

INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE

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International Consortium for Court Excellence Newsletter

Issue 13 – February 2021

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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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. It provides guidance to courts intending to improve their performance. The IFCE was first developed in 2008, with a Third Edition published in 2020 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.

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Consortium news

Report from the ICCE Secretariat

The ICCE’s Secretariat relocated to Sydney in mid-2020. Located in the heart of the legal district of Australia’s largest city, their new office is housed within the NSW Law Society Building. Under the leadership of the AIJA’s Executive Director, Alison MacDonald, the ICCE is thriving in this new location, with the NSW Law Society facilitating the ICCE’s September webinar.

The Secretariat is well and truly settled in their new home and is looking forward to hearing from members on their experience with the IFCE, particularly in their use of the framework in their journey to court excellence. Please get in contact if you have any updates or developments to share.

Revised Judicial Integrity Checklist

The Judicial Integrity Self-assessment Checklist 2018 was developed by the UNDP through its Judicial Integrity Champions in APEC Project with the assistance of the International Consortium for Court Excellence. The Checklist is intended for use by courts to promote judicial integrity and is designed to be used in conjunction with the broader quality management approach embodied in the International Framework for Court Excellence (IFCE).

With the recent launch of the Third Edition of the IFCE it was necessary to revise the Checklist to reflect the significant changes made in the Third Edition. The Checklist revision primarily involved changes to the scoring approach and aspects of some of the areas of excellence. The revised Judicial Integrity Self-assessment Checklist 2020 now fully aligns with the new Third Edition IFCE facilitating its use in conjunction with the IFCE.

The revised Checklist can be found [here](#).

EXTERNAL ASPECTS	SCORE					
	0 None or Don't know	1 Limited	2 Developing	3 Good	4 Very good	5 Excellent
Our System of Government Provides...						
1						
2						
3						
4						
5						
Values						
6						
7						

Image: Example of the Integrity Checklist.

Please see page 12 for a Membership Update.

Forum and webinar updates

Responding to Challenges in a Pandemic

ICCE Webinar to launch Third Edition of the International Framework for Court Excellence 23 September 2020

Summary

The International Consortium for Court Excellence (ICCE) had recently completed the revision of the International Framework for Court Excellence (IFCE) in August 2020. To launch this revised edition of the IFCE, the ICCE organised a webinar on 23 September 2020.

Being acutely aware of the challenges that courts across the world were facing amidst the COVID-19 pandemic, the founding members and ICCE Executive Committee spoke about some of the changes that were seen to have long-term potential for improving court efficiency. The session also delved into how the continuous improvement methodology of the IFCE guides courts in adopting a more orderly and considered approach to changes in court procedures.

Introduction to the IFCE and background to its review by Mr Laurence Glanfield, Deputy President, Australasian Institute of Judicial Administration

The moderator, Mr Laurence Glanfield, Deputy President of the Australasian Institute of Judicial Administration welcomed the participants and acquainted them with the IFCE's core values and continuous improvement methodology, as well as holistic approaches to measuring court performance.

Courts and pandemic challenges: An NCSC perspective, by Mr Daniel J. Hall, ICCE Chair & Vice-President of National Center for State Courts (NCSC)

As the ICCE Chair and Vice-President of NCSC, Mr Daniel J. Hall described the similarities between IFCE and the framework used by NCSC to respond to the pandemic challenges. Several new resources that NCSC developed to cope with current difficulties were shared along with various guiding principles for shaping post-pandemic plans on adopting court technology. These illustrated how the framework could help courts take a systematic approach in handling a crisis and develop calibrated long-term plans.

A small jurisdiction's perspective on managing interim and long term effects of pandemics, by Chief Justice Carl B. Ingram, High Court of the Republic of the Marshall Islands

Despite the Marshall Islands' ability to remain free of COVID-19 due to its remote location and travel bans imposed by the government, it is not spared from the effects of the pandemic. Chief Justice Carl B. Ingram from the High Court of the Republic of the Marshall Islands highlighted a few aspects of the judiciary's processes that were stalled because of travel restrictions. Moreover, he shared that the judiciary's operating fund had been reduced significantly resulting from a drop in government revenue.

Applying IFCE's continuous improvement methodology, Chief Justice Ingram assessed that the judiciary's existing practices were inadequate in responding to the pandemic effects. Upon analysis, the judiciary identified several areas that improvement efforts should be focused on for court functions to resume smoothly and safely.

The Third Edition of IFCE and building a resilient workforce, by Deputy Presiding Judge Jennifer Marie, The State Courts of Singapore

Introducing the third edition of the IFCE, Deputy Presiding Judge Jennifer Marie from the State Courts of Singapore gave an overview of the main enhancements. Besides bringing in numerous new topics to reflect recent transformations in the legal landscape, there were some reorganisation of the elements to better address issues that courts face today. One prominent enhancement is the increased emphasis on the role of the court workforce which has been assigned a dedicated Area of Court Excellence.

Judge Marie used examples from the State Courts of Singapore to explain the importance of nurturing a committed and competent workforce against the backdrop of a global pandemic. She listed four essential workforce traits that would enable an organisation to weather the storm of COVID19, namely solidarity, technophile, adaptability and resilience- "STAR workforce". Judge Marie also shared some new measures implemented by the State Courts of Singapore to keep court functions running smoothly while ensuring safety of staff and public, and how the organisation is moulding a STAR workforce and the challenges that the State Courts encountered during the pandemic.

Overview of the simplified scoring approach in the Third Edition, by Ms Beth Wiggins, Director of Research Division, Federal Judicial Center

Ms Beth Wiggins presented the streamlined self-assessment process of the IFCE. There are two features in this new self-assessment checklist which greatly improves its user-friendliness, namely the inclusion of effectiveness statements and the added option to provide a "Don't Know" response. Users of this new edition of IFCE will be able to obtain guidance on expectations of court performance under each Area of Court Excellence while assessing the effectiveness of their approach to each area.

Moreover, their responses will be accurately captured in the assessment results for easier determination of the next course of action.

Ms Wiggins also demonstrated the use of two response collation tools which would suit the needs of different users. Using either the manual calculation worksheet or the automatic Excel spreadsheet, users can compute the total score of the organisation and refer to the banding framework for benchmarking purposes. However, the self-assessment score should not be compared across courts. Each court has a different organisational structure and culture and thus comparing a self-assessment score across courts does not provide useful information. It would be more meaningful to track a court's score over time to gauge its progress towards excellence.

The ICCE was heartened at the interest in this inaugural webinar, which was attended by around 250 participants from different parts of the world who either joined the live session or viewed the webcast. The ICCE looks forward to continued interest in the revised edition of the Framework.



Top row: Ms Beth Wiggins, Director of Research Division, Federal Judicial Center, Mr Laurence Glanfield, Deputy President, Australasian Institute of Judicial Administration, Chief Justice Carl B. Ingram, High Court of the Republic of the Marshall Islands

Bottom row: Deputy Presiding Judge Jennifer Marie, State Courts of Singapore and Mr Dan J. Hall, ICCE Chair & Vice President of NCSC

Q&A

The following four questions have been selected from the Q&A following the session, and represent discussion around the areas of workforce, technology, and the self-assessment process generally. Answers have been provided by members of the ICCE's Executive Committee.

Workforce: Since one of the general statements in Area 3 (Court Workforce) deals with the workforce engagement and well-being, how does the calculation in Self-Assessment truly reflect the psychological aspect related to stresses and depressions often felt by judges and court officials when conducting the virtual hearing?

Area 3 (Court Workforce) of the ICCE self-assessment questionnaire provides a holistic approach to gauge the health of a courts' workforce. Statement 3.6 addresses this issue directly - "We develop a conducive work environment that enhances the health and well-being of judges and court staff" – helping to reveal the extent to which a court supports the psychological health of its staff. When combined with the other statements in Area 3, courts can understand the overall well-being of their staff, and iteratively improve supports as required.

If their scores are low, courts are encouraged to form focus groups to identify underlying reasons for the score. For instance, these might uncover that the stress experienced by a court's workforce when having to conduct virtual hearings is influential. Besides Statement 3.6, which gauges if sufficient well-being support has been provided, other statements under the management, training and development, and performance and recognition will allow the court to develop a more comprehensive view of the impacts of virtual hearings. The court can then investigate how issues may be addressed and determine an improvement plan.

Technology: I want to ask about guiding principles for post pandemic court technology (point 1) to ensure principles of due process, procedural fairness, transparency, and equal access. In Indonesia, to face the pandemic we use court teleconference, but there are so many different capabilities for each person to access technology. How can we ensure that the new procedures about court technology will give fairness, transparency, and equal access? Sometimes the witness came from their home to attorney office to give their testimony, because they don't have any facilities to support them. Do we have to put some of our district court employee in attorney office so we can make sure the procedural still have transparency and fairness?

This is a challenge that faces all courts to varying degrees. Certainly, there are challenges that stand in the way of securing a consistent digital platform to ensure judges, court staff, attorneys, litigants, interpreters, and witnesses are using the same environment effectively. This requires the development of uniform procedures and training to ensure the principles of due process, procedural fairness, transparency, and equal access are honoured. Another challenging factor is the digital divide where some attorneys, litigants and witnesses may not have access to the internet or have a device to connect to the internet. Many courts have obtained devices, such as iPads, to lend to parties to overcome this divide and secure their participation.

For example, to assist remote hearings, the Singapore Judiciary has established dedicated video-conferencing rooms in their court houses. These serve as venues where parties who lack the means or knowledge to connect to video-conferencing facilities can still participate in remote hearings and observe safe distancing measures. This is just one example of how new processes and technologies in their courtrooms are being implemented which seek to enhance access to justice for all. As more of their operations were shifted online during the pandemic, they ensured that assistance was provided over the telephone and facilitated by their call centre staff.

Self-Assessment: Self-Assessment has its obvious limitations in terms of the organisation's "blindspots". Do you have some examples of courts using external stakeholder input alongside of the Self-Assessment to assist in the analysis of the Self-Assessment Results and development of the improvement plans?

The Self-Assessment instrument is intended to provide information which a court can then use to develop a self-improvement plan. This plan should include strategies and tools to include external stakeholders' input. This is useful in developing strategies to improve court operations and objective performance measures, which is a critical element of implementing the IFCE. To assist courts, the ICCE has developed a set of Global Measures of Court Performance Measures which can be found on the ICCE web page here.

These Global Measures have been recently updated to align with the latest version of the IFCE. Specifically, Measure 1 – Court User Satisfaction – provides a tool to secure information from external stakeholders about their perceptions of access, court services, and procedural fairness without compromising the independence of the court. This measure defines the measure itself, before detailing the methodology for executing the assessment and providing guidance as to how the data can be organized, analysed and interpreted. The results of this survey have been used in many courts in focus groups, including internal and external stakeholders, to develop strategies to address access and fairness.

In Singapore, the Judiciary has augmented the self-assessment with several other surveys that are conducted periodically, including court user surveys, employee engagement surveys, and public perception surveys. The results of these other surveys provide us with an excellent platform to obtain feedback from our external stakeholders and this helps us detect some potential blind-spots and pitfalls.

Self-Assessment: I think that one of the challenges of the use of the tool is communicating around its purpose and correct use: the objective should not be to look "as good as possible" and score at the highest, but instead to see this as a "health exam" to identify the areas that need improvement/treatment. How can you support the courts using the self-assessment in this way?

The IFCE is intended to be used as a self-improvement tool to assist courts on their journey towards court excellence. The most effective use of the tool is to allow courts to take an introspective look at their own values and operations. There are other court indexes which attempt to compare courts, such as the World Justice Index. Court leadership is required to avoid the temptation for a court to look "as good as possible" – leaders can set the goals and the tone when implementing the IFCE to help judges and court staff see the IFCE as a "health exam" to help them provide better justice to their citizens.

Furthermore, involving a wide representation of judges and court staff in the self-assessment – as recommended in the framework – is important as it provides a more comprehensive view of court performance. The senior management will need to show, not just by words but also through actions, that their goal is to highlight areas for improvement and address issues identified rather than fault-finding. By including a diverse range of participants, courts signal that they are committed to organisational change, and if they need to allay any fears or hesitation that participants may still have, courts may consider allowing participants to provide their scores anonymously.

IFCE Colloquium

in conjunction with the 8th Meeting of the Council of ASEAN Chief Justices 28 October 2020

In conjunction with the 8th Meeting of the Council of ASEAN Chief Justices (CACJ), the International Colloquium for Court Excellence (ICCE) organised a colloquium on the latest edition of the International Framework for Court Excellence (IFCE) on 28 October 2020. The colloquium was conducted by way of video-conference and saw more than a hundred participants from the ASEAN judiciaries.

Welcome Remarks by The Honourable Metinee Chalodhorn, President of the Supreme Court of Thailand

The welcome address was delivered by The Honourable Metinee Chalodhorn, President of the Supreme Court of Thailand, and then-Chair of the CACJ. In her remarks, The Honourable Metinee Chalodhorn noted that the colloquium reflects the best efforts to address the current challenges despite the impact of COVID-19, and provided the opportunity to introduce the IFCE (3rd Ed.) to the ASEAN Judiciaries to enhance court management undertaken by the judiciaries, and discuss new challenges that courts are facing and share experiences in addressing them.

Introducing the IFCE (3rd Edition)

Participants were introduced to the IFCE by Mr Daniel J. Hall, Chair of the ICCE, who noted that the review of the IFCE was built upon feedback from implementing courts across the globe, partners such as the United Nations Development Programme, as well as a focus on continuous improvement.

ICCE Executive Committee member and Deputy Presiding Judge Jennifer Marie from the State Courts of Singapore introduced the participants to the improvements in the 3rd edition of the IFCE. She highlighted that the enhancements were aimed at improving the IFCE with richer content and increased user-friendliness (please refer to Box topic for more information about the 3rd Edition).

Magistrate Lau Qiuyu from the State Courts of Singapore demonstrated how to use the new scoring framework and the tools to collate the responses to the self-assessment. The revised scoring framework has two new features: (i) effectiveness statements which aim to measure how well a court has performed in each Area of Court Excellence; and (ii) the option to allow respondents to provide a “Don’t Know” response. These features aim to allow courts to assess the effectiveness of their approach to each area, and with greater accuracy in the assessment results. This will better guide courts in identifying the areas to be improved upon, and the steps to be taken to improve these areas.

Judge Marie concluded the presentation by sharing how the State Courts of Singapore has applied the concepts in the IFCE to its work. This included the development of Community Justice and Tribunals System, an online filing and case management system with dispute resolution capabilities, and the business continuity planning which facilitated the transition to new modes of operation during the COVID-19 pandemic.

Court Excellence Journeys: Sharing by Thailand and Indonesia

Thailand and Indonesia shared their experiences in using the IFCE. Judge Sorawit Limparangsri, Chief Judge of the Office of the President of the Supreme Court of Thailand, spoke about the pilot project that was conducted in three different pilot courts: the Central Intellectual Property and International Trade Court, the Central Tax Court, and the Sumutprakarn Provincial Court.

He elaborated on how the courts had explored and evolved their approach towards self-assessment of the courts, and how they had adopted the key performance indicators and tailored them to the specific environment of that court. Judge Sorawit shared that they found it beneficial to engage court personnel to review and collectively find ways to improve the current way of working. Moving forward, Thailand would be expanding the participating courts and curate tools for the new courts as they continuously strive for improvement, supplemented by the implementation of their next Strategic Plan.

The second speaker, Dr Prim Haryadi, Director General of Directorate General, General Court of Indonesia shared about Indonesia's experience in using quality management systems. He identified four challenges in implementing the IFCE, namely the language barrier, difficulty in upholding standards of court excellence, the infrastructure of their courts and the role of qualified personnel. To overcome these challenges, Dr Prim shared that they translated the IFCE into Indonesian and integrated it into the Court Quality Assurance Accreditation, which was applied to all Indonesian Courts. This motivated court personnel to be trained to envision the same mindset and court culture.

They also optimised the use of IT to address the issue of a lack of court infrastructure. Dr Prim shared that using the IFCE had led to an improvement in the Case Management Productivity ratio, and a reduction in the backlog of cases. Overall, the Indonesian Judiciary has enjoyed an increase in public trust and confidence as seen through the external surveys. Dr Prim suggested that courts may find it beneficial to translate the IFCE into each country's language (preferably translated by court officials) and to draft the IFCE into the Court Quality Standard for a more effective implementation of the IFCE.

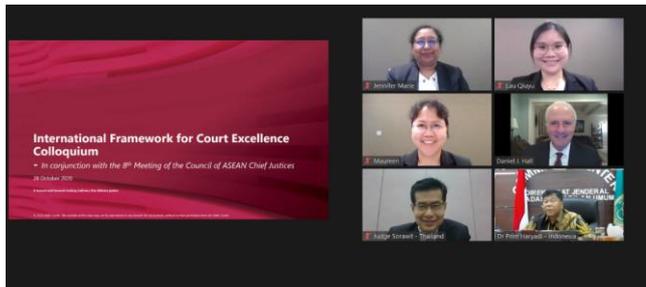
Future Plans

Both speakers from Thailand and Indonesia spoke about the role of court personnel in implementing the IFCE. One of the challenges that courts face is the posting of personnel to new appointments, as this can be disruptive to the work that the court has accomplished in this area. One approach to address this is to build capabilities amongst a wider pool of officers and to make plans for the knowledge to be passed on to other personnel.

This observation dovetails with the future plans that the ICCE has with the ASEAN Judiciaries. The Hanoi Declaration, which was signed at the recently concluded 8th Meeting of the CACJ, captures the CACJ's agreement for there to be "train-the-trainer" programmes for interested ASEAN Judiciaries as well as the formation of an ASEAN-IFCE resource network and the creation of a resource portal within the members-only section of the ASEAN Judiciaries Portal. These will facilitate knowledge sharing and mutual learning and provide support amongst network members.

Conclusion

The ICCE and the Singapore Judiciary express its deepest appreciation to The Honourable Metinee Chalodhorn, Judge Sorawit Limparangsri and Dr Prim Haryadi for their sharing, and all participants for their active participation in the colloquium. The ICCE looks forward to opportunities for collaboration with the ASEAN Judiciaries in future.



Top row: Deputy Presiding Judge Jennifer Marie and Magistrate Lau Qiuyu, State Courts of Singapore

Middle row: Ms Maureen Tee, Court & Tribunal Excellence Secretariat, State Courts of Singapore and Mr Dan J. Hall, Chair, ICCE

Bottom row: Judge Sorawit Limparangsri, Chief Judge of the Office of the President of the Supreme Court of Thailand and Dr Prim Haryadi, Director General of Directorate General, General Court of Indonesia

Enhancements to the IFCE (3rd Ed.)

New inclusions encompass topics such as:

- Ethics and codes of conduct
- Risk management
- Use of data to deliver better court services
- Security and data integrity of court records
- Use of alternative dispute resolution to resolve disputes amicably and affordably
- Use of therapeutic or problem-solving approaches in suitable cases

A dedicated area on court workforce provides a more comprehensive approach to human resource issues by going beyond training and development to take into account other topics such as engagement and well-being, as well as performance and recognition. The IFCE (3rd Ed.) also includes a segment on court technology recommendations for courts to consider in long-term planning. Moreover, the self-assessment process was streamlined and gained new features to boost its usefulness and accuracy.

For further reading, please also refer to Special Edition Newsletter on the revised edition (Issue number 14, August 2020) and the IFCE (3rd Edition), both of which are available from the ICCE website (www.courtexcellence.com).

Feature Article:

How Are We Doing? The Global Measures of Court Performance, Third Edition, Available Now

The Global Measures of Court Performance (Global Measures), Third Edition, is available on the website of the International Consortium for Court Excellence (www.courtexcellence.com). The Global Measures complements the recently released International Framework of Court Excellence (Framework), Third Edition, which is also available online.

The way we measure our success drives the very success we achieve. To empower courts when measuring success, the Global Measures provides 11 easily actionable methods to measure court performance. These measures are aligned with IFCE's values, areas of court excellence, and extensive self-assessment methods. In doing so, these performance measures constitute a limited and more manageable set of metrics while still providing a balanced scorecard of a court's or court systems performance. If used alongside the IFCE, the Global Measures equip courts and tribunals for continuous improvement aimed at court excellence.

These core measures of the Global Measures are not compulsory or restrictive, but rather guides adaptable to local contexts and working environments.

"The Global Measures is an invaluable tool," said a senior court administrator in Chişinău, Moldova, "that has significantly increased my confidence in the decisions I make about the governance, administration, and operation of my court, and how I justify and communicate those decisions effectively. It is as if I had a trusted and learned advisor at my side."

As a 'trusted and learned advisor', the Global Measures answers four practical questions:

1. Why should we measure court performance?
2. What should we measure?
3. How should we measure it?
4. How can we use the results to achieve court excellence?

The Global Measures answers these questions in 2 parts. Part 1 provides background, explaining how to use the measures and implement change as a result of their use. Part 2 is prescriptive, describing eleven specific core measures in terms of precise operational definitions and instructions that render the measures actionable and SMART — i.e., specific, measurable, attainable, relevant, and time-bound.

SMART measures are particularly important in an infodemic era. The sheer noise of misinformation, disinformation, biases, and a mistrust of science, mean that public institutions must be seen to be analytical and reliable. For courts, this means to detect and respond to changes in performance accurately and quickly -- e.g., delays in the processing of cases, a decline in court user satisfaction, and a high level of pre-trial detention, especially of disadvantaged people. Transparency around the results of performance measurement also extends to how courts arrive at facts, figures, and statistics. The Global Measures allows courts to do precisely that, equipping them to be bastions of public confidence and integrity.

The Eleven Core Measures

The Eleven Core Measures of the *Global Measures*

1. **Court User Satisfaction.** The percent of court users who believe that the court provides procedural justice, i.e., accessible, fair, accurate, timely, knowledgeable, and courteous judicial services.
2. **Access Fees.** The average court fees paid in civil cases.
3. **Case Clearance Rate.** The number of outgoing cases as a proportion of the number incoming cases.
4. **On-Time Case Processing.** The percentage of cases disposed or otherwise resolved within established timeframes.
5. **Duration of Pre-Trial Custody.** The average elapsed time criminal defendants who have not been convicted of crime are detained awaiting trial.
6. **Court File Integrity.** The percentage of case files that can be located and retrieved in a timely manner and meet established standards of accuracy, organization and completeness.
7. **Case Backlog.** The proportion of cases in a court's inventory of pending cases that have exceeded established timeframes or time standards.
8. **Trial Date Certainty.** The certainty with which important case processing events occur when scheduled expressed as a proportion of trials that are held when first scheduled.
9. **Employee Engagement.** The percent of employee of a court who, as measured by a court-wide survey, are passionate about their job, committed to the mission of the court and, as a result, put discretionary effort into their work.
10. **Compliance with Court Orders.** The total amount of payments of monetary penalties (fines and fees) collected by a court or court system, expressed as a proportion of the total amount of monetary penalties ordered by a court in a given period of time.
11. **Cost Per Case.** The average cost of resolving a single court case, disaggregated by level and location of court, and by case type.

Membership update

The ICCE now has members from over 20 countries, consisting of implementing members, associate members and affiliated judicial institutions. Courts, tribunals and affiliated judicial institutions who have implemented the Framework and who wish to become members must complete the application form and provide supporting evidence of their implementation of the IFCE.

The Executive Committee will consider each application based on the information provided. Full details about the membership policy and requirements for membership applications can be found on the Consortium [website](#) or contact the ICCE Secretariat for further information.

New Members:

- Tegal District Court, Indonesia – Implementing Member
- Court of Cassation, Turkey – Associate Member

Other news

Next newsletter

The next ICCE newsletter will be published in mid 2021. Those members wishing to submit articles on their experiences implementing the Framework for consideration by the Secretariat are invited to contact Pat Magee.

Want to know more?

For enquiries about the Framework please contact Mr Patrick Magee at the ICCE Secretariat.

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