

INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE

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Framework Users – We need your help! Survey on line

The International Framework for Court Excellence has now been tested by courts around the globe for approximately two years. In addition to a growing number of courts who have implemented the framework, many more judiciaries have become a member of this international consortium. In order to continue the process of learning and further improving the framework we think it is time for some stocktaking.

We are inviting you to complete a short questionnaire that will assist us all in better understanding how courts can best use this framework and the tools that were developed for its implementation. Please complete and submit this survey online at <http://survey.confirmit.com/wix/p1944801009.aspx>

Want to know more about the Framework?

IFCE Regional Forums will be held in the following regions:

- ❖ Pacific Region
- ❖ Middle East
- ❖ South America
- ❖ Europe

The workshops will give an explanation of the framework, an overview of the self-assessment questionnaire, an overview of how to interpret and analyse the results of an assessment and how to develop an action plan for improvement.

If you are interested learning more about regional workshops you should contact a founding member of the consortium or the consortium contact officer, Jackie.Wallace@agd.nsw.gov.au.

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What is the Framework?

An International Consortium consisting of the above organisations from Europe, Asia, Australia, and the United States developed the *International Framework for Court Excellence*.

The *Framework* 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 term “court” is used for all bodies that are part of a country’s formal judicial system. It includes courts and tribunals of general, limited or specialised jurisdiction as well as secular or religious courts.

International Updates in this Issue:

Singapore:

The Singapore Subordinate Courts were recently awarded the prestigious Singapore Quality Award (See page 3)

Australia:

The Supreme Court, County Court and Magistrates Court of Victoria are all implementing the Framework (See page 2).

Case Studies:

Ukraine:

The International Consortium for Court Excellence (ICCE) is also helping the Ukrainian judiciary with the implementation of the Framework to strengthen the rule of law and reform its justice system in line with international and European standards. An update is provided at page 4.

Australia:

The County Court of Victoria (Australia) gives their account of implementing the Framework at page 5.

Membership Update

Since the inaugural newsletter, the Consortium has had further interest from various international courts and court institutions wishing to join the Consortium. If you are interested in joining visit the courtexcellence.com website for an application form or contact the consortium contact officer, Jackie.Wallace@agd.nsw.gov.au

Australia

Supreme Court of Victoria, Australia:

The Supreme Court of Victoria is the superior court for the State of Victoria with both civil and criminal jurisdiction. It comprises both a Trial Division and a Court of Appeal.

The Court commenced consideration of the Framework in late 2008. The Council of Judges - the Court's governing body - asked an internal committee chaired by the Chief Justice to advise on the use of the framework within the Court. The Committee gathered information regarding the approaches in other jurisdictions and discussed the most workable approach for the Court to the self-assessment exercise.

Chief Justice Marilyn Warren attended the Asia Pacific Courts Conference in Singapore between 4-6 October 2010. The Conference took as its theme the promotion of awareness of the Framework and her Honour returned with further information about approaches adopted around the world.

The Court's internal committee recommended that a facilitated workshop be held as a means of undertaking the Framework's self-assessment exercise in a collaborative and discursive way. That workshop was held in December 2010 and was attended by members of the Court and court staff from across all areas of court operations. The workshop resulted in a both a broad benchmark self-assessment but also a series of suggestions for projects to improve court performance in certain areas.

In 2011 the Court employed a consultant with experience in excellence frameworks to further develop use of the Framework. The Court has since undertaken a survey of Court staff based on the self-assessment framework and is in the process of surveying judicial officers and judicial staff. The Court has also used the Framework and the facilitated workshop model to develop a five year plan. The Court became a member of the Consortium this year.

Magistrates Court of Victoria

The Magistrates' Court of Victoria first adopted the *'International Framework for Court Excellence'* (the Framework) in September 2009, endorsing the Framework's core values and principles.

In order to implement the Framework in its operational and policy spheres, the Court established an ongoing program. Chief Judge of the Land and Environment Court of New South Wales, Justice Brian Preston, visited the Magistrates' Court in October 2009 to share his experiences of the application of the Framework in his Court. In March 2010, consultant Barry Walsh delivered a presentation titled *'Court Excellence Assessment Process'* at the Court's annual judicial conference, the Council of Magistrates. After this overview, magistrates convened to analyse and discuss the Framework.

In April 2010, the Court embarked upon the process of self-assessment, which involved over 50 magistrates and senior Court administrators. Such collaboration reflects the "whole-court approach" embodied in the Framework. The Court utilised the methodology contained in the Framework's *'Self-Assessment Questionnaire'*; surveying participants' views on the Court's current "approach", the extent to which approaches have been "deployed", and achievement of "results". Participants subsequently analysed the information obtained from the completed questionnaires, and reached consensus on the Court's progress. The Court completed this self-assessment exercise in July 2010. The Court will utilise the consensus outcomes from the self-assessment to guide baseline assessments, and future strategic goals.

The Magistrates' Court is highly cognisant of the qualitative benefits of utilising the Framework in assessing court performance; particularly as a supplement to the comparative data compiled by the Australian Government Productivity Commission in its *'Report on Government Services'*.

The Framework's universal benchmarks also allow opportunities to rearticulate Court values. In February 2011, the Court launched its new Electronic Filing Appearance System (EFAS). EFAS is an innovative expansion of existing "virtual" lists, whereby the Court's website can be utilised as another means by which parties can enter appearances and request adjournments. This initiative is referable to the core values of transparency and accessibility, enunciated in the Framework. On a broader scale – the Court's specialist and problem-solving jurisdiction, inclusive of the Koori Court, Drug Court, Neighbourhood Justice Centre, Assessment and Referral Court List, Family Violence Court, Sexual Offences List and other specialist services, are relational to the core values of fairness, accessibility and equality. The Framework's signposts provide valuable guidance in measuring Court progress.

Updates on the Court's implementation on the Framework can be found on the Magistrates' Court of Victoria website www.magistratescourt.vic.gov.au.

Workshops in the Philippines

In early November, Dan Hall, Vice President of the National Center for State Courts and Justice Robert Torres of the Supreme Court of Guam conducted two day and one half workshops at the Philippine Judicial Academy (PHILJA) training center in Tagaytay, Philippines. The workshops were organized with the cooperation of retired Supreme Court of the Philippines Justice and current PHILJA Chancellor, the Honorable Adolfo Azcuna and the Honorable Jose Midas P. Marquez, Supreme Court of the Philippines Court Administrator. Sixty judges from the Regional Trial Courts and Municipal Trial Courts attended the sessions sponsored by PHILJA and the Philippines Supreme Court. In preparation for the workshop, each judge was asked to complete the online version of the IFCE self assessment instrument. (An example of the

online self assessment survey can be found at <http://survey.confirmit.com/wix/p1990164564.aspx>. The workshop was structured around four interactive sessions. First, the participants used the results of the self assessment survey to identify five areas in which their courts were strong and five areas where there could be improvements. Second, they identified performance measures for each of the ten areas identified in the first section. Third, using a quality improvement methodology they identified solutions for one of the problems and identified performance measures that would gauge their success. In the last session participants developed an implementation plan for all five areas that had been identified for improvement. Chancellor Azcuna and Administrator Marquez have expressed an interest in training other Philippine judges and administrators in the Framework. Preliminary discussions have been held on developing a train-the-trainer program whereby members of the Philippine judiciary would continue to educate judges on how to implement the Framework.

Singapore

The Subordinate Courts of Singapore receives delegations of foreign judges and dignitaries all year round. Judging from the requests of our visitors, a number of them have expressed an interest to learn more of the International Framework of Court Excellence (IFCE). They include the delegation from the Commercial Court Division of Lesotho led by Justice Lisebo Chaka-Makhooane, Judge of the High Court of Lesotho and the delegation led by Dr Claudio Ximenes, Judge Laurence Ryan and Judge Sarah Fleming from the Ministry of Justice of New Zealand and Chief Justice and President of the Court of Appeal of Timor-Leste. With him was Justice Ana Paula Fonseca Monteiro de Jesus.

Justice Lisebo Chaka-Makhooane has equally encouraging thoughts of the IFCE noting that she had "learnt a lot":

This is my second visit to Singapore. It certainly was as good as the first time. I learnt a lot.

- Justice Chaka Makhooane, 26 May 2011 -

Dr Claudio Ximenes, Chief Justice and President of the Court of Appeal of Timor-Leste wrote that what he had heard was very useful:

... It is very useful for the process we are conducting to build a judicial system in Timor-Leste. ...

- Dr Claudio Ximenes, Chief Justice and President of the Court of Appeal of Timor-Leste, 10 June 2011 -

Judge Sarah Fleming found the presentation on the IFCE among others to be a "very stimulating presentation":

Very stimulating presentation which has made me very positive about implementing changes which are being discussed.

- Judge Sarah Fleming, 21 July 2011 -

On 27 February 2011, the Singapore Judiciary accepted an invitation from the Ministry of Justice of the United Arab Emirates to present to the Minister for Justice, Chief Justice and senior judges a range of its initiatives and the IFCE was identified as one of the specific areas of interests. This sharing session in Abu Dhabi helped to build awareness and generate interest in the IFCE.

Subordinate Courts of Singapore awarded the Singapore Quality Award with Special Commendation (SQA SC).

The SQA is the highest national award for organisations who have achieved the Business Excellence Standard. It is presented to organisations with management systems and processes that achieve outstanding levels of business excellence in all areas. The SQA is the Singapore equivalent of the U.S. Malcolm Balridge National Quality Award.

Past SQA winners can apply for the Singapore Quality Award with Special Commendation (SQA SC) after a minimum of 5 years from the date of the award. The SQA SC recognises past SQA winners who have shown quantum leap in their journey of court excellence and have demonstrated global leadership in key business areas, products or services. For more information on the SQA and SQA SC, click link: <http://www.spring.gov.sg/QualityStandards/be/bea/Pages/singapore-quality-award.aspx>

For the purpose of SQA SC, the Subordinate Courts submitted a comprehensive document with supporting evidence which is similar to the 7 categories of the International Framework for Court Excellence. Thereafter a team of 8 independent assessors including a foreign assessor from Germany conducted an in-depth assessment of the Subordinate Courts in July 2011 lasting a few days. They interviewed the leadership team, staff, stakeholders (local and foreign) and scrutinised the Subordinate Courts' systems and processes.

CASE STUDIES

The following gives an update on two courts who are actively implementing the IFCE; the Ukraine judiciary and the County Court of Victoria in Australia.

Ukraine

One of the most significant challenges that Ukraine faces in strengthening the rule of law and reforming its justice system in line with international and European standards is lack of court performance standards and absence of court performance evaluation system. This is directly linked to another challenge, low levels of public trust and of awareness about the judiciary. These challenges are the result of insufficient interaction between judicial institutions and citizens, reinforced by the Soviet-era public perception of courts as punitive institutions without a tradition of public service.

The USAID-funded Ukraine Rule of Law Project (UROL) in cooperation with International Consortium for Court

Excellence (ICCE) is helping the Ukrainian judiciary to overcome those challenges in order to increase transparency and accountability of the judicial system, build its democratic leadership and support Ukrainian civil society in its efforts to contribute to the anti-corruption and judicial reform activities. Together with ICCE, UROL organized and conducted for the first-time in Ukraine the International Court Excellence Conference in June 2011. The Conference included more than 200 participants, including representatives of all three branches of Ukrainian government, judges and court staff all regions of Ukraine, leaders of non-governmental organizations, academics and international donor organizations active in rule of law. The Conference also included representatives of courts and organizations implementing court quality programs in the United States, Singapore, Australia, United Kingdom, Netherlands and Georgia. ICCE representatives included Judge Tan Siong Thye, Chief District Judge, Subordinate Courts of Singapore, Professor Gregory Reinhardt, Executive Director for Australasian Institute of Judicial Administration, Dr. Pim Albers, Senior Policy Advisor for the Judicial System Department of the Ministry of Justice of the Netherlands, Advisory Member of the ICCE.



Resistance to change is a common problem facing leaders of judiciaries. It is easy to take the view that the judiciary, being a monopoly, does not require the same drive to change and reform as a company selling its products and services in a competitive market economy. Such attitude is not good for the country. We live in an interconnected world where countries compete for investments and the best talent. Hence countries with competent, independent and incorruptible judiciaries that provide access to quality and expeditious justice for all irrespective of nationality, race, religion or social status have an edge in the global market place. In the quest for judicial reforms, leadership is key.” –Judge Tan Siong Thye, Chief District Judge, Subordinate Courts of Singapore during his speech at the International Court Excellence Conference.

The Conference stimulated awareness among key judicial stakeholders and the public about court quality, international practices in measuring judicial performance and International Framework for Court Excellence. The UROL Project together with its Ukrainian partners also presented results of its pilot projects – court performance external evaluation through Citizen Report Card (CRC) surveys in selected courts and court performance internal evaluation based on previously developed court performance standards.

The history of measuring court performance in Ukraine started in 2008 when UROL adopted the methodology of Citizen Report Cards (CRC) surveys to measure court performance by way of scoring citizens perception of seven quality areas: 1) physical access to courts; 2) the level of comfort in the courthouse; 3) access to court information; 4) affordability of court fees; 5) timeliness in considering cases; 6) court staff performance; and 7) judges’ performance. In contrast to focusing on the quality of a court decision or the correct application of the law, the citizen report card reflects a broader understanding of court performance, which is also concerned with the length of case proceedings, the competence and professional skills of judges and court staff, and the treatment of parties to a case, among other things. In implementing CRCs, Ukrainian courts have identified a diagnostic tool to help identify gaps in service, an external court performance evaluation method to improve courts’ accountability to the public, and a benchmarking tool to track progress in improving court services over time.

Since then, three CRC rounds were implemented in selected courts by Civil Society Organizations interviewing more than 2,300 court visitors in each round. During each of three rounds, based on survey findings, CSO partners developed sets of recommendations to each participating court to improve its performance. Those participating courts (in total 20 courts during 3 years) that implemented CSO recommendations demonstrated higher score of citizens perception of its services. In total 12 courts improved its performance as the result of this pilot project. In general, CRC scores for overall quality of court performance ranged from 52% satisfaction (lowest) to 78.5% (highest) in 2009, from 66% (lowest) to 92% (highest) in 2010, and from 71% (lowest) to 97% (highest) in 2011.

The successful implementation of this pilot project became a strong base argument on the way to promote court performance measurement within Ukrainian judicial authorities. With support of UROL and ICCE, Ukraine started developing court performance standards to become a base for further developing court performance measurement systems. Two standards – timeliness of court proceedings and quality of court decision were piloted in 6 Ukrainian courts which became a start of the internal court performance measurement.

Presentation of the results of two pilot projects at the International Court Excellence Conference together with experience of other countries in the area of court performance measurement and introducing the International Court Excellence Framework to Ukrainian judiciary – all together led to an expressed commitment by the Ukrainian judiciary, particularly, the Council of Judges of Ukraine (a key judicial self-governance body) and State Judicial Administration of Ukraine to finalize development of national court performance standards and court performance measurement methodologies. Conference participants developed more than 50 recommendations to Ukrainian judicial institutions, primarily to Council of Judges of Ukraine and State Judicial Administration, aimed to promote court quality in Ukraine. These recommendations include many aspects that lead to court excellence: court

management, leadership, human resource management, access to court services, public trust and confidence in courts. Leaders of Ukrainian judicial institutions recognized that the International Framework for Court Excellence is a useful tool for Ukraine on its way to develop national standards of court excellence and system of evaluation of court compliance with these standards.

This work will continue with the support of a new USAID-funded Fair, Accountable, Independent and Responsible (FAIR) Judiciary project that started after the UROL project ended. ICCE will continue to cooperate with new project in terms of development, promotion and implementation of standard-based national court performance measurement system in Ukraine.

County Court of Victoria

The County Court of Victoria is one of the first courts in Australia to adopt the International Framework for Court Excellence (IFCE) and is proud to be breaking new ground towards improving transparency and enhancing access to justice.

Getting started

The County Court began its work on the IFCE in November last year. Chief Judge Michael Rozenes attended the Asia-Pacific Conference in October 2010 where he learned about the Framework and how it had been adopted elsewhere. On his return, the Executive Committee of the Council of Judges, the CEO, Principal Registrar and senior managers from the Registry and Administration of the Court participated in a two day Strategic Planning Workshop, during which there was discussion as to whether the Court should adopt the Framework.

At the workshop, Laurie Glanfield, Director General of the NSW Department of Attorney-General and Justice, spoke about adopting the Framework. Mr Glanfield explained how it provided a unique opportunity for courts, organisations which do not readily conform to measurement by 'output', to self assess against relevant criteria and set priorities for the future.

As a group, they discussed the areas in which the Court was performing well and other areas where improvement could be made. It was agreed that the Framework could provide the Court with a way of mapping the way forward in the areas which required some attention and that the outcomes of the assessment should be used as a basis for the 2011-12 Annual Business Plan. It was also agreed that the process should be designed to include all areas of the Court – Judges, Judicial staff, Registry and Administration to be inclusive so that the adoption of the Framework had buy-in from the whole Court.

The Executive Committee then formally endorsed the adoption of the Framework by the Court and nominated Judge Davis to chair the Implementation Committee.

The Court held a whole of Court meetings to introduce the IFCE and invite Judges and staff to be involved. Chief

Judge Rozenes spoke of the Framework as an exciting opportunity for the Court to strive towards excellence. Laurie Glanfield also attended the meeting and explained the Framework to Judges and staff.

The Assessment Process

The assessment was split into 3 teams being:

- Assessment Team 1 - Drivers (Area 1 Leadership & Management)
- Assessment Team 2 - Systems and Enablers (Area 2 Planning & Policies, Area 3 Court Proceedings, Area 4 Public Trust & Confidence)
- Assessment Team 3 - Results (Area 5 User Satisfaction, Area 6 Court Resources, Area 7 Affordable & Accessible Court)

The Implementation Committee prepared assessment workbooks for individual scoring. Volunteers from all areas of the Court (12 Judges and 21 staff) chose which area they were interested in to act as an assessor. Each assessor scored the Court individually in their workbook for their specific area(s) based on their perception and knowledge of the Court's performance. The scores were analysed and an aggregate score produced for discussion. The assessors then attended workshops and discussed the scores to determine a consensus score out of 5 in relation to each of the above areas.

The benefit of involving people from across the Court was that there was an exchange of information which provided Judges and staff with a better understanding of the processes and procedures in areas of the Court that they were previously unfamiliar with. It was a valuable opportunity for the various sections of the Court to work together collaboratively.

Results

The final score for the County Court is 463/1000 which effectively positions the court at band 4 of the IFCE banding table.

The Implementation Committee analysed all the areas where the Court scored less than 3 out of 5 and identified a number of proposed projects for inclusion into the Court's 2011-12 Annual Business Plan, which were endorsed by the Executive Committee. The Court has made a start on many of the projects, including a new Vision Statement and Values for the Court that better represents the County Court as an institution.

The County Court of Victoria intends to conduct another assessment next year to determine whether or not there has been improvement in the areas identified through the Framework in the Business Plan.

The self assessment involved a number of people from across the Court and assisted the Executive Committee in having a better understanding of how they do things, and, more importantly, how the Court can improve. The Chief Judge is gratified to work with Judges and staff who have such a strong commitment to excellence.

Interested in Joining or Want to Know More?

If you are interested in joining the Consortium, an application form and the membership policy can be found on the courtexcellence.com website. For general enquiries you can contact the Consortium Contact Officer at: Jackie_Wallace@agd.nsw.gov.au. If you have specific questions about implementing the Framework, you can contact one of the founding members:



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