve their operations. But, human nature being what it is, fundamental change in courts is often mightily resisted by those in the trenches who are providing justice, such as, judges, attorneys, and court staff.

Retired Harvard Business School professor John P. Kotter studied change in the corporate world and found that successful efforts by businesses to reinvent themselves fail more often than they succeed. The top four errors Professor Kotter cites include:

- Not establishing a sense of urgency;
- Not creating a powerful coalition of justice partners;
- Not creating a vision; and
- Not communicating that vision to the organization.

These factors are the responsibility of leaders to overcome but leadership and governance structures must be put in place to overcome these obstacles.



Photo: Kosrae IFCE Workshop

In Bangladesh, the Philippines, Micronesia and Guam the then chief justices of their supreme courts and their top court administrators have initiated the *Framework* and provided essential implementation support. However, there were unanticipated changes in the existing leadership structure with the untimely death of the Micronesian chief justice and the impeachment of the Chief Justice of the Philippines which diverted attention from implementation and change efforts.

To sustain that sense of urgency and climate of change, the new leadership in these countries still need to recognize the court's culture to successfully implement changes through the use of the *Framework*. The High Performance Courts Framework, the version of the *Framework* developed for the United States courts, has a module specifically designed to help courts understand how a court's managerial culture can promote common goals and collegial cooperation.

Just as the *Framework* offers an on-going quality cycle to continually identify areas for improvement and their associated implementation plans, court leadership needs to continually provide the guidance to sustain the sense of urgency for change, manage stakeholder coalitions required for change and instill the vision of the future across the organization. To date, courts that we have worked with have had the necessary leadership actively engaged to support implementation of the *Framework* and we expect this to continue. As their marathon towards court excellence progresses they will need to continually reinvigorate their efforts as leaders.

Linking globally-accepted performance measures with the *Framework* methodology provides an opportunity to articulate best practices for courts in a language understood and appreciated by the judicial officers and court staff of diverse jurisdictions. Our experiences and the feedback received from judicial officers and staff during our presentations confirms that courts can adapt the *Framework* to meet their own needs to create a culture supportive of improvement and innovation.

The *Framework* may be applied to all courts and be equally effective for large urban courts or smaller rural or remote courts irrespective of jurisdictional limitations or available resources. Moreover, the importance of leadership to help define the objectives and the changes needed in measurable terms cannot be overemphasized. Strong leadership will also ensure the courts do not operate in isolation from the broader community and external partners.

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

There is no single path to excellence; excellence is a journey that starts with a first step. The *Framework* gives courts the roadmap for what can be done and helps to plan steps forward. As changes come together, they will become visible, and both institutions and citizens will acknowledge them by showing increased trust and support. One thing is absolutely clear, leadership is critical in guiding change when implementing the *Framework*.

# Regional forums

## Singapore

**Report from District Judge Boon Heng Tan, Executive Director, Singapore Judicial College.**

### Case management training for judges

In conjunction with the Singapore Cooperation Programme funded by the Singapore Ministry of Foreign Affairs, the Singapore Judicial College (“SJC”) organised a 5-day course for foreign judges on case management from 6 to 10 April 2015 entitled, “Strategies of Case Management: Challenges, Solutions And Innovation”. This training programme, under the International Wing of the SJC, received an overwhelming response: there were 33 participants from 23 countries.

The topics covered in the 5-day programme included the Singapore Judiciary’s experience in clearing case backlogs in the 1990s, today’s differentiated tracks of case management and an ‘introduction to the International Framework for Court Excellence – a healthy court system ensures continuing effective and efficient case management’. There was tremendous interest in the IFCE. Participants also experienced:

- Visits to the Supreme Court, State Courts and Family Justice Courts.
- Roadshows (with hands-on experience) of the eLitigation System, Integrated Criminal Case Filing and Management System (ICMS) and Regulatory Offences Management System (ROMS);
- a presentation of the work of the Singapore Mediation Centre, an entity under the Singapore Academy of Law.

The next SJC training programme for international judges, which will also include an introduction to the IFCE, will be held on 6-10 July 2015 on “End-To-End Court Technology: A Compendious Survey”. For more information please click [here](#).



Photo above: Participants attending the Singapore Judicial College Case Management Programme (6-10 April 2015).

## Report from Jennifer Marie, Deputy Presiding Judge and Registrar, State Courts of Singapore.

### Judicial Training for Myanmar

In December 2014, a delegation from the Supreme Court and the State Courts of Singapore conducted a Judiciary Training Programme (JTP) for Officials from the Judiciary of Myanmar in Naypyitaw, Myanmar. The JTP was coordinated by the Singapore Ministry of Law and the Union Supreme Court of Myanmar, and took place under the auspices of the Singapore-Myanmar Integrated Legal Exchange Memorandum of Understanding.

The Programme was developed in consultation with the Union Supreme Court, and covered topics including proactive case management, alternative dispute resolution, the use of IT to enhance court administration and case management, and effective and efficient court administration and an introduction to the International Framework for Court Excellence. There were opportunities to engage in discussions between the trainers and the participants, and the training was fruitful. The State Courts looks forward to continued engagements with the judiciary of Myanmar.



Photos above: Myanmar Judicial Training Programme (Dec 2014)

## Other news

The IFCE Self-Assessment Questionnaire is now available as an online survey using SurveyMonkey. The online version of the survey has been developed by the New South Wales Bureau of Crime Statistics ([www.bocsar.nsw.gov.au](http://www.bocsar.nsw.gov.au)), from within the New South Wales Department of Justice, to assist jurisdictions around the world. Please see the ICCE website for instructions about how to use the online survey: <http://www.courtexcellence.com/Resources/Self-assessment.aspx>

## Conferences

### Judicial Governance Programme - Singapore

The State Courts of Singapore, in collaboration with the Civil Service College, will be conducting a 5-day Judicial Governance programme from 27 to 31 July 2015 in Singapore. The programme will provide a review of key judicial reforms in Singapore, developments in and challenges to judicial processes and management. Participants should be senior decision makers and leaders in their countries' judiciary or justice system, including judges, court administrators and public sector officials who are primarily involved in judicial policy work and/or court administration.

For programme and application enquiries, please contact Ms Ong Wee Teng ([ong\\_wee\\_teng@cscollege.gov.sg](mailto:ong_wee_teng@cscollege.gov.sg)) or Mr Tay Kai Boon ([tay\\_kai\\_boon@statecourts.gov.sg](mailto:tay_kai_boon@statecourts.gov.sg)).

### International Conference 27-29 January 2016, Singapore

The State Courts will be organising an international conference from 27 to 29 January 2016. This conference will promote the IFCE to judges, court administrators and public sector officials who are interested in court excellence and judicial administration, and will be a platform for participants to deliberate on the future direction of courts. Details will be available on the State Courts website ([www.statecourts.gov.sg](http://www.statecourts.gov.sg)) at a later date.

## Next newsletter

The next ICCE newsletter will be published in late 2015. Those members wishing to submit articles to the ICCE Newsletter for consideration by the Secretariat on their experiences implementing the Framework are invited to contact Liz Richardson.

## Want to know more?

For enquiries about the Framework please contact Liz Richardson at the ICCE Secretariat:

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