The role of users in the running of the judicial system
Ways of providing users with a role in the management of the courts

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Promoting user involvement in the functioning of the courts: renewed legitimacy for an institution experiencing a crisis of confidence

STATE OF PLAY: A CRISIS OF CONFIDENCE

In September 2002, a CSA survey for *Le Parisien, Aujourd'hui en France* and *Séléction du Reader's Digest* revealed that 65% of French people felt that public services in France worked very well or reasonably well. When asked to award the public services marks out of 20, the respondents gave the best marks to EDF (the state electricity company) (14.7), closely followed by the town halls, with the ANPE (national employment agency) and the judicial system bringing up the rear, the latter being the only service to score less than half marks.

Both the ANPE and the judicial system are institutions whose very function may make them a source of deep-seated frustration. In a context where over 10% of the workforce is unemployed, it is not easy to provide satisfaction for those who fail to find a job. The justice system, meanwhile, sentences and detains people, deprives them of part of their assets, fines them, evicts them, denies them custody of their children and finds against at least half of those who are parties to cases; what is more, people turn to the judicial system, or become involved with it, at difficult times in their lives (during a divorce, if they have been victims of violence, have been dismissed, are unable to repay a loan owing to financial difficulties, etc.). It is hardly surprising, therefore, that a public service of this kind should be viewed less favourably than EDF, which in principle has only beneficial services to offer. In any event, expectations of the judicial system will differ according to the individual's position in the proceedings; for instance, the victim and the accused in a trial will have quite different needs.

People's dissatisfaction is partly the result of a lack of understanding of how the judicial system operates.

In addition, historically the judicial system was organised and ritualised in a bid to impress, dominate and impose (cf the architectural style of court buildings). The public were cast in a subordinate role, causing them to maintain an apprehensive distance which was cultivated by the legal establishment. A situation of this kind is hardly conducive to public satisfaction.

Nowadays, however, by attempting to open up to society and move closer to the people, the judicial system has sought to improve relations with its users; on

this basis the aforementioned survey – which undoubtedly needs to be studied in greater depth – might be seen as a sign of failure. At the very least, it presents a challenge to the judicial system and obliges it to **define a strategy:**

- **aimed at laying down, in co-operation with the public, the conditions for effective judicial intervention, respecting the legitimate expectations of users without courting popularity**
- **taking into account the prerogatives enjoyed by this particular public service.**

➔ This entails involving users in determining how the justice system works.

In our society, in which the law has come to occupy a virtually central role, public expectations of the judicial system have inevitably changed. People will no longer tolerate being placed in a subordinate position: they want to enjoy real rights and to understand, and indeed be active in, the workings of the system.

The findings[3] of the first qualitative survey of persons who have had dealings with the judicial system reveal that citizens are demanding greater participation in proceedings and the resolution of disputes.

Users do not instinctively have confidence in the judicial system; according to the results of the survey, they feel they are not being listened to by judges and are dealing with a system which is not tailored to individual needs, and this, in turn, prevents them from putting forward a proper defence. Their **criticisms** centre on**:**

1. the slowness of procedures; they feel that the system should deal with cases more rapidly
2. inadequate access in terms of cost and complexity. This raises the issue of increased aid to the least well-off and the difficulty of understanding legal jargon, resulting in a feeling of inequality which is widely resented.

The public would doubtless be willing to accept decisions which went against them provided they could **understand** the reasons for such decisions and had the feeling they had been **listened to**.

Of course a system of opinion-based justice, along the lines of opinion-based democracy, would be unthinkable; however, the crisis of confidence between citizens and the judicial system can no longer be ignored.

Good justice is not merely a matter of sound judgments: it must be dispensed on the basis of shared responsibility involving a large

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[3] Survey conducted in 2001 by the Institut Louis Harris for the "Droit et Justice" research programme; quoted by Jean-Paul JEAN in ***La Qualité de Justice***, Ecole Nationale de la Magistrature (legal service training college), "Droit et Justice" research programme, 2002; La Documentation française, in the series **Perspectives sur la Justice**.

number of stakeholders and an entire system. The system must serve justice through dialogue with the users, both as individuals subject to the jurisdiction of the courts and as citizens who are beneficiaries of the justice system[4].

This, by definition, means involving users in the functioning and management of the courts.

DEFINING THE USER: AN IMPOSSIBLE PRE-CONDITION

DESPERATELY SEEKING USER

The recent, and still tentative, concept of users of the justice system

What is the best way of focusing attention on user expectations of the justice system? Such an approach is vital, otherwise any judicial action, ostensibly geared to the needs of users, is merely a closed affair, based on the expertise of professionals who, while they may be capable of expert assessment, are unable per se to satisfy society's heartfelt expectations.

Relatively little has been written on this subject[5], the debate on the organisation of the judicial system focusing traditionally on refining legal techniques and on the capacity of the system to cope with its caseload; user expectations are seen as being confined to:

- dealing with the caseload
- doing so in the shortest possible time.

Fortunately, the aforementioned surveys show that expectations are far from being confined to these two elements; the desire to understand judicial mechanisms and be involved in their operation emerges equally strongly.

Who are the users of the justice system?

First of all, who are the users of the **criminal justice system**, which is an instrument of the state monopoly on law enforcement and the exercise of legitimate violence?

Victims represent a growing movement, one which is increasingly well organised and is not content merely to seek assistance and compensation for

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[4] The distinction between satisfaction for those subject to the jurisdiction of the courts and for citizens as beneficiaries of the system of justice is a classic one in discussions on the quality of justice, which is an important issue to be addressed in seeking to give satisfaction to those who are subject to the justice system.

[5] L. Dumoulin and T. Delpeuch, "La justice: émergence d'une rhétorique de l'usager" in P. Warin (ed.), "***Quelle modernisation des services publics?"***, La Découverte, Recherches, 1997, p. 103.
J-P Jean, "La qualité de la justice face aux attentes des justiciables" in ***"L'éthique des gens de justice"*** (compiled by S. Gaboriau and H. Pauliat) PULIM 2001, p. 149; "Au nom du people français? La justice face aux attentes des citoyens-usagers", in D. Soulez Larivière and H. Dalle, ***"Notre Justice"***, Ed. R. Laffont, 2002.

the damages suffered; victims want to have their say in determining how crimes should be dealt with, in deciding the form and magnitude of sentences, and, to some degree, in the carrying out of sentences[6]. The growth of the victims' movement is a new feature which has emerged in the past decade. However, the judicial system cannot act as a sounding board for the wishes of victims: it is an institution which mediates between victims' desire for revenge and the need to express society's disapproval of certain acts, while respecting the rights of the supposed perpetrator. Through the distance it must maintain in handling this confrontation between victim and perpetrator, the judicial system inevitably reshapes victims' demands, and hence their expectations, sometimes in a radical manner. At the same time, of course, it must be ready to listen to what victims have to say.

Defendants and those convicted of offences are also users of the justice system; as a rule, they are not organised, except where they decide to form a pressure group[7]. Here, identifying their expectations is a particularly delicate matter which must be free of any suggestion of complicity. A careful approach is needed above and beyond the essential part in the proceedings played by the defence counsel in each case.

The **civil justice system** provides a service which can in some ways be likened to arbitration; hence, it is easier to define a user profile. Civil cases may involve bodies representing, to varying degrees, the interests of users, such as consumer associations or those active in the field of family law (fathers' rights groups, family movements, women's rights associations, etc.). However, the situation is more complex than it first appears: many civil cases reflect the difficulties of human existence and not just the wish to see a simple point of dispute resolved in a calm manner by a neutral and suitably-qualified third party. People are seeking not just a decision, but a solution to their problems, which the legal system on its own is not in a position to provide. They are likely to be severely disillusioned if the judicial response fails to match their aspirations. Here again we see how difficult, and yet essential, it is to be attuned to the expectations of the complainant.

There is undoubtedly a growing trend, when a case affects a large number of people, for the individuals concerned to join forces to defend their interests and form a pressure group (in the proper sense of the term). Accordingly, *ad hoc* coalitions are formed in specific cases.

The issue of the representation of users and of civil society generally becomes particularly acute when it comes to taking account of the expectations of the users of the justice system.

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[6] Some disagree, taking the view that a participation approach in legal proceedings must cease at some point.

[7] This can be seen in certain spheres (hunting or motoring, for example), with some categories able to channel their views in an organised way, particularly through the political classes.

Untold numbers of users

While it is easy to count the number of users of the EDF, for instance, on the basis of the number of customers, it is impossible to make a similar calculation for the justice system. While statistics can be compiled on the number of cases each year, and hence the number of people using the courts, the concept of users of the justice system is far broader than that of court users, for several reasons:

- Not all the persons with an interest in the settlement of a dispute are parties in the procedural sense: a victim may not claim damages, the children of a separating couple, even if they are heard by the judge, are not parties, etc.
- As one of the characteristics of justice is the fact that it is dispensed following a public debate, the members of the public who attend a case (in large numbers at criminal trials) are users of this public service without being a party to the proceedings.
- The public judicial service[8] has been transformed gradually into a public service providing access to the law (see below) which, by definition, covers a vast population which it would be impossible to count.
- In addition to those sections of the public which are likely to have dealings with the judicial system, any citizen may some day have recourse to this system, making him or her a potential user.

A shifting population

The situation is paradoxical in that:

1. In all countries, the judicial system is attempting to improve management of its caseload and hence reduce the numbers of people passing through the courts.
2. On the other hand, policies to promote access to justice are aimed at facilitating such access for a whole section of the population which, without legal aid, would be unable to turn to the courts[9]. The result is an increase in the number of people passing through the courts and hence in the number of users of the system.
3. Unquestionably, these policies are not as effective as they should be and a section of the population continues to find itself denied access to

[8] While some would argue that the judicial system, because of its prerogatives, is not a public service, there is little doubt that the system is a public service "the existence and operation of which are required by the Constitution", as stated by the Constitutional Council in its privatisation decision of 25-26 June 1986.
For an analysis of the justice system as a public service, see H. Pauliat in ***"L'éthique des gens de justice"***, *op. cit.*, *"L'administration de la justice dans les Institutions françaises"*.

[9] In France, just under 700,000 people received legal aid in 2002 (there were some 689,000, representing a fall of 0.8% compared with 1999, when the numbers exceeded 700,000); 52% of these were involved in civil cases, 42% in criminal cases and 6% in administrative cases (source: INFOSTAT JUSTICE No 67, May 2003).

justice. Access policies are aimed, *inter alia*, at making the most deprived sections of the population true "subjects of law" and hence users of the justice system.

4. These same policies may also have the effect of reducing the number of disputes by improving people's knowledge of their rights. The development of "soft" procedures such as conciliation and mediation, which often go hand-in-hand with legal access measures, follows the same logic.

There is thus a very considerable tension between the democratic requirement to provide access to the courts and the overloading of the system, which calls for better management of caseloads. The (relative) success of legal access policies is both a source of satisfaction and an added burden, due to the rise in the number of cases.

I – Seeking user satisfaction

A] THE PUBLIC JUDICIAL SERVICE

The requirements for smooth operation are similar to those for the other public services (although considerable improvement still has to be made in the judicial system):

- Buildings: accessibility, security, signposting, etc.
- Reception: clear guidance, staff's readiness to help, confidentiality, quality of information provided
- Efforts to simplify procedures

➔ Some very encouraging practical trials are under way which need to be further developed.

I shall now examine briefly the situation in the department of Haute-Vienne, where I worked for almost thirteen years as President of the regional court (Tribunal de Grande Instance). I shall look at some of the experiments I conducted with the support of the Justice Ministry, both in the context of practical pilot projects (GUG) some of which (the Visio Greffe or "networked" registry) were devised locally, and in the context of the implementation of legislation on the ground (CDAD).

USER-FRIENDLY RECEPTION OF THE PUBLIC

The trials of the one-stop registry service (**Guichet Unique de Greffe - GUG**), as carried out in the LIMOGES law courts, have shown that it is possible to change the way things are done. **Users can be placed at the heart of the public judicial service through the way they are received, by offering them personalised information and by simplifying and explaining procedures.** Unfortunately, the pilots set up in five jurisdictions – Angoulême, Compiègne, Limoges, Nîmes and Rennes - have not yet been

applied more widely, despite the fact that all the evaluation reports have been positive and have advocated widespread introduction of the scheme[10].

The **Visio Greffe**, an experiment particular to Haute-Vienne[11], is worth studying. The principle is as follows: the scheme, introduced in 2001, establishes a computer link between the registries of the district courts (Tribunaux d'Instance) in rural areas of the jurisdiction and the Guichet Unique de Greffe. As a result, users can, in real time[12], conduct conversations, see images of the person they are talking to, send and receive documents and work interactively on those documents.

Hence, the **Visio Greffe** acts as an outpost of the one-stop registry service and the regional court in rural areas. Users of the justice system at some distance from the Limoges regional court have only to visit the court nearest to their home in order to be able, in real time, to perform legal procedures which would normally involve travelling to Limoges[13].

USER-FRIENDLY LEGAL ACCESS MEASURES

Legal access measures, in particular in the context of the departmental legal access boards (Conseils Départementaux d'Accès au Droit - CDAD) pursue a similar aim (e.g. the Haute-Vienne CDAD).

Being better informed of one's rights[14] (8,000 laws in force and 95,000 decrees; at least 70 laws and 700 decrees passed each year; over 10,000 central government circulars and 25,000 Community regulations directly applicable in domestic legislation, in addition to the thousands of local authority acts), and

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[10] Recommendation No. 31 on bringing the judicial system closer to the people and citizen participation, contained in Report No. 345 by the French Senate on the development of the legal profession 2001-2002.

[11] The only one of its kind; the trial has been funded under the Justice Ministry's modernisation programme and the Massif Central programme and has been in operation since May 2001.

[12] With the assistance of the registry officials in the GUG and the district courts concerned, and of the appropriate hardware.

[13] Examples include: valid completion of a legal procedure and a registry procedure relating to Limoges regional court (e.g. : renouncing succession rights); receiving an update on the progress of a case before Limoges regional court; retrieving documents sent by the GUG in order to initiate procedures within the jurisdiction of the regional court.

[14] I quote Marie Christine LEROY (judge and head of the legal access and municipal policy department of the Ministry of Justice) in her contribution to a symposium entitled JUSTICE ET DEMOCRATIE organised in Limoges on 21 and 22 November 2002 by the ***Entretiens d'Aguesseau*** in partnership with ***EUROPA***: "*The main issues arising out of this requirement to provide legal access in a democracy such as France can be illustrated as follows: how can people acquire an understanding of their rights and the means of asserting them in day-to-day practice when confronted with a world as impenetrable and complex as ours, which has a language of its own, incomprehensible to every French-speaker in the country? How can anyone be informed of their rights and the means of asserting them in a country which is submerged in legislation and turns the law itself into an ever more impenetrable labyrinth*?" in **Justice et Démocratie**, PULIM 2003.

obtaining legal assistance, advice and support are fundamental rights in any democratic society. For this reason, and in accordance with the legislation in force (the law of 10 July 1991 as amended in particular by the law of 18 December 1998), the decision was taken to set up the Haute-Vienne departmental legal access board (**Conseil Départemental de l'Accès au Droit de la Haute-Vienne - CDAD 87**). This move ties in with a dynamic approach to dealing with the public on the part of the Limoges law courts, applied in the form of the Guichet Unique de Greffe (see above). Together, the **CDAD 87** and the **GUG 87** perform a number of tasks relating to the justice system and the law and to the quality of the public service, the aim of which, it is generally agreed, goes beyond simply organising court hearings. Instead, the aim is to:

- welcome the public and listen to them
- provide guidance
- provide information.

The heavy demands made on the law in modern society call for a genuine public policy of access to the law and to justice. The thinking behind such a policy, in the context of the Haute-Vienne CDAD, can be summarised under three headings:

- members of the public do not approach institutions of their own accord. It is therefore necessary to reach out to them through various intermediaries. Capillarity is the key; hence the importance of working in networks;
- most appeals to the law are not formulated in legal terms but in a social context. Accordingly, it is vital for legal access procedures to have a social basis, and for there to be a close partnership with social services;
- most legal needs are not expressed consciously or in concrete terms. Once they have been identified, it is necessary to pinpoint legal access needs which have not been formalised. It is therefore vital, by means of a "softly, softly" approach, to highlight legal access needs and adopt a proactive stance vis-à-vis access to the law.

Seventy of these departmental boards existed in France in 2002, leaving a further 30 to be set up[15].

BRINGING JUSTICE CLOSER TO THE USER

The development of the legal advice centres (**Maisons de la Justice et du Droit)** reflects the same commitment to making justice more user-friendly by bringing it closer to the public.

The first such centre opened its doors in Val d'Oise in the 1990s, on the initiative of the prosecutor in charge of a court in a medium-sized town in a département in the Paris region. The area had seen a population explosion

[15] For a study of the quality of the "output" of the departmental boards nationwide, see ***"Les expériences d'accès au droit dans les démocraties"***, Marie-Christine LEROY, ***op cit.***

resulting in the building of new towns and was witnessing an exponential increase in the number of cases – neighbourhood disputes, crimes – all being played out at some distance from the regional court. The judicial system appeared to be non-existent in these towns and outskirts. The area was known only for its crime rate: however, it was also an area with numerous problems, whose people were the victims of acts of violence, damage and vandalism.

People in such places often describe their situation in general terms, without quite knowing whether to institute proceedings against their neighbour, spouse, or anyone else – aware only that they are having problems. A legal officer can point them immediately in the right direction, whether it be to a legal professional (lawyer, bailiff, solicitor), an association which provides legal advice, a victim support association, a family mediation organisation, someone specialising in support for parents or for adolescents with problems, or a representative of the ombudsman's office (Médiateur de la République) in the case of a dispute with the authorities, a conciliator or a local ombudsman[16]. Very often, too, these professionals may hold surgeries in the centres, which become real focal points for legal access, providing support for people facing problems with legal and/or judicial implications.

Some of the public dealings of the district prosecutor may also be conducted from these centres; the prosecutor's deputies in particular may use it for dealing with petty crimes, taking practical steps with regard to certain offences, especially those which require consideration to be taken of victims' short-term needs, including: formal cautions, mediation in criminal cases, decision to take no further action subject to certain conditions, etc. Meetings between minors and youth workers may also be held there, as may the follow-up of convicted offenders, particularly those on probation.

In 2002, there were close to a hundred such legal advice centres (91, and 66 branches of the judicial system located away from the law courts). However, not all perform the full range of tasks outlined above, as not all judges are involved to the same degree in these "atypical" activities. Their heavy workload - and the fact that additional tasks of this kind performed away from the law courts are not taken sufficiently into account in assessing their work– mean that many judges may take little interest in these centres. Without a judge, however, they lose any credible ties to the justice system, and can no longer be considered as a local outpost of it.

These operational problems should not detract from the usefulness of this approach. In future, tasks of this nature conducted outside the law-courts should be taken into account in defining the work of judges.

B] THE PROCEEDINGS

Ideally, individuals who are convicted or lose their case should not have a sense of being "defeated" or "left in the dark". By participating in the process, as they

[16] The history of the setting-up of the legal advice centres, and part of the description of them, are taken from Marie-Christine LEROY, ***op cit.***

apparently wish (see above), they should be able, if not to agree with the decision, at least to understand it.

Below are some pointers for enabling users to be involved in the conduct of the proceedings:

THE QUALITY OF THE PROCEEDINGS

Efforts to provide an efficient service to users

➔ Involvement of the civil judge in the taking of evidence
In my opinion, the civil judge should be personally involved in the taking of evidence, through on-site visits, hearing of the parties, investigations and ordering evidence to be gathered or obtained, with recourse to expert reports kept within reasonable limits in terms of time and cost[17].

An approach of this kind, which involves greater direct and indirect contact with the parties, and hence with the users of the system, makes it much easier for the latter's expectations to be heard. The user, who may have felt ousted from the proceedings by the professionals, can thus assume a much more participatory role as a player in his or her own case. This involves a cultural shift for judges and for the other members of the legal establishment (lawyers in particular).

[17] Society's increasing tendency to seek criminal redress is regrettable. This trend is reflected in particular in the rising number of claims for damages and the incessant calls for punitive legislation . Many users of the justice system, finding themselves powerless in the evidence-taking process in civil cases, now feel obliged, in order to obtain legal remedy, to bring a criminal action, often deliberately dressing up the facts to give them the appearance of a crime. A dynamic approach on the part of the civil courts might serve to curb this excessive recourse to the criminal justice system.
I am conscious of the fact that other psycho-sociological reasons lie behind this excessive tendency to portray oneself as a victim. However, I am convinced that an approach of this kind, which goes against the usual patterns of intervention by the civil judge, may help change attitudes, and try to put it into practice myself in the most effective way possible.
Needless to say, this is time-consuming for judges, but it is time well spent, often resulting in a particularly well-prepared decision and, accordingly, one which secures greater acceptance and is less likely to be the subject of an appeal. The result is a saving of time for the courts.

➔ A few basic reminders of good judicial practice

The procedure

- "Equality of arms": the right to a competent defence (issue of legal aid, which should ensure widespread and equitable access to justice)
- Hearing of all the parties on an equal footing by the judge; the judge must be able to give equal consideration to the arguments of all the parties
- Impartiality
- Length of the proceedings: the proceedings must be of reasonable length. If they are too long, justice is not being done; if they are too short, justice is being dispensed with undue haste.
- Cost of the proceedings, the issue of legal professionals' remuneration, the cost of expert advice (see the section on legal aid)

The decision

- Judges have a duty to instruct. If they wish their decision to be accepted, or at least understood, they must be clear and comprehensible. A decision is more than just a legal instrument: it is also a means of communication. Of course, no attempt should be made to "dumb down" the law – a judgment inevitably involves a certain degree of legal technicality. At the same time, the way it is presented and worded can make the judge's thought processes more accessible.
- Grounds for the decision: the grounds must be clear and comprehensible ➔ need to avoid stereotyping and incomprehensible rambling.
- Enforcement of the decision: it must be realistic (i.e. capable of being implemented) and be underpinned by guarantees (penalties, judicial monitoring, etc.).

II – Promoting consideration of user expectations

➔ Learning from experience

The above experiments show that the judicial system is beginning to draw on existing know-how when it comes to involving civil society in certain policies which I would describe as "peri-judicial". It is important to capitalise on the experience gained as regards both the operation and the administration of the justice system.

A] INVOLVING USERS IN DEFINING AND EVALUATING HOW THE SYSTEM OPERATES

USER INVOLVEMENT IN DRAWING UP A USERS' CHARTER

➔ drawing up a national charter for users of the justice system, with input from legal professionals (lawyers, civil servants, judges, bailiffs, etc.) and

users' associations (see debate above), setting out the rights and obligations of all those concerned.

➔ **implementing the charter at local level** (court of appeal, regional court, district court), with undertakings as regards:

- the time taken to issue decisions (in many cases the delay is linked to preparation of the decision by the registry. The judge and the court may have handed down the decision, but problems with the functioning of the registry cause a delay in its being issued);
- the time taken to deal with cases (depending on the nature of the case);
- reducing to a minimum material errors which may vitiate decisions and thereby delay their implementation;
- informing the parties: providing accurate information on the length of procedures so that the parties have a timetable from an early stage, use of judicial appointments to limit waiting times for hearings, etc.

These local charters would involve all the players in the judicial system: on the one hand, those in charge of the courts and the registry, and on the other the professionals – lawyers, bailiffs, solicitors (when they are concerned), the police and law enforcement services (in criminal matters). Everyone concerned would have to give precise and realistic undertakings in order to contribute to improving the quality of the justice system. Users would have to be represented on the basis of arrangements to be determined (see below).

USER INVOLVEMENT IN EVALUATING HOW THE JUSTICE SYSTEM OPERATES

The existing procedures outlined above, and those which have just been proposed, will require evaluation.

Before a procedure can be established, criteria and indicators must be defined.

All this must be planned nationally and locally with the involvement of user representatives.

The following are proposed:

- at national level, a judicial system evaluation board (independent of the Justice Ministry)
- at local level, regional or département boards which would have to include representatives[18] of users of the judicial system.

B] USER INVOLVEMENT IN THE ADMINISTRATION OF JUSTICE

Having deliberately left to one side the debate concerning the participation of lay judges, which I feel should properly be dealt with in a different context - and

[18] This is all the more vital since judges are very reluctant to contemplate greater public participation, owing to the unfavourable impression left by repeated and often strident claims from "habitual complainants" who, frequently as a result of the scars inflicted by an unfavourable decision, bombard the courts with complaints which are generally unfounded.

on which I am, of course, happy to expand - I should like to make a proposal[19] which I feel, deserves to be implemented, perhaps on a trial basis initially.

The administration of the justice system, ie the deployment of human, financial, material and computer resources etc, is currently in the hands of court chiefs (with the co-operation of the chief registrars, there being no body of judicial administrators in France), under the supervision of the Ministry of Justice, which decides how resources should be allocated, without any input from the Judicial Service Commission (Conseil Supérieur de la Magistrature). The process is far from transparent[20], and there is no opportunity for ordinary citizens to have a say in the decisions taken. However, ordinary citizens are directly affected. To cite one example: if, in a particular jurisdiction, the court chiefs decide to give priority to the handling of a criminal case, civil cases are liable to be delayed, and the persons awaiting a decision in those cases are affected accordingly.

Public interest groups, which allow the authorities and private individuals to work together, have proven their worth in the sphere of legal access (although it has taken judges some time to adjust to this new culture, and there is still reluctance in some quarters). The use of such groups in the management of courts would allow users to become involved, and true justice to be delivered.

Rules would have to be laid down on majority voting, quorums, etc; hence, pilot projects conducted by motivated court chiefs would be essential. Assuming that the structures put in place survived, this would represent a kind of cultural revolution, marking a shift from a pyramid-like administration to one based on networks, and from a supervisory to a participatory approach.

CONCLUSION

Judges frequently feel misunderstood, particularly in view of the fact that their heroic efforts have prevented the ship of justice from running aground. They are often irritated by the criticisms from the public (which frequently reach them via politicians and the media). They would be wrong to fear the debate on the involvement of users in the running of the judicial system.

Justice is dispensed ***in the name of the French people***, and such concerns are legitimate, and can only enhance the legitimacy of the judiciary. The challenge to be addressed is how to create a climate of renewed confidence between the population and the judicial system.

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[19] In a similar vein, see H. Dalle and J-P Jean, "Moderniser la justice et les tribunaux" (p. 249) in ***"Notre Justice"***, op cit.

[20] On the question of the administration of justice, see the aforementioned article by H. Pauliat and H. Dalle "*Administration de la justice et acte juridictionnel", op cit.*