

INSTITUTION / ORGANISATION		REPRESENTED BY	
NAME	Courts in the jurisdiction of the Court of Appeal of Rovaniemi, Finland	FIRST NAME/ SURNAME	Harri MÄKINEN
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SCHEME SUBMITTED	
TITLE	QUALITY PROJECT IN THE COURTS IN THE JURISDICTION OF THE COURT OF APPEAL OF ROVANIEMI
DATE OF INTRODUCTION	8 April 1999

DESCRIPTION OF THE SCHEME

- The objective of this quality project is to develop the functioning of the courts so that the proceedings meet the strictest criteria of fairness, that the decisions are well reasoned and justified, and so that the services provided by the court are affordable to the individual customers.

- It consists in organising systematic discussions among the judges and between the judges and the stakeholders.

This Project covers both civil and criminal matters.

The development work is steered by the Development Committee of the Quality Project. A Co-ordinator for Quality, selected from among the District Judges for one year at a time, is tasked to support the 4 Working Groups for Quality, to implement the training, to maintain contacts with the various constituencies, and to edit the Report on Quality.

The selection of the development themes is based on the magnitude of the problem being addressed, its topicality, and its tangibility. The Working Groups map out the problems relevant to the theme, look into the practices adopted in the different District Courts, define a procedure that can be mutually accepted, and make a proposal for the harmonisation of the court practices. Follow-up measures are designed already when the objectives are being set.

The Report on Quality, containing the reports in their final form, is distributed every year to the participants of the Quality Project, to all of the courts in Finland, and to the various stakeholder groups. It is also published on the judicial intranet and on the Internet (www.oikeus.fi/27723.htm).

EFFECTS ON THE WORKINGS OF THE COURT

Creation of a culture of communication among the judiciary and the broader constituency in the administration of justice.

Increase in contacts.

Commitment of the participants to the development of adjudication;

Adjustment of attitudes and increase in consistency.

Multi-faceted and many-formed discussion on the results of one's own work has begun and the need for development has been internalised.

Reduction of the parties' propensity to appeal.

The applications for a summons and the responses have improved in quality, the preparation of civil cases has improved also in other respects, the practical procedures relating to the trial have become more uniform and the management of evidence has improved.

Preparation of quality benchmarks.

FUTURE ADDITIONS TO IMPROVE THE RESULTS

One new element, to be implemented in pilot form in 2006, is the set of Quality Benchmarks of adjudication. The Benchmarks will form a basis for the quality work of future years, as well as for the monitoring of developments in quality.

Benchmarks will serve as a tool for the continuous improvement of the activities of the courts, as well as a tool for judicial training. In addition, they provide a common framework for discussions about the quality of adjudication, both among the judges themselves and with the broader constituency in the administration of justice.

PUBLIC AUTHORITY SUPPORT

YES

The Finnish Bar Association recognised the Quality Project with its award for "Legal Achievement of the Year 2005".

The Ministry of Justice of Finland has been active in its support of the Quality Project.

Presentations of the Quality Project have been given on request in the Supreme Administrative Court, in the annual Chief Judge convocations and in events organised by other Courts of Appeal, as well as to the Legal Affairs Committee of the Parliament of Finland, the Consultative Committee on Access to Justice, the Police Command in the Province of Lapland, the Board of the Finnish Bar Association and several foreign delegations visiting the Court of Appeal of Rovaniemi.

POSSIBLE APPLICATION IN EUROPEAN COURTS

YES

The Quality Project can serve as an excellent model for judicial quality work in any part of Europe.

The independence of the judiciary dictates that quality cannot really be developed by way of orders or directives; instead, it requires that the judges make a personal commitment to quality work and truly internalise the importance of the issue. Naturally, the organisation of judicial quality work will have to be planned specifically for every State, so that it best serves the national circumstances.

COMPETITION ENTRY

“THE CRYSTAL SCALES OF JUSTICE”

THE EUROPEAN PRIZE FOR GOOD PRACTICE IN CIVIL JUSTICE ORGANISATION AND PROCEDURE

1. Details of entrant (institution/organisation)

Name: Courts in the jurisdiction of the Court of Appeal of Rovaniemi, Finland

Address: c/o District Court of Oulu, PO Box 141, 90101 OULU, FINLAND

2. Represented by

First name/Surname: Harri Mäkinen

Post held: Chief Judge of the District Court of Oulu

3. Scheme submitted

Title: Quality Project in the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi

Date of introduction: 8 April 1999

4. Items attached

- a) Description of the scheme
- b) Description of the effects of the scheme on the workings of the court
- c) Future additions which might improve the results of the scheme
- d) Any documents, press articles, evidence from members of the public, etc, relating to the scheme (accompanied by a brief summary of their content) (Appendix)

5. Does the scheme have the support of the responsible public authorities in your country? If so, please give details.

The Finnish Bar Association recognised the Quality Project with its award for “Legal Achievement of the Year 2005”. According to the recognition criteria, the award is given to one or several persons, groups or communities who have made a significant contribution to the development or popularisation of the judicial system, the furtherance of justice or the promotion of access to justice. The award may be granted either for a recent achievement or for active effort over a longer period.

The Ministry of Justice of Finland has been active in its support of the Quality Project, e.g. by way of provision of the necessary funding. Quality Projects, which have now been introduced also in a number of other Court of Appeal jurisdictions in Finland, have been included in the Ministry of Justice Strategic Plan for 2003-2012 as projects to be supported.

Training associated with the Quality Project has been offered in co-operation with the University of Lapland and the University of Helsinki.

Presentations of the Quality Project have been given on request in the Supreme Administrative Court, in the annual Chief Judge convocations and in events organised by other Courts of Appeal, as well as to the Legal Affairs Committee of the Parliament of Finland, the Consultative Committee on Access to Justice, the Police Command in the Province of Lapland, the Board of the Finnish Bar Association and several foreign delegations visiting the Court of Appeal of Rovaniemi (e.g. from the People’s Republic of China and from the Russian Federation).

6. Do you believe the scheme to be usable in other courts in European states? Give your reasons.

It is my sincere belief that that the Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi, with its systematic working methods, can serve as an excellent model for judicial quality work in any part of Europe. The independence of the judiciary dictates that quality cannot really be developed by way of orders or directives; instead, it requires that the judges make a personal commitment to quality work and truly internalise the importance of the issue. Discussions among the judges, and also among the broader constituency in the administration of justice, are probably a necessary element in the development of quality in adjudication — in many respects, they may indeed be the *only* element in such development.

Naturally, the organisation of judicial quality work will have to be planned specifically for every state, so that it best serves the national circumstances.

Mere legality is no longer sufficient for considering that there is quality in adjudication. Owing to the phenomena of judicialisation and the transformation of justice, the legal provisions applicable in a given individual case often allow for several alternative avenues both for the management of the procedure and for the eventual substantive content of the judgment itself. In order to achieve a quality process and a first-rate judgment, the judge presiding over the proceedings must possess both the sense and the skill to select, and to apply, the most functional and the most appropriate procedures for the particular case at hand. It should also be kept in mind that real court proceedings involve a great deal of activities and measures which have not been regulated at all. In order to reach an outcome that is as positive as possible in view of all of the considerations referred to above, it would appear that Quality Projects are in fact needed in all European courts.

Another aspect of the Rovaniemi Quality Project that merits a mention is that it is not a centrally planned or organised project; instead, the courts themselves are in charge of the implementation of the project. It is noteworthy that the participants include not only the entire body of judges in the jurisdiction of the Court of Appeal, but also a broad array of stakeholders, such as attorneys. Time and again, it is emphasised in the Quality Project that the development of quality is in fact a team effort.

Description of the scheme

The Quality Project was launched in 1999. All of the courts in the jurisdiction of the Court of Appeal of Rovaniemi – nine District Courts and the Court of Appeal itself – participate, as do the stakeholder groups consisting of advocates, public legal aid attorneys and prosecutors. The Quality Project covers both civil matters and criminal matters.

The *objective* of the Quality Project is to develop the functioning of the courts so that the proceedings meet the strictest criteria of fairness, that the decisions are well reasoned and justified, and so that the services provided by the court are affordable to the individual customers. The main working method consists of systematic discussions among the judges and between the judges and the stakeholders, aiming for improvements in the quality of adjudication.

The development work is steered by the *Development Committee* of the Quality Project; the term of the members of the Committee is three years. At present, the Development Committee is chaired by the Chief Judge of the largest District Court in the jurisdiction of the Court of Appeal; the membership consists of the President of the Court of Appeal, four District Judges, two advocates and one prosecutor. A *Co-ordinator for Quality*, selected from among the District Judges for one year at a time, is tasked to support the *Working Groups for Quality*, to implement the training, to maintain contacts with the various constituencies, and to edit the *Report on Quality*, as described below.

Four Working Groups for Quality are set up for each year; the membership consists of judges from each of the District Courts in the jurisdiction of the Court of Appeal, members of the Court of Appeal, and referendaries of the Court of Appeal. Also prosecutors, advocates and public legal aid attorneys may serve as members in the Working Groups for Quality. The leading principle is that every judge participates in the work of the Working Groups.

The selection of the development themes is based on the magnitude of the problem being addressed, its topicality, and its tangibility. The selection of the themes is finalised during the *Quality Conference*, which takes place every autumn, attended by the judges in the jurisdiction of the Court of Appeal, referendaries, trainee judges and representatives of stakeholder groups. When the themes are being selected and the objectives set, due care is taken not to compromise the independence of the courts or the judiciary.

Normally, each Working Group for Quality is tasked to deal with one of the development themes. The Working Groups map out the problems relevant to the theme, look into the practices adopted in the different District Courts, define a procedure that can be mutually accepted, and make a proposal for the harmonisation of the court practices. Follow-up measures are designed already when the objectives are being set.

The *reports* of the Working Groups are presented at the Quality Conference, they are discussed, and quality objectives, based on the reports, are set for the following year. The Report on Quality, containing the reports in their final form, is distributed every year to the participants of the Quality Project, to all of the courts in Finland, and to the various stakeholder groups. It is also published on the judicial intranet and on the Internet (www.oikeus.fi/27723.htm)

Some of the quality objectives relating to civil matters concern the clarity of the application for a summons (the action) and the response, the substantive management of the case by the judge, the management of evidence, technical case management, and the drafting of reasons for the court's findings on evidence. The discussions have covered also the conduct of the judge in the hearing as an element of procedural justice and the preparation of a civil case by the parties themselves. Progress towards the objectives has been monitored in follow-up reports.

The Quality Project is supplemented by training, offered for 6–8 days per year. In addition to the quality themes of the year, the training has covered a selected field of substantive law, e.g. contract or tort.

The Development Committee has drafted also a proposal for a set of *Quality Benchmarks*, which will undergo an evaluation, beginning in 2006 (www.oikeus.fi/31367.htm). The Benchmarks will later be available also in English.

Description of the effects of the scheme on the workings of the court

Legislative amendments and the learning of practical procedures by way of doing has led to a situation where the judges serving in the District Courts have become fragmented as a professional body. Normally, the judges sit alone, with no contact to their colleagues, and with virtually no knowledge of procedures adopted by them. For all practical purposes, the transfer of judicial tradition from more senior judges to younger ones has ceased. As a matter of fact, procedures may have diverged not only from one court to another, but also from one judge to another.

The core idea of the Quality Project is to influence the main factor in the quality of adjudication, that is, the professional skill and competence of the judge. The judges serving in the jurisdiction of the Court of Appeal of Rovaniemi, and in the past few years also the prosecutors and the advocates, have participated in the Quality Project extensively. Co-operation among the courts in the jurisdiction of the Court of Appeal has increased, and with it also the interaction between the judges. The result has been an increase in communication, debate. Discussions among the judges and also with stakeholders have been conducive to broadening horizons, to maintaining competence, and to furthering the uniformity of judicial practice. Moreover, the discussions and the supplementing training have brought about skill improvements and thus also improvements in the quality of judicial procedure and of judgments.

Some of the effects of the Quality Project are: The creation of a culture of communication among the judiciary and the broader constituency in the administration of justice; an increase in contacts; the commitment of the participants to the development of adjudication; an adjustment of attitudes; and an increase in consistency. Multi-faceted and many-formed discussion on the results of one's own work has begun and the need for development has been internalised. Attitudes towards change have shifted to a positive direction. In practical terms, this means that the problems and the weaknesses are being investigated, as well as that improvements are being proposed and implemented. The Quality Project enjoys the support of the judges serving in the jurisdiction of the Court of Appeal. The utilisation of the final reports of the Quality Project, which are published in print, promotes consistency. The follow-up reports indicate that there have indeed been increases in consistency. Moreover, there are also certain indications that the quality work has reduced the parties' propensity to appeal.

Some of the tangible effects are: The applications for a summons and the responses have improved in quality, the preparation of civil cases has improved also in other respects, the practical procedures relating to the trial have become more uniform and the management of evidence has improved.

It has been realised in the Quality Project that successful administration of justice requires co-operation among all of the actors. The judges, the advocates and the prosecutors have begun to respect one another's work to a greater extent than may have been the case before.

It can validly be anticipated that when the quality of the work increases, there is a corresponding decrease in its difficulty and burdensomeness.

The Quality Project in the jurisdiction of the Court of Appeal of Rovaniemi has served also as a model and a catalyst for the later quality projects launched in other Court of Appeal jurisdictions in Finland.

One of the most significant achievements in the Quality Project has been the preparation of the Quality Benchmarks. These are described in greater detail in attachment 3.

Future additions which might improve the results of the scheme

The Quality Project will continue in new years, with new themes. One new element, to be implemented in pilot form in 2006, is the set of Quality Benchmarks of adjudication. The Benchmarks will form a basis for the quality work of future years, as well as for the monitoring of developments in quality.

The preparation of the Benchmarks began in 2003, as a part of the Quality Project. From the first, the main point of the Quality Project has been that the judiciary agrees among itself on the development objectives relating to the quality of adjudication. It was therefore only natural that the measurement of eventual quality improvements became a relevant issue soon after the launch of the Quality Project.

The proposal for the Quality Benchmarks was recently completed. It consists of an explanatory memorandum and a set of benchmarks for the measurement of quality in adjudication, presented in table form. The Quality Benchmarks are an unprecedented event in the history of judicial development in Finland.

The primary purpose of the Benchmarks, and of the evaluation carried out with them, is to serve as a tool for the continuous improvement of the activities of the courts. Another important use for the Benchmarks is as a tool for judicial training. In addition, they provide a common framework for discussions about the quality of adjudication, both among the judges themselves and with the broader constituency in the administration of justice. An additional use for the Benchmarks is for opening the concept of adjudication and the debate relating to adjudication also to the greater public. The benchmarking results may in some cases serve also as an “alarm”, if there is something clearly amiss in the workings of a particular court. And finally, the benchmarking results provide the management of the court with data for use in support of resource requirements in the annual performance negotiations with the Ministry of Justice. The Benchmarks have not been designed for use as a means of supervision or control of the judges.

The Benchmarks have been designed with the premise that the quality of adjudication is measured primarily from the point of view of the parties and the other participants in judicial proceedings. This external viewpoint of the Quality Benchmarks is supplemented by a number of quality criteria relating to the workings of the court from the point of view of its own staff and of practical arrangements (internal viewpoint). By conscious choice, the Quality Benchmarks look at adjudication at micro level — at the “customer interface” — where the interaction of the customer and the judge takes place.

The preparation of the Quality Benchmarks began with the identification of those aspects of adjudication — fields of assessment — whose quality was to be measured. Next, a number of quality criteria were established for each field of assessment. And finally, the quality criteria were clarified by way of examples.

The proposed Quality Benchmarks consist of six fields of assessment, which comprise a total of 40 quality criteria, as follows: 1) procedure (9 criteria); 2) judgment (7 criteria); 3) treatment of the parties and the other participants in the proceedings (6 criteria); 4) promptness of the proceedings (4 criteria); 5) professional skill and competence of the judge (6 criteria); and 6) organisation and management of adjudication (8 criteria).

Besides the quality criteria — that what is measured — the Quality Benchmarks contain another essential element, that is, the points to be awarded in the assessment. In addition, there are five categories of assessment methods to be used in the context of the Quality Benchmarks: 1) self-assessment; 2) surveys; 3) expert assessment; 4) statistical analysis; and 5) statement by the court itself.

Appendix

Documents, press articles, evidence from members of the public, etc, relating to the scheme

The final reports of the Working Groups for Quality and a part of the training material used in the context of the Quality Project have been published in print (The volumes are available on the Internet at www.oikeus.fi/27723.htm. English summaries are included.):

- Rovaniemen hovioikeuspiirin tuomioistuinten laatuhankkeen työryhmäraportteja I-II (“Report on Quality in the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi I-II”). Saarijärvi, 2003.
- Rovaniemen hovioikeuspiirin tuomioistuinten laatuhankkeen työryhmäraportteja III (“Report on Quality in the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi III”). Saarijärvi, 2002.
- Rovaniemen hovioikeuspiirin tuomioistuinten laatuhankkeen työryhmäraportteja IV (“Report on Quality in the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi IV”). Saarijärvi, 2003.
- Rovaniemen hovioikeuspiirin tuomioistuinten laatuhankkeen työryhmäraportteja V (“Report on Quality in the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi V”). Saarijärvi, 2004.
- Rovaniemen hovioikeuspiirin tuomioistuinten laatuhankkeen työryhmäraportteja VI (“Report on Quality in the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi VI”). Saarijärvi, 2005.

The Quality Project has been discussed e.g. in the following papers and articles:

- Aarnio, Aulis* Asiantuntija-arvio lainkäytön laatuhankkeista: Esimerkkinä Rovaniemen hovioikeuspiirin laatuhanke (“Expert Assessment of Quality Projects relating to Adjudication: The Example of the Quality Project in the Jurisdiction of the Court of Appeal of Rovaniemi”). 2002. — This paper is an assessment of the quality work pursued in Finnish courts, utilising the Rovaniemi Quality Project as an example.
- Hagman, Pasi* Tuomarin käyttäytyminen istunnossa osana menettelyllistä oikeudenmukaisuutta (“Conduct of the Judge at the Hearing as an Element of Procedural Justice”). Asianajorenkkaan tiedotuslehti 1/2005. — The article discusses the final report of Working Group for Quality II/2004.
- Kiiha, Juha* Esimerkkihaastehakemuksen ja vastauksen laatiminen annettujen faktojen pohjalta riita-asiassa (“Drafting of a Model Application for a Summons and a Model Response on the Basis of Given Facts in a Civil Matter”) — The paper is the final report of Working Group for Quality IV/2003, discussing the criteria for a good application for a summons and response, as well as presenting suggested models for both types of brief.
- Komi, Tiina* Vuoden oikeusteko -palkinto Rovaniemen hovioikeuspiirin laatuhankkeelle (“Legal Achievement of the Year Award to the Quality Project of the Jurisdiction of the Court of Appeal of Rovaniemi”) Advokaatti [Bulletin of the Finnish Bar Association] 4/2005. — A news article about the awarding of the Bar Association’s annual achievement recognition to the Quality Project.
- Lukkarila, Hannu* Asianosaisvalmistelu riita-asioissa (“Preparation of Civil Cases by the Parties”). Defensor Legis [Journal of the Finnish Bar Association] 1/2005. — The paper is the final report of Working Group for Quality III/2004, discussing the possibilities of enhancing the preparation of civil cases by the parties themselves.
- Mäkinen, Harri* Rovaniemen hovioikeuspiirin tuomioistuinten lainkäytön laadunparannushanke: Tuomarien aktiivista toimintaa oikeudenhoidon tason nostamiseksi (“Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi: Active Judges for a Higher Standard of Administration of Justice”). Defensor Legis [Journal of the Finnish Bar Association] 1/2004. — The paper describes the background, organisation, starting points, objectives, operating principles, characteristics and effects of the project. It has been published also in the *festschrift* of the Court of Appeal of Rovaniemi, Pohjoisen oikeutta neljännesvuosisata: Rovaniemen hovioikeus 1979-2004 (“A Quarter of a Century of Northern Justice: Court of Appeal of Rovaniemi 1979-2004”).
- Oikarinen, Esko* Tuomioistuinten laatutyön tarpeellisuus ja tunnuspiirteet: Pohjois-Suomen laatukokeilut (“Necessity and Features of Quality Work at the Courts: Quality Experiments in the North of Finland”). Lakimies [Journal of the Association ‘Suomalainen Lakimiesyhdistys’] 2/2001. — The article is a reprint of a speech given on the 2nd Legal Culture Day in Helsinki on 10 November 2000.

- Oikarinen, Esko* Rovaniemen hovioikeuspiirin tuomioistuinten laatuhankeet osoittaneet uuden keskustelukulttuurin tarpeellisuuden: Laatutyötä koko oikeudenhoidon ketjussa (“Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi Shows the Need for a New Culture of Communication: Working for Quality throughout the Administration of Justice”). *Defensor Legis* [Journal of the Finnish Bar Association] 1/2004. — The paper discusses the need for quality projects when there is a shift in the operating environment of the courts, the objectives of the Quality Project and its impact. It has been published also in the *festschrift* of the Court of Appeal of Rovaniemi, Pohjoisen oikeutta neljännesvuosisata: Rovaniemen hovioikeus 1979-2004 (“A Quarter of a Century of Northern Justice: Court of Appeal of Rovaniemi 1979-2004”).
- Savela, Antti* Laatutyötä pohjoisen tuomioistuimissa: Keskustelua ja oppimista yhteisen kansan hyödyksi (“Working for Quality in the Courts of the North: Discussions and Learning for the Benefit of the Common People”). *OHOI* [Bulletin of Judicial Administration] 1/2005. — The article presents the Quality Project by way of an interview of two judges about their experiences of it.
- Savela, Antti* Voiko tuomioistuinten laatua mitata? Ehdotus lainkäytön laatumittaristoksi valmistunut (“Can We Measure the Quality of the Courts? Proposal for Quality Benchmarks in Adjudication”). *OHOI* [Bulletin of Judicial Administration] 2/2005. — The article presents the recently completed set of draft Quality Benchmarks in adjudication.
- Savela, Antti* Tuomioistuinten laatu valinkauhassa (“Judicial Quality in the Crucible”). *Kaleva* newspaper, 14 April 2005. — An op-ed piece about the application of quality thinking in the courts and the limits of such thinking arising from the special characteristics of the courts, with a view to the Quality Project.

Official publications and legal research works contain numerous references to the Quality Project and to the final reports published in the Report on Quality. The newspapers in Northern Finland have been active in covering the annual Quality Conferences.

There is a plan for an impact evaluation of the Quality Project, to be carried out in the University of Lapland under the supervision of Professor Jari Stenvall. The evaluation plan was dated on 29 October 2004.