

Use, Modification and Impact of the International Framework for Court Excellence

Professor Greg Reinhardt, AIJA

Dr Liz Richardson, AIJA

National Executive Judge Colin Doherty, District Courts of New
Zealand

Justice Peter Murphy, Family Court of Australia

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About the Consortium

- Executive Committee of Consortium - four founding members (NCSC, FJC, AIJA, State Courts of Singapore) + 3 other member jurisdictions.
- New members of executive committee are District Courts of New Zealand and Republic of Marshall Islands Judiciary and Dubai International Financial Centre Courts.
- Secretariat based at the AIJA since 2014.
- Currently 4 founding members; 33 member courts and tribunals.

Research on Use and Modification of the Framework

- **Stage one – draws together the existing information on how the Framework has been utilised and modified by members of the Consortium.**
- Stage two – All ICCE members to be surveyed about use, modification and impact.
- Research paper will inform future changes to Framework and case summaries will be used on Consortium website.
- First time that the Consortium has sought to collate the different approaches being taken.

Research on Use of the Framework

- Wide range of approaches to the IFCE have been taken.
- ICCE takes a flexible approach to the modification of the Framework to suit local circumstances.
- Numerous courts have performed self-assessment but a number have completed it only once but revise the improvement plan on an ongoing basis.
- Some courts do not develop improvement plans.
- In other courts, self-assessment leads to the development of an improvement plan which continues to be reviewed and updated without further self-assessment.

Research on Use of the Framework

- Use of consultants to assist in the process is relatively common.
- The most successful courts institute a 'self-assessment team' to drive the process.
- Leadership of the chief judicial officer is critical to success but also support of administrative services.
- Some courts have varied the approach in the IFCE by only having judicial officers engage in the process.
- The Framework promotes whole court participation.

Research on Use of the Framework

- Court have also differed in approach in how the questionnaire is explained to participants with the LECNSW 'workshopping' the questions prior to assessment to achieve consensus agreement on the meaning of questions/statements.
- Others (such as the District Courts of New Zealand and the Family Court of Australia) opt to hold moderation sessions after conducting the self-assessment.
- Some courts have used online format.

Research on Use of the Framework

Other ways in which the IFCE has been used:

- Developing a policy framework and overarching management methodology – Supreme Court of Victoria;
- Strategic Planning – LECNSW. Eg. Indonesia also used to develop a five year plan to reform trial courts, incorporated court performance measurement into strategic planning within the court;
- Broad principles can be helpful to organise activities in the court.

Research on Modification of the Framework

Most courts have modified the Framework in some way in implementation process.

The key modifications that have been made include:

- Changes to the questions or statements by changing language/terminology to enhance relevance to local circumstances;
- Changing the approach and/or not using scoring;
- Not developing improvement plans;
- Holding moderation sessions;

Research on Modification of the Framework

Other modifications include:

- Providing option for open comments;
- Making substantive changes to the questions/statements;
- Adding additional sections – eg court performance and judicial section on ethics/standards, operational matters, judicial organisation, judicial welfare, judicial engagement with the community.
- Additional category of response – “don’t know.”

Research on Modification of the Framework

- The questions for the Consortium what are limits on how far can modification go before the Court could be considered not be applying the IFCE?
- Or put another way, what are the fundamental aspects of the IFCE that must be present in every application of the IFCE?
- Can these fundamental aspects be articulated?

Research on the impact of the Framework

The self-assessment process has led to numerous innovations and improvements in courts, including:

- Systemization and entrenchment of court-user surveys;
- Peer review and pastoral care programs for judges;
- New ways to manage divorce cases;
- Enhancing and expanding existing court access and inclusion frameworks for vulnerable and disadvantaged court users;
- Consistent and systematic review of court policies, rules and procedures;
- Improving physical court facilities;
- Use of technology to increase access for court users;
- Improving communication with court users;
- Monitoring access to and use of Court decisions. (adapted from Richardson, Spencer and Wexler, 2016 Journal of Judicial Administration)

INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE

The District Courts of New Zealand

Ngā kōti ā rohe



Use, Modification & Impact of the International Framework for Court Excellence

Colin Doherty: *National Executive Judge, District Court of New Zealand*

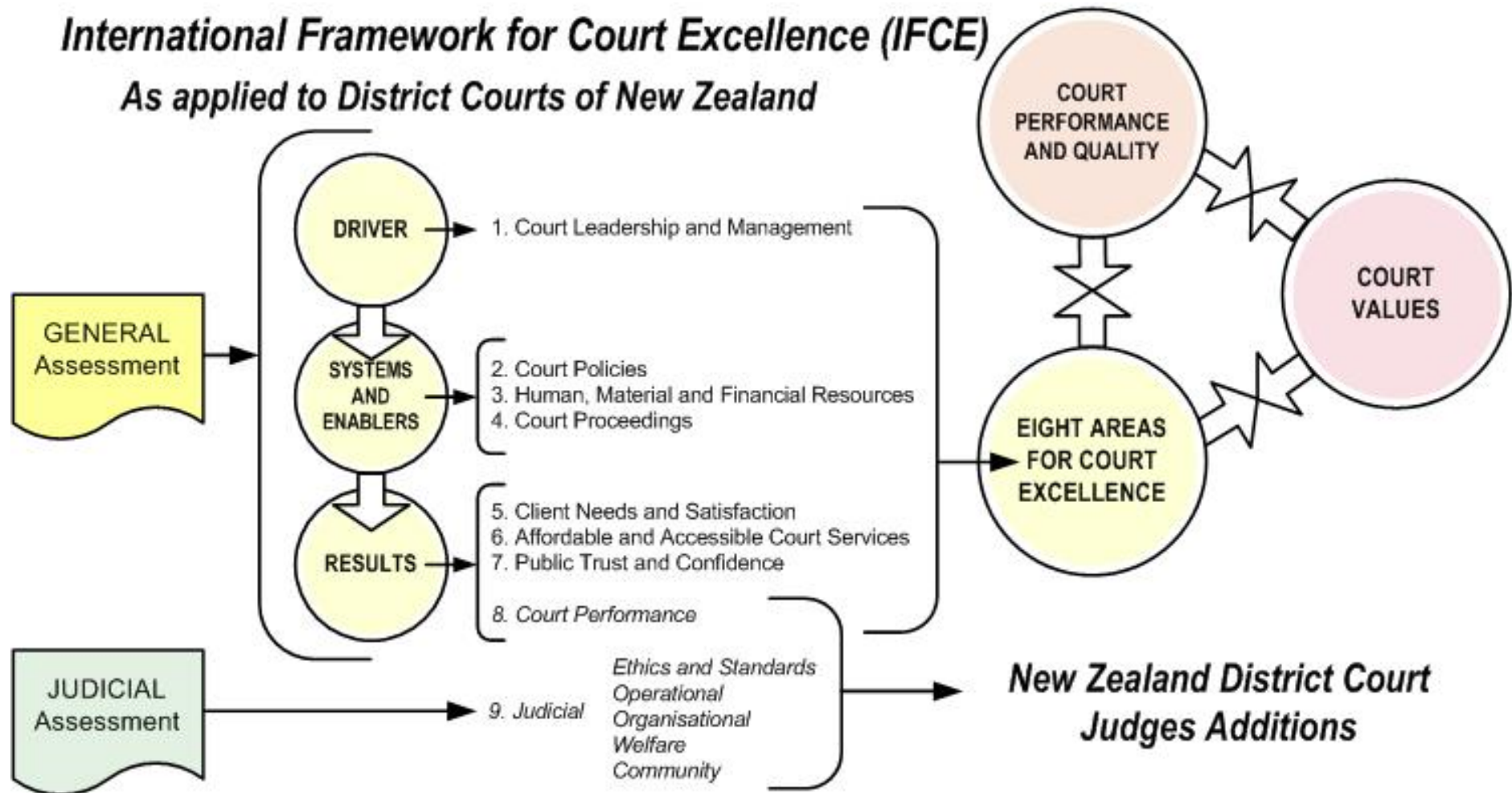
Presented to the INNOVATION AND
EXCELLENCE IN COURTS 2017 CONFERENCE

Melbourne, Australia, 27 – 28 March 2017

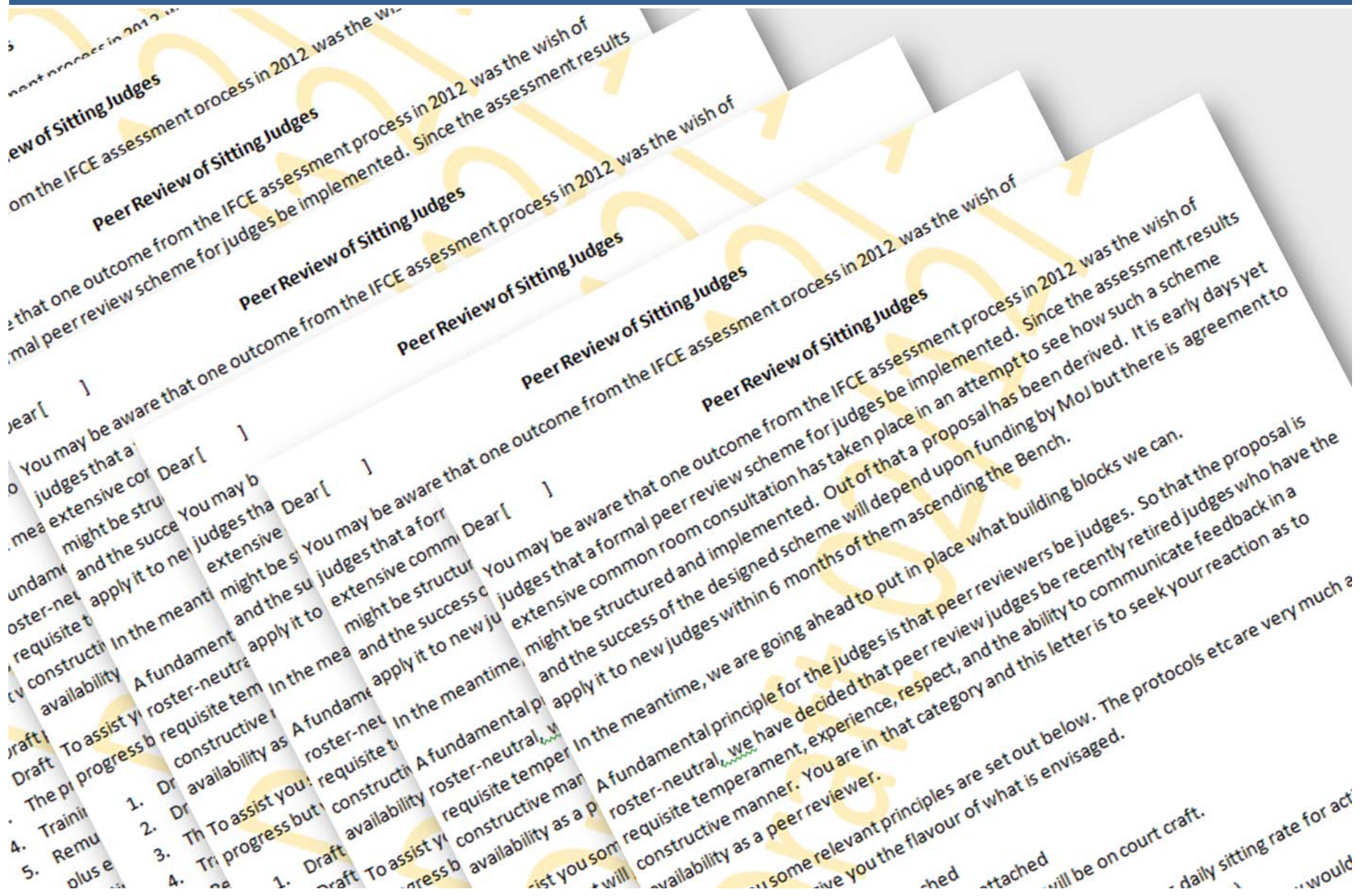
The District Courts' Framework

International Framework for Court Excellence (IFCE)

As applied to District Courts of New Zealand



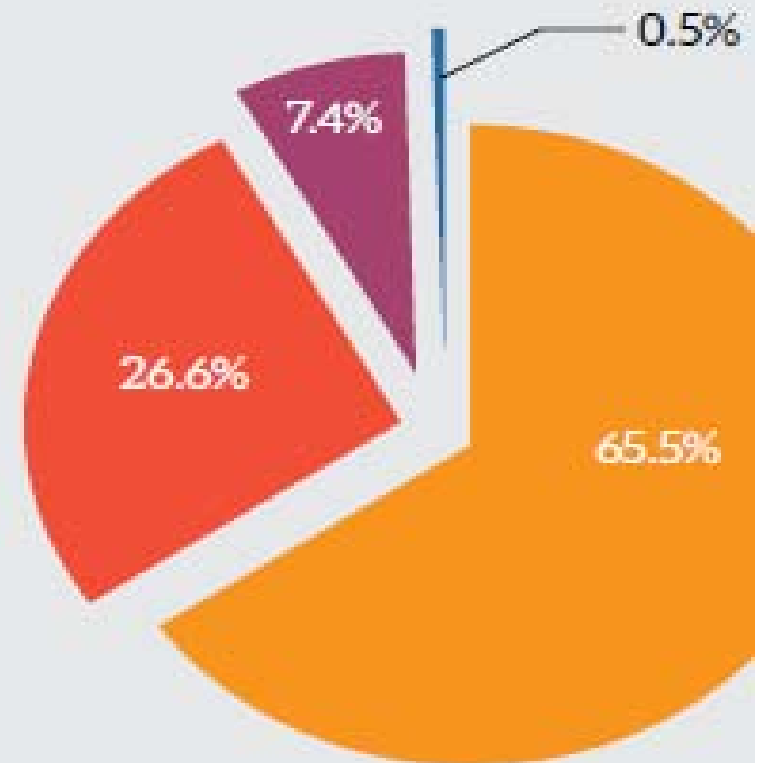
Formalised system of peer review



Judicial Performance Standards

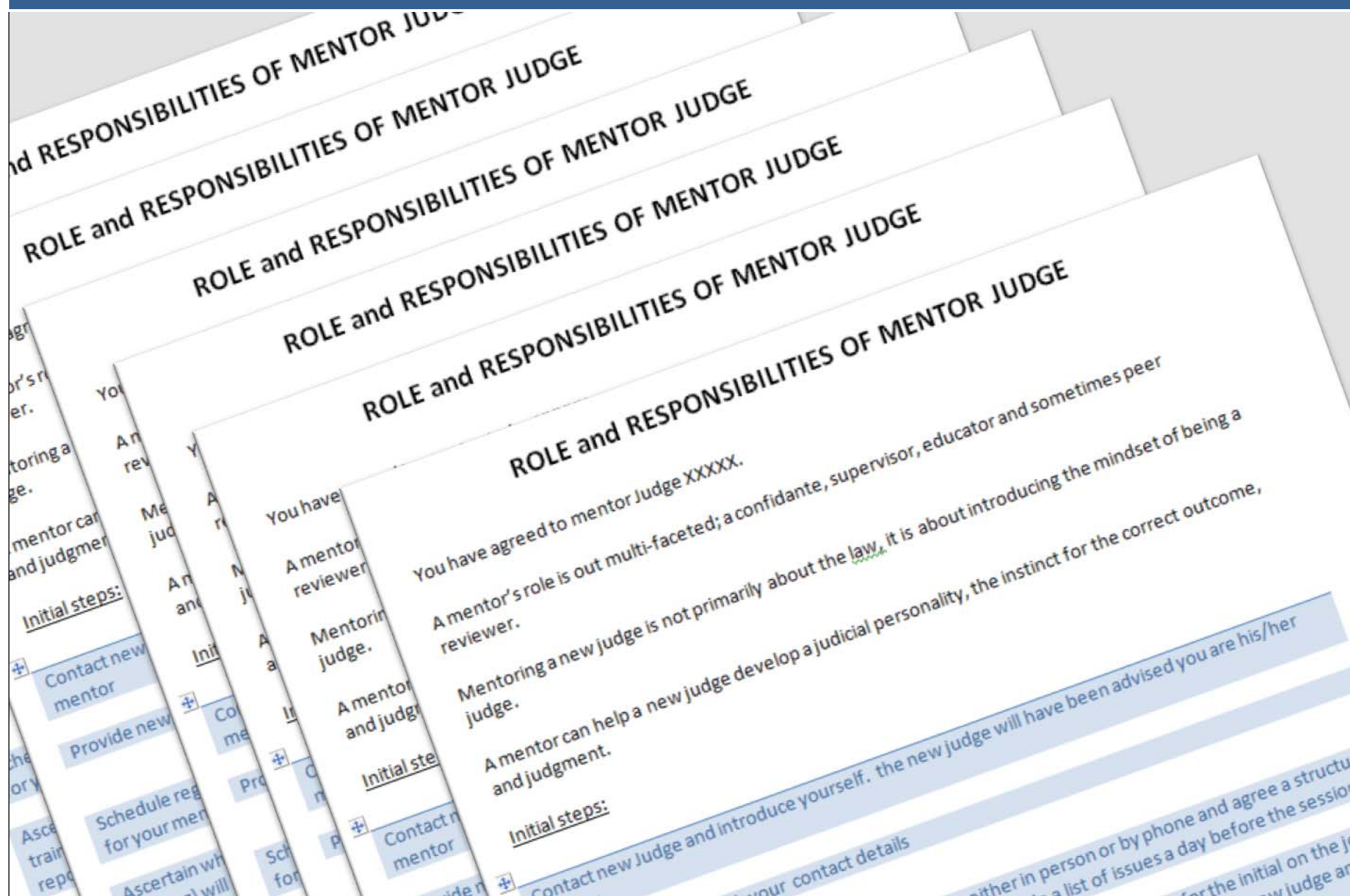
Timely delivery of Judgments

Because of the complexity of their work, judges sometimes do not announce their decisions immediately at the conclusion of a case. These decisions are “reserved” and delivered at a later time. The following charts show the numbers of decisions and amount of time taken (in months) to deliver those decisions.



12 Month Period	Total Decisions
to end June 2015	1,002
to end June 2014	1,044

Reviewing and expanding existing mentoring programmes





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Pastoral Support Panel

Protocol of Pastoral Support Panel

Background

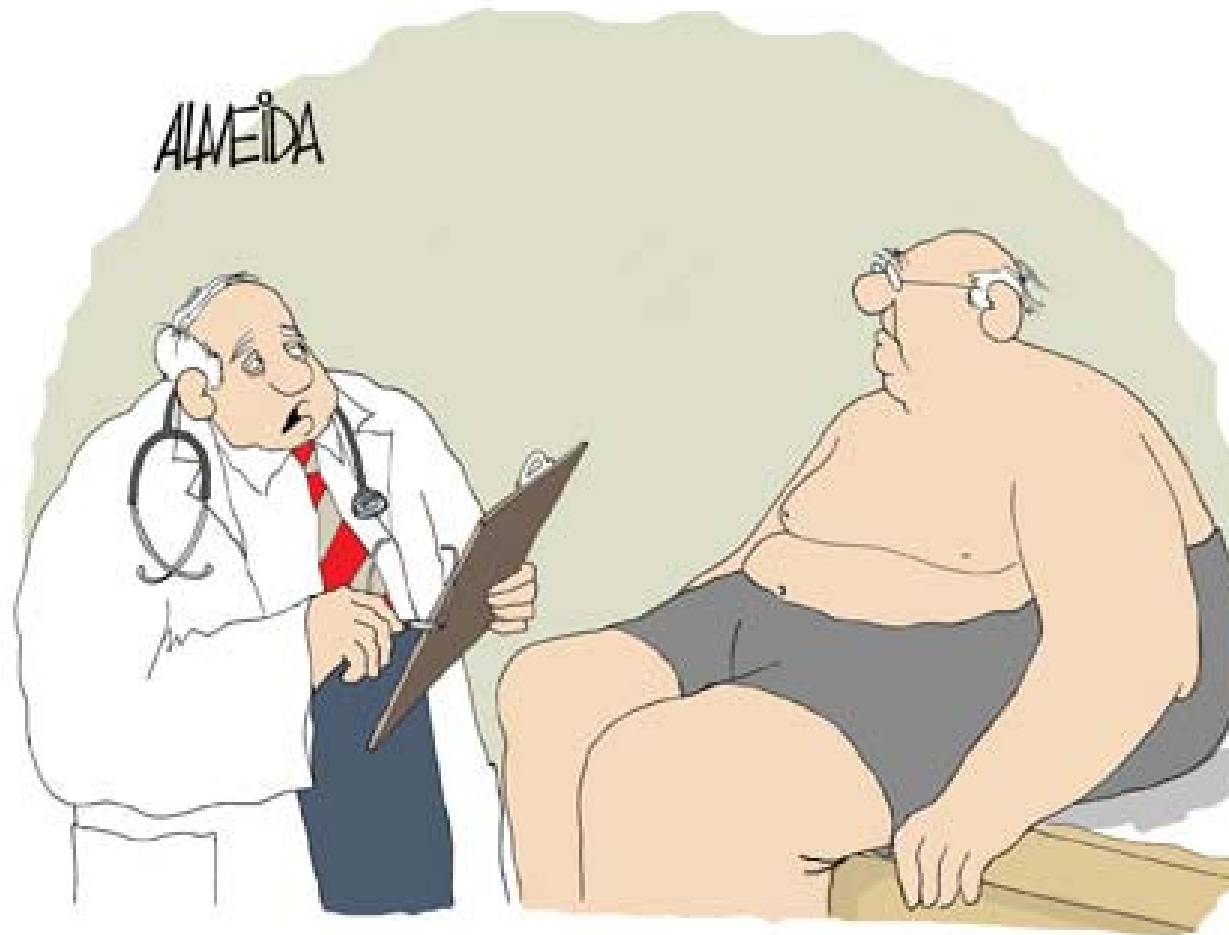
1. Following the 2012 International Framework for Court Excellence assessment, the IFCE Committee recommended:
 - a. *"That the Chief District Court Judge again consider the issues of tension between the role of Head of Bench as a disciplinarian and the role of providing advice from the Judicial Conduct Commissioner and the role of providing pastoral support for those subject to complaint or inappropriate criticism".*

...with the independent view of the C

Annual Report

District Courts of New Zealand
Annual Report 2015





**“Well judge, judging from these tests,
I have no choice but sentence you to death!”**

Strategic Plan

A	Judicial leadership & management	1. Implement the national approach to deployment of the judicial resource. 	2. Design and implement a national judicial workload model to ensure the effective and efficient deployment of judicial resources. 	3. Design and implement a set of generic judicial performance measures for the District Court. 		
	Judicial capacity & capability	4. Design and implement improvements to judicial practice and welfare arising from the IFCE Review. 	5. Design and implement practice guidelines to integrate solution focused judging concepts with the judicial process. 	6. Develop strategies that enable judges to adapt to the increase in self represented litigants. 	7. Design and implement a kaupapa Māori Strategy for the District Court bench. 	8. Agree a judicial perspective on the use of ICT which demonstrates the desire to seek innovative technological change to improve the judicial process. 
	Building public trust & confidence	9. Maintain District Court judicial contribution to the IFCE internationally. 	10. Design and implement a community engagement strategy. 	11. With the Ministry, design a strategy to improve the accessibility of the judicial process for people for whom English is their second or other language. 	12. With the Ministry, design and implement a policy for the publication of judgments. 	13. With the Ministry, design and implement a robust strategy for monitoring and reporting on court user and public satisfaction. 
	Access to Justice	14. Monitor jurisdictional rules of Court and strategise to promote access to justice by means of rules. 	15. Help design a co-location model for social, education and health agencies which support the work of the District Court as a community based court. 	16. Work with the Ministry on strategies to effectively respond to the impact of national demographic trends on the District Court. 		

Judicial Assessment Comparison

➤ Results Comparison: 2012 to 2015

	2012 Results	2015 Results	Variation
1. Ethics and Standards	116	176	60 (52%)
2. Operational	104	138	34 (33%)
3. Organisational	119	154	35 (30%)
4. Welfare	119	118	-1 (-1%)
5. Community	22	24	2 (7%)
Banding Score	480	610	130 (27%)