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EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

CASE-WEIGHTING TOOL FOR COURTS

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CONTENTS

EXECUTIVE SUMMARY

This resource, prepared by the European Commission for the Efficiency of Justice (CEPEJ), provides a framework for identifying objectives, development, implementation, and review and updates of case-weighting in judicial systems across Europe.

The tool aims to support judicial authorities to manage the daily work of courts more efficiently and thus improve the resolution of cases within a reasonable time in line with Article 6 of the European Convention on Human Rights.

The tool explores the concept of case-weighting in judicial systems, highlighting the increasing complexity of court cases and the need for efficient resource management. Case-weighting systems aim to optimise allocation of human and financial resources, ensure equitable case assignments, support the review of judicial maps, and improve court management and efficiency. It recommends focusing on a primary objective, to be defined beforehand, to ensure the effectiveness of case-weighting systems and its acceptance among key stakeholders.

Ten detailed guidelines are provided to assist judicial institutions in developing case-weighting systems. These include clearly defining objectives, engaging key stakeholders (judges, court staff, authorities), allocating adequate resources, selecting appropriate data collection methodologies, preparing communication strategies, and planning for implementation, monitoring and periodic review.

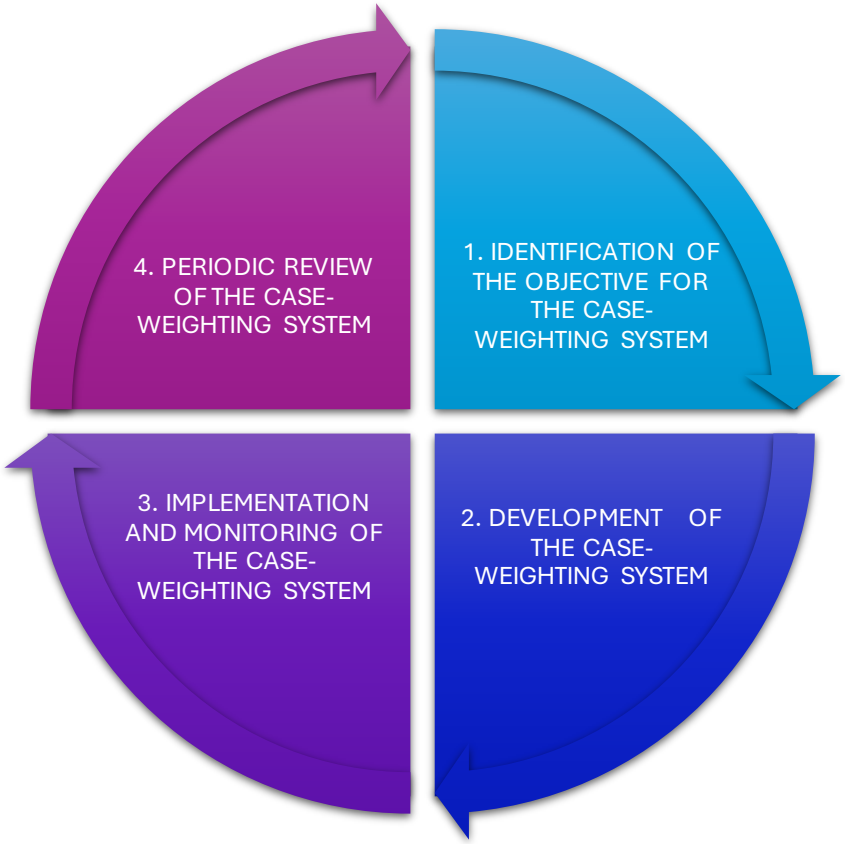
The concept of case-weighting is defined as a scoring system assessing the degree of complexity of case-types based on judicial time required for processing. The document clarifies differences between “caseload” and “workload” and emphasises the importance of judicial involvement and collection of reliable data to ensure transparency of the process and acceptance of results among users.

The process of developing a case-weighting system involves identifying the needs of the judiciary, setting up an organisational framework (institutional and technical levels), assessing resources, defining scope of work, selecting data collection methods, collecting data, developing a case-weighting formula, and testing and piloting the system before its full implementation. Several data collection methodologies are highlighted. The strengths and weaknesses of each method is analysed, and combining data collection methods is recommended to enhance data accuracy and reliability. A case-weighting formula is suggested for calculating case-weights based on judicial time and case complexity.

For the implementation phase a structured roadmap is proposed, including drafting of action plans and manuals, training, awareness-raising and collection of information on results. Monitoring and periodic reviews are equally important. They help to maintain accuracy and relevance of case-weights, especially having regard to legal and procedural changes. The document recommends both periodic and *ad hoc* reviews, overseen by designated judicial bodies to ensure sustainability. The document also includes examples of how the results of case-weighting can be used in practice to monitor staffing needs.

In conclusion, the case-weighting tool offers a systematic, evidence-based approach for improving judicial efficiency, by recognising the varying complexity of cases and allocating resources accordingly. It encourages transparency, stakeholder engagement, and continuous improvement to adapt to evolving judicial needs.

The graph below shows the main phases in the process of introduction and maintenance of a case-weighting system in courts.



I. INTRODUCTION

A. Context

The primary role of the judiciary is to adjudicate cases and deliver justice in an independent and impartial manner within a reasonable time. While this role has remained consistent, the work environment of the judiciary has undergone significant changes. These changes are driven by various factors, including an increase in the number of legal disputes involving multiple aspects and parties, as well as the growing interconnectedness of economies, markets and societies. As a result, an increasing number of cases have become **more complex and consequently more time-consuming,** while the time available for the judiciary to adjudicate cases has remained unchanged.

Many Member States have **implemented judicial reforms** to adapt to the evolving judicial environment with a view to maintaining or improving the efficiency and quality of justice. These efforts have resulted in advancements in several areas, including legal frameworks; the deployment of information and communication technologies (ICT) and Artificial Intelligence (AI); and in the use of alternative dispute resolution (ADR). These measures were often coupled with additional financial, material and human resources allocated to the judicial systems. However, increasing human and financial resources does not always offer a sustainable solution. The introduction of **case-weighting methodology has therefore emerged** as another response to improve the efficiency of justice.

B. Purpose and beneficiaries

The European Commission for the Efficiency of Justice (CEPEJ) considers that an effective case-weighting system can help judicial authorities to manage resources and workloads more efficiently with a view to resolving cases within a "reasonable time", as required by Article 6 of the European Convention on Human Rights (ECHR). In a number of cases, the European Court of Human Rights has found violations of Article 6 due to the excessive length of judicial proceedings. The **length of proceedings** depends on various factors beyond the complexity of cases. Such factors include the conduct of parties and authorities, as well as the availability of various actors in the judicial process, such as experts, witnesses, and interpreters. Case duration is therefore not always directly related to **the time judges spend** adjudicating cases. Nevertheless, the introduction of case-weighting can contribute to reducing the length of judicial proceedings by allocating court cases in a fair and equitable way.

The CEPEJ has developed a case-weighting tool to support Member States in developing, implementing, and reviewing their own case-weighting systems.[2] This tool serves as a **general methodology** for the improvement of courts' efficiency, which each Member State may consider adapting to the existing business processes and courts procedures within their particular legal and institutional context.

The tool is designed to support judicial authorities, Ministries of Justice, and courts who plan to introduce case-weighting. It is relevant not just for judges, but also for court staff who support the efficient functioning of courts. Finally, court users and legal professionals will also benefit from the application of case-weighting. The tool builds upon **Study No. 28 on case-weighting in judicial systems** (2020) which provides an overview of the various case-weighting systems in Council of Europe Member States, data collection methodologies, and case-weight assignments focusing on court cases. Study No. 28 was supplemented by the **Report on case-weighting in public prosecution services** (2023), which addresses the specific situation of applying case-weighting to the work of

[2] This document was prepared by the Working group on judicial time management (CEPEJ-SATURN), assisted by Dimitrije Šujeranović (Serbia), a scientific expert, with input from Sabine Matejka (Austria), member of the CEPEJ-SATURN working group, and following consultations with experts and users of case-weighting.

prosecutors. In some Council of Europe judicial systems prosecutors are an integral part of courts, and where this is the case, this tool can also be relevant for them.[3]

To ensure effective implementation of this tool, users are encouraged to draw on the **know-how of the CEPEJ** and its experts, in order to facilitate a dialogue among national actors and to support the creation of solutions tailored to the specific needs of each judicial system. It is also important to accompany this process with **exchanges of experience** with those Member States that have already implemented a case-weighting system. Its development and implementation require close co-operation **with all relevant national judiciary stakeholders**, such as court management, judges, Ministries of Justice, Judicial Councils, as well as judges' associations and trade unions.

II. CONCEPT

A. Terminology

The CEPEJ defines **case-weighting** as a *"scoring system to assess the degree of complexity of case-types based on the understanding that one case-type may differ from another case-type in the amount of judicial time required for processing"*.[4] Case-weighting is to be understood as a tool to evaluate the time judges are required to work on a case until its final resolution. This evaluation excludes the time related to actions and activities of the parties, the authorities, and other actors (e.g. experts, witnesses, and interpreters). The total time required for case resolution may therefore not necessarily depend on the work of judges, but on other factors that may shorten or prolong case duration.

The CEPEJ uses **the term** "case-weighting system" to highlight a holistic and systemic approach towards the implementation of case-weighting in judicial systems. Other terms are also used amongst judicial and academic communities and practitioners, such as *weighted caseload, case-weighting analysis, case-weighting study, case-weighting methodology or case-weighting formula.* All these terms describe a similar set of activities related to measuring the complexity of cases.

The fundamental concept behind case-weighting is that not all cases are equal in terms of **complexity**. This means that different types of cases require varying amounts of time and effort from judges and/or other court staff for their resolution. The weighting of cases requires that a clear set of 'case-types' be established. These can be further divided into sub-types of cases for even more precise evaluation purposes.[5]

Judicial authorities can collect data on i) the time judges spend on resolution of cases together with the time spent on tasks unrelated to case resolution (workload) or ii) the time spent solely on resolution of cases (caseload). The CEPEJ defines a "**workload**" as the *"totality of the court activities required to be carried out (case-management, management duties, any other activity that is part of the work of the court, judge or public prosecution service)*". Participation of judges or court staff in training or mentoring/coaching – potentially mandatory – is also included in their workload. A "**caseload"** is defined as the "*sum of the*

[3] Please see Shanee Benkin and Marco Fabri, Case weighting in judicial systems, CEPEJ Studies No. 28, 2020, and Ivan Crnčec, Ana Krnić-Kulušić and Alexandre Palanco, Report on case-weighting in public prosecutor services, 2023.
[4] Please see the CEPEJ Glossary adopted in 2019.
[5] A case-type can refer to civil, commercial, administrative or criminal cases while sub-types can refer, for example in civil cases, to family law cases, contracts and land property.

pending cases at a given time plus the incoming cases in a given period; it is an indicator of the stock of cases that a court or a judge requires to deal with".[6] The caseload therefore refers only to activity directly connected to the disposal of cases (e.g. preparation for hearings, hearings, drafting of decisions, etc.). These definitions are important as a case-weighting system can cover "caseload", "workload", or both.

B. Pre-conditions

During the development of an accurate **case-weighting system**, the following pre-conditions are essential for its successful design and implementation:

- ✓ **Involving judges**: It is necessary for judges to be actively involved in all steps of the development and implementation of case-weighting from the very beginning of the process. They need to be fully engaged in shaping the development of the case-weighting system and in supporting its implementation. Their involvement can dispel concerns that case-weighting may undermine the independence of the judiciary. It also helps to develop a system that corresponds to their needs. A transparent process and proper communication are key elements in the process, requiring special attention from the authorities. The introduction of case-weighting is a technical exercise that does not serve in any way to evaluate judicial work, nor does it interfere with the independence of the judiciary.

- ✓ **Committing sufficient resources with a long-term perspective:** Developing a case-weighting system can be resource-intensive, requiring a long-term strategic vision and investment. While greater investment is required at the development phase, financial and human resources are also necessary for maintaining and regularly reviewing case-weights to adapt the system to evolving legislation and judicial practice. The costs can also vary depending on the scale of the system, which is influenced by factors such as the country's size, the number of courts, the volume of cases, and their complexity. It is preferrable to integrate case-weighting into a judicial strategy that allows for sustainable long-term budget allocation.

- ✓ **Providing robust and reliable data**: Reliable data is a prerequisite for developing an effective case-weighting system. Accurate, well-maintained statistical data within case management systems is important for creating a case-weighting formula. This data should be complemented by additional data collection using the various methodologies described in this tool. The success of the case-weighting system depends largely on the existing case-management system and the capacity to develop IT tools to support data collection in line with the selected methodology. Therefore, it is important to consider whether and how case-weighting can be aligned within the existing case-management system, and to identify the changes and resources required to achieve this.

- ✓ **Managing expectations:** Case-weighting cannot remedy all the challenges faced by the judiciary. Nor is it intended primarily to serve as a tool for defining what is the optimal caseload or workload per judge, though its introduction can help to better balance judicial caseload and workloads. It should not be expected that the introduction of case-weighting will automatically lead to the improvement of court efficiency. Case-weighting has its limitations. Its introduction should therefore be seen as part of a broader judicial reform process, together with other measures. These measures could be the reorganisation and reinforcement of courts and court teams, the transfer of tasks to other actors, the integration of Artificial Intelligence systems (AI), and the simplification of legal procedures and internal processes. Without these measures and periodic reviews, case-weighting alone may fall short of expectations. Proper communication about the system and its limitations can help align expectations with its actual impact in practice.

[6] Please see the CEPEJ Glossary (2019).

- ✓ **Starting with a simple system and progressing to a more complex one:** Given the objectives and available resources, it is advisable to begin with a simple case-weighting system designed around a well-defined objective. The phased approach allows expertise to be developed, which can later support the design of more sophisticated case-weighting systems tailored to broader objectives. Ultimately, the objective(s) will determine the level of complexity the system requires.

III. OBJECTIVES

The primary purpose of case-weighting is to support courts to estimate and allocate human and financial resources and substantiate claims for additional resources. It has proved useful for negotiations of court budgets with governments and, in particular, with Ministries of Finance and Ministries of Justice. While it was initially developed for and used by judges, case-weighting as a tool is versatile, allowing it to be expanded to benefit other professionals, such as non-judicial court staff, prosecutors, police investigators, and other legal professionals. The objectives for introducing case-weighting have evolved over time and have extended to other areas of judicial work. These are some of the different objectives for which the case-weighting can be used:

- ✓ **Obtaining and allocating human resources:** Human resource allocation was the primary objective of case-weighting when introduced in the 1970s in the United States of America. This objective relies on case-weighting to accurately determine the number of judges or non-judicial court staff required in courts to adjudicate incoming and pending cases.

- ✓ **Obtaining and allocating financial resources:** Case-weighting for financial resource allocation is closely linked to human resource distribution. The required personnel (e.g., judges and court staff) is determined by comparing available time with estimated workload. This is then combined with salary costs and other court expenses, such as overheads, equipment and facility maintenance.

- ✓ **Assigning cases:** Case-weighting helps ensure fair and equitable case assignment within a court or unit. It assumes that while number of cases may vary, the time and effort required for resolution remains constant. Cases of different complexity (low, medium, high) are evenly distributed, ensuring all judges have a comparable workload. This balanced allocation promotes fairness and addresses the perception that some judges receive disproportionately complex cases.

- ✓ **Reviewing judicial maps:** Case complexity may vary by region (e.g., metropolitan vs. rural areas). Case-weighting helps create judicial maps that reflect these differences and assess court user needs. It also aids in determining the required number of courts at national, regional, or local levels. Case-weighting is part of a broader process to enhance court efficiency and manage judicial workload. To achieve its full impact, it should be supported by additional measures, such as an effective system for the distribution of judges across courts within a country or case distribution among the courts within the same jurisdiction.

- ✓ **Improving court management and efficiency:** In addition to the objectives discussed above, case-weighting can be used to improve court management and the efficiency of the courts. Case-weighting can be a useful tool for creation of backlog reduction plans to enable courts to anticipate the necessary resources to deal with backlogged cases or the calculation of the number of courtrooms required based on the frequency of hearings.

The CEPEJ highlights the importance of identifying **a primary purpose for a case-weighting system** to increase the likelihood of its successful implementation and its acceptance among users. Designing a case-weighting system that serves multiple objectives simultaneously and with equal priority is challenging, as the methods for data collection and the development of related tools can serve conflicting interests. For example, a case-weighting system developed to facilitate the allocation of human resources would not be suitable for other objectives, such as case assignments within a single court or the review of judicial maps. These represent distinct applications that could be difficult to combine when introducing case-weighting. In any case, if a decision is made to use case-weighting for more than one objective, these distinct applications should be taken into consideration.

Nevertheless, data generated during the development of a case-weighting system - such as case analysis and time estimates for case resolution - can be used for other secondary purposes. For example, a system originally created for allocation of human resources can also support budgetary planning and promote transparency in workload distribution. Similarly, a system created for the assignment of cases in courts can be also used to assess the workload of judges.

Case-weighting has proven to be a valuable tool for determining the number of judges required within a judicial system, taking into account caseload, workload, and the complexity of cases. It is important to note that case-weighting systems **should not** be used to evaluate the performance of individual judges.

IV. DEVELOPMENT

This chapter outlines the essential steps that judicial authorities should take when developing a case-weighting system. These steps are interconnected and may overlap. They should not be regarded as a rigid step-by-step process to be followed in a strict order, but rather as guidance that should be adapted to specific circumstances.

STEP 1: Identifying the needs of the judicial system

When developing a case-weighting system, it is essential to assess whether its implementation can address the specific needs of the judicial system, particularly in response to identified or perceived inefficiencies in its operation. Key judicial institutions, such as high judicial councils, supreme courts, and Ministries of Justice, play a crucial role in identifying these inefficiencies, and exploring potential solutions to address the needs of the judicial systems.

To this end, these institutions assess court operations, providing recommendations to enhance both efficiency and the quality of judicial services. Such assessments can be carried out internally or outsourced to external specialised organisations and companies. **Independent evaluations can offer valuable insights into the effectiveness** of court management and highlight areas that require improvement. Whatever approach and methodology is used, it is important to identify “the objective(s)” of the case-weighting (see the chapter above) to respond to judicial needs. The development of an appropriate case-weighting formula should derive from the objective.

These assessments often reveal inefficiencies stemming from factors such as an insufficient number of judges, unequal distribution of caseloads within the courts, case backlogs, and imbalances in judicial resource allocation across the courts. To address these challenges, many Member States consider adoption of case-weighting systems, which can help allocate judicial resources more effectively by considering the complexity of cases to better meet the needs of both the judiciary and court users. They also help judicial institutions gain a better understanding of caseload structures and their complexity across different courts, whether distinguished by jurisdiction (e.g. civil, criminal, administrative) or by location (e.g. city, district, regional).

STEP 2: Establishing the organisational framework

Authorities should establish an organisational framework. A two-level structure – **institutional** and **technical -** is generally recommended to facilitate the work. This organisational framework may be used later and possibly adjusted for case-weighting implementation and review. This depends largely on the structure and practices of each Member State.

The first level is the **institutional structure,** responsible for making policy and strategic decisions. This body **creates the strategy** for the establishment of the case-weighting system. It defines the methodology and steps to follow. It also gives overall direction and monitors the development process of the case-weighting system. This level is usually led by a **steering committee**. The committee includes key members of the judiciary. Its role is to guide and support the technical level working on the development of the case-weighting system.

The second level is the **technical structure**. It includes a project team and technical team that help put the strategy into action by offering technical solutions and support. This structure is often composed of two parts. One part is the **project team or working group,** made up of stakeholders from the courts, such as court presidents and judges. The other part is the **technical team**, which can include specialists from inside or outside the judiciary. Both groups work closely to implement the decisions made by the main steering committee. Because case-weighting often needs advanced data collection and analysis and may require skills not typically found within the judiciary, bringing in outside expertise can be very helpful. This includes experts in data analysis, statistics, and technical reviews. In these cases, outsourcing specific tasks can help fill the gaps.

This proposed setup is an example of an organisational structure for the development and implementation of case-weighting. However, the organisational structure may vary depending on factors such as workload, the specific scope of work to be undertaken, the characteristics of the judicial system, the number of courts and users, and the extent of judicial representation involved in the process.

STEP 3: Assessing existing and required resources

Prior to defining the scope of work, judicial authorities should assess the human, financial, and material resources required for case-weighting. This involves evaluating both **existing** and **required** resources to ensure a solid institutional framework and adequate technical support for its development, implementation, and periodic review. Conducting this **early assessment** helps determine whether the judicial system has the capacity to establish a robust case-weighting system with a sound data collection methodology or if additional resources are needed. The availability of resources significantly impacts the scope and duration of each step. However, the assessment should not be seen as final. It can be adjusted as new needs emerge during the case-weighting development process.

Resource assessment **must proceed together** with other critical steps, particularly selecting a data collection methodology and establishing an institutional framework. Once a **data collection methodology** is chosen, resource needs can be **estimated more accurately**. Different data collection methodologies vary in cost and complexity, influencing resource allocation. For instance, a Time-Study is usually more expensive than other methods. This decision also affects the level of technical support required, including whether outsourcing to external providers is necessary. Exploring external funding sources may be beneficial to support implementation. The resource assessment, done alongside other considerations, helps to determine whether the judicial system has enough resources to introduce case-weighting. If not, it may be necessary to seek external support.

STEP 4: Defining the scope of work

The next key step is defining the step-by-step plan with the activities and tasks to be performed, from development, piloting, to implementation. The scope of work should be defined by the body responsible for establishing the case-weighting system (e.g. steering committees) through a transparent and participatory process involving all relevant stakeholders. The scope of work should set out **details of each phase's development**, specifying the ultimate goal, intermediary outcomes, working methods, responsible stakeholders and their roles, the involvement of judicial (e.g. representatives of courts and Ministries of Justice, judges' associations) and non-judicial bodies (e.g. representatives of Ministries of Finance), required resources with funding sources, and activity calendar.

The nomination of court representatives depends on the judicial system and the scope of work. Nominees could include court presidents, court managers or selected judges from the relevant court instances. The scope of work should also outline the processes related to the **implementation phase that should be developed in detail at the beginning of the implementation phase**. The set of activities and tasks should also include awareness and promotion strategies, as well as a monitoring and evaluation mechanism. Regular updates on the scope of work ensure that it remains relevant to evolving needs.

STEP 5: Selecting the methodology for data collection

Data collection is the most time-intensive and expensive step in the development of case-weighting systems. There are several methodologies for collecting the necessary data for analysis. These methods vary in their nature, volume and duration, in the number of participants involved and the scope of their involvement. However, all the methodologies rely heavily on information submitted by participants. Reliable electronic case-management systems or related databases can also streamline data collection, saving both resources and time. In other words, the digitalisation of the judiciary could be of significant assistance for the development and implementation of case-weights. Each data collection methodology has its **strengths and weaknesses.** They should be carefully considered when embarking on the development of a case-weighting system. By evaluating the limitations of each methodology, authorities can make informed decisions on the most appropriate data collection method. They need to consider different aspects, such as the level of development of the judicial system, availability of current and potential future resources, availability of existing data and level of involvement of judges and court staff. Different methodologies can be combined to achieve desired results. Different data collection methodologies that can be used to collect relevant data are set out below.

It is common practice for judicial systems to utilise **a combination of different methods** to collect data before developing a case-weighting formula. **The multi-method approach enhances the accuracy and reliability of the information used for determining case-weights and contributes to the credibility and acceptance of case-weighting systems among users.** For example, the *Delphi method,* based on time estimation agreed by a panel, may be complemented by *Manual random case analysis,* based on data collected from case files. Alternatively, the *Delphi* method can be complemented by the *Time-study* method for certain case-types where more precise calculation is required. The multi-method approach helps to compare time (real or estimated) collected by different methods to define accurate time units.

To develop a reliable case-weighting formula, it is essential to collect a sufficient number of **cases for each case-type** to ensure a representative sample. For instance, when a large volume of cases is available for a specific case-type, statistical methods such as the *Time-study* can be employed to determine the average adjudication time. Conversely, for case-types with fewer instances, the *Delphi* method or the *Judicial Survey*, may be necessary to estimate the required time. Ultimately, the goal is to establish a case-weighting system that accurately reflects the workload associated with different case-types, allowing for effective resource allocation and more efficient justice. The data collection methodology should therefore be chosen having regard to the availability, size and the quality of data to ensure accuracy and applicability in the given judicial context.

5.a. Time-Study

The *Time-Study* is a data collection methodology designed to assess **the exact time needed for various tasks**, activities and processes in individual cases. The Time-Study requires participants to meticulously record the time they spend on all the activities related to their cases (caseload) and/or activities in the court (workload) within a given period of time. These activities may include procedural actions, hearings, drafting judgments, reviewing evidence, and administrative tasks. The collected data is analysed to calculate the **average time needed** for activities and events in a case relevant for case resolution, in a specific case-type/case category (average time values). This data can be aggregated at the level of individual courts, court departments (units), or at the national level with all selected courts included.

Before starting the data collection, it is important to agree on the type and number of participants (e.g. judges, judge assistants, non-judge court staff). The duration of the data collection should be long enough to capture a meaningful sample of activities and case types. Typical time studies span several weeks to months to account for variations in workload and case complexity. This data can be recorded manually, using a pre-designed template or form, or with a tailor-made application or case management system specifically designed for time-tracking.

To ensure consistency in data collection, an **information document and detailed guidelines** should be issued to facilitate data recording. Participants need to understand which activities to record in the appropriate format, and the level of detail required to minimise discrepancies and ensure that the collected data is comparable and can be aggregated.

The Time-Study is more cost intensive at the outset of the case-weighting development, requiring higher initial investment. However, it is a more sustainable form of data collection, and one that is often more readily accepted by judges and court staff.

5.b. Delphi method

The "*Delphi*" or "*Expert panels*" methodology involves evaluation of the various aspects of a case, by a group of selected participants, with knowledge of the area requiring decision-making. Their selection is based on their expertise, experience and familiarity with the specific issues related to the cases. This methodology is based on reaching consensus through exchange of views, evaluation of opinions and, where necessary, is repeated over several cycles.

In the first stage, the *Delphi* methodology relies on **individual evaluation or self-reports** carried out by panel members in order to avoid group influence. In the second stage, the panel members provide individual anonymous evaluations and then discuss the results of individual estimations to reach consensus on the time required for adjudication of defined case-types. This process can be repeated until a consensus is reached. Coordination of the group work can be done by a facilitator. Where necessary, tools such as ranking, rating scales or voting can help to resolve disagreements. Discussions focus mainly on areas of divergence in individual evaluations to reach and record a common decision.

The *Delphi* methodology is more limited in scope than the *Nominal Group Technique* (see below). The former often relies on anonymous responses to questionnaires from selected judges or court staff, while the latter is based on interactive exchanges of views among a panel of experts and practitioners to determine case-weights.

5.c. Nominal group technique

The *Nominal Group Technique* (NGT) methodology is similar to the *Delphi* method, in so far as the purpose is to reach agreements and estimates about case-types, through the engagement of a structured group of participants (judges, court staff, experts, etc.) who provide their individual opinions and evaluations. The group reaches conclusions through open, proactive brainstorming and discussion. The **main difference from the Delphi method** is the lack of anonymity during the decision-making and opinion exchange process. The strength of this methodology is that it relies on collaborative deliberation, which contrasts with the anonymous participation by group members in the *Delphi* method. As in the *Delphi* method, the group could have a facilitator to coordinate its work.

5.d. Work-Sampling method

Work-Sampling method is a data collection methodology to determine how participants, in particular judges, allocate their time across various tasks during their workday. This approach involves capturing random "snapshots" of activities of a participant at specific moments, rather than requiring continuous recording or estimated/actual time spent on different activities.

The method involves defining the sampling period and intervals (e.g. a certain number of random intervals over several weeks/months) to ensure that sufficient data reflecting a representative distribution of tasks over time is collected for a meaningful analysis. Participants' activities are observed and recorded at randomly chosen intervals. Participants record activities currently being performed through **self-reporting** (i.e. participants note the activity in a **log or electronic system** when asked at random intervals) or **observer tracking** (i.e. an external observer records the participant's activity at the selected moment). After sufficient data points are collected, the activities are categorised and their frequency is calculated as a percentage of the total working time (e.g. 40% drafting decisions, 25% conducting hearings, 20% of administrative activities and 10% breaks or other activities, etc.). This data provides an overall picture of time allocation across different tasks.

5.e. Judicial survey

Judicial Survey is a data collection methodology based on a series of questions, usually in the form of a questionnaire, to all or a significant number of judges or court staff to identify the activities carried out within a case, their engagement across various activities, and the time associated for adjudicating or managing cases.

This methodology involves drafting a **comprehensive and precise set of questions** to identify the types of activities participants perform within a case (e.g. conducting hearings, reviewing documents, and drafting decisions), the estimated time required for each activity, and to understand variations in judicial engagement based on case complexity, type or stage of proceedings. **The clarity of the questions is critical**. Inaccuracy in questions can lead to inconsistent responses and reductions in the reliability of the data. The questions are disseminated to all judges/participants or only to a representative sample. Participation is often voluntary. It is important to provide clear instructions to ensure consistency in responses.

5.f. Data driven analysis

Data-Driven Analysis is a data collection method to evaluate **case-related data by examining case records**, such as electronic case management systems, court cases' databases, case files, and judicial reports. This methodology is used in conjunction with other methodologies to complement the data collection from other sources (e.g. the *Delphi* method). **The methodology relies on existing data recorded in a system.** The information includes case types, case

activities (e.g. procedural steps and actions taken within a case), judicial work (hearings, rulings and administrative tasks) and events and actions (e.g. milestones and occurrences within a case, such as motions, hearings or appeals).

5.g. Manual random case analysis

Manual Random Case Analysis is the data collection methodology used to collect detailed case data directly from case files. This methodology involves a **manual review** of a randomly selected **sample of case files** to extract specific information that may not be captured through other data collection methods. It is advisable to use it to collect additional data for analysis to complement other data collection methodologies.

This method involves selecting cases, defining data points, reviewing and compiling cases and analysing case files. It is important to define the purpose and the data gaps and develop clear guidelines for data collection to ensure consistency. A representative sample of case files is selected according to pre-defined criteria, such as case-type, legal basis, criminal acts, value of the dispute, duration of proceedings, resolution date or any other criteria relevant for the analysis. Developers may opt to use **random sampling techniques** or **targeted sampling techniques,** if they are looking at a particular set or subset of cases, to avoid selection bias. The data to be collected is defined and may include the number of pages in case documents, number or duration of hearings, volume of evidence or additional submissions by parties, and key procedural actions. Case files are reviewed one by one to extract the relevant information by trained staff (e.g. administrative court staff, researchers or external analysts). The data is compiled into a structured format, such as spreadsheets or electronic databases and analysed to identify patterns. The findings are compared with those resulting from other methodologies.

Strengths and weaknesses of data collection methodologies

METHODOLOGY	STRENGTHS	WEAKNESSES
TIME-STUDY	This method provides **detailed, activity-specific data**, allowing for precise analysis of time spent on individual activities and events during case processing in each case-type. It is an **empirically robust data source**, offering deeper insights than other methods.	The method is typically **more costly and time-intensive**, requiring a **significant commitment** from participants, who must meticulously and continuously document their work time over several weeks or months.
DELPHI METHODOLOGY	This method involves a structured group of experts (panel of expert judges or a representative sample of judges) undertaking an anonymous decision-making process that relies upon **consensus**. It **minimises costs** (often requiring no external services), avoids **lengthy data collection**, and reduces the need for a **large participant group** in comparison to, for example, judicial surveys.	The reliability of the collected data may be questioned due to **subjective self-reporting**, which can lead to **under- or overestimation** influenced by group dynamics and human bias. Even though the decision is reached through an anonymous procedure, the choice of questions and facilitation of presentation of results might be misleading.

NOMINAL GROUP TECHNIQUE	This method relies on the involvement of a structured group of experts in decision-making process characterised by collaborative deliberation. The presentation of **individual opinions is transparent** aimed at generating the best possible ideas and solutions. This method is **considered to be less costly,** though it may be time-consuming.	Identifying topics for discussion **might not be straightforward**. This may lead to a misunderstanding of the task. The role of **a facilitator is key**. Since the discussion and brainstorming is open and transparent, the authority of **experienced members of the group may prevail** over less experienced members.
JUDICIAL SURVEY	This method allows for the involvement of a large number of judges, enabling **qualitative analysis** and insight into judicial perceptions. Based on a questionnaire, it is **less time-consuming** than the Time-Study.	This method is **subjective**, since each individual judge can have different opinions about the possible activities and their duration. The quality and the reliability of the results depend heavily on the **clarity of the questions** and the consistency of responses.
WORK-SAMPLING METHODOLOGY	This method captures **real-time distribution** of activities through continuous recording, eliminating reliance on estimates. It is particularly **effective for larger groups or multiple courts**, enabling the calculation of the proportion of time spent on each activity.	The method requires a sufficient number of participants, as results are only reliable when enough random samples are gathered. It can be as **time-consuming** and **costly** as the Time-Study method, and participants may find the interruptions disruptive. Unlike the Time-Study method, it does not measure the exact duration of each activity or identify the most time-consuming events.
DATA DRIVEN ANALYSIS	The method relies on **previously recorded case data** rather than subjective inputs or manual data collection. It provides a solid baseline for analysing, verifying and validating findings from other methods, such as judicial surveys or Time-Studies.	The effectiveness of this method depends largely on the availability, completeness, and accuracy of data within an electronic case-management system. It is **not a standalone method** but serves as a baseline for analysing, verifying and validating findings from other methods.
MANUAL RANDOM CASE ANALYSIS	The method provides detailed reliable data, requiring **skilled personnel** and **adequate resources** for its manual collection. It provides a solid baseline for verifying and validating findings from other methods, such as judicial surveys or time studies.	This method is **labour and resource-intensive**, requiring skilled personnel, which makes large-scale application challenging. It is **not a standalone** method but serves as a baseline for verifying and validating findings from other methods, such as judicial surveys or time studies. Its effectiveness largely depends on the availability, completeness, and accuracy of data within a judicial system.

STEP 6: Identifying the relevant data for collection

This section presents the different sets of data that can be collected for the development of the case-weighting system. Given the significant variations among judicial systems, each authority can select the data that fits their specific needs and context. In any case, **the crucial aspect of case-weighting is to assess the time required for adjudicating different case types.** Therefore, any data collection related to case-weighting needs be directed toward achieving this result. This section provides non-exhaustive examples of data with a view to supporting the design of tools (e.g. questionnaires, online surveys, or forms) and processes (e.g. written responses or interviews) to collect data. The data collection can be automated or semi-automated. Given the digitalisation of judicial systems, adopting electronic tools is recommended. All data presented in the below tables are hypothetical and for illustrative purposes only.

6.a. General overview

At the outset, it is recommended to obtain a **comprehensive overview of the number of cases** at the level of the judicial system (see table 1 below). To do so, it is advisable to generate a comprehensive report by court instance (first, second or third instance), by court (court 1, court 2 and court 3, etc.) and by case-type (civil criminal, civil, administrative, commercial, etc.). Information can be collected on total caseload by counting the number of pending cases at the beginning of the reporting period and the number of incoming cases during the reporting period. It is also possible to count the number of resolved cases during the reporting period, the number of pending cases at the end of the reporting period, the number of judges dealing with these cases and the average total caseload per judge (total caseload – column 4 - divided by the number of judges – column 7). It is also advisable to collect the number of backlogged cases, considering that many of these cases are usually complex.

Table 1: Example of general overview of court statistical data[7]

1	2	3	4	5	6	7	8
Court instance (first, second and third instance). Individual courts (court 1, court 2 and court 3) Case-type (criminal administrative, civil, commercial, etc.)	Number of pending cases at the beginning of the reporting period	Number of incoming cases during the reporting period	Total Caseload (2+3)	Number of resolved cases during the reporting period	Number of pending cases at the end of reporting period	Number of judges dealing with these cases	Average total caseload per judge (4/7)
1st instance court, 2nd instance court, or 3rd instance court							
Court 1, court 2, court 3, etc.							
Administrative or criminal or civil, etc.							
Total							

[7] All tables in this section are based on real examples and the figures presented are for illustrative purposes only. They may serve as a useful reference for Member States planning to undertake similar calculations.

6.b. Case task analysis

Referring to table 2 below, it is recommended to collect **the time judges spent on different tasks associated with a case** (*Case-Task Time Analysis*). Understanding the time judges require to complete each task within a case is important. It allows for accurate calculation of the time needed for specific judicial activities during case processing. The data should be collected in minutes by case-type from all participants (e.g. judges, court clerks, legal assistants) at different court instances. The data collection should include the tasks/activities from the moment the case is initiated in the court. Examples of tasks can include preparation of a case, preparation for a hearing, conduct of a hearing, drafting of a judgment, and closing a case file. The data collected may also include a description of the task (what exactly constitutes the specific task) and the frequency with which a specific task is repeated during the lifecycle of a case. This type of analysis can be used in the data collection methodologies, in particular in the Time-Study and Judicial survey.

Table 2: Example of case task analysis in an individual case

	Task	**Number of tasks repeated in each individual case** (during the case adjudication)	**Description of the task**	**Duration (in minutes) of individual tasks based on analysis**
1	Initial review	1	First review a case after its receipt in the court registry office, excluding the tasks listed below.	10
2	Read case file	1	Review and consider documents in the case file (multiple documents may exist).	90
3	Prepare hearing	3	Pre-trial phase: prepare for a hearing, including collection of evidence, review of relevant documents and minutes from previous hearings (multiple hearings may be conducted).	60
4	Conduct main hearing	3	Conduct the main hearing (including time to prepare and review meeting minutes).	60
5	Draft final decision	1	Draft the final decision.	90
6	Close case file	1	Finalise and close case file after the final decision, including reviewing appeals.	10

6.c. Criteria for case complexity

Referring to table 3 below, the third set of data that can be recorded is the criteria for **evaluating the complexity of a case**. These criteria can be considered at different stages of a case, from its initiation to its resolution. They can be developed based on resolved cases, as complete information is needed for setting up the appropriate weight for the case. Once developed, they can be applied to incoming cases. This type of data collection should support developers of case-weighting to determine whether certain aspects of the case can influence the time judges need to resolve the case. For example, the number of parties involved, or the estimated value of the case may have a bearing on the overall case duration. While some aspects of a case (number of hearings, number of witnesses) only become apparent in the course of the legal action, it is possible to estimate the time required to handle a case based solely on information available at the point a court initially receives the case. It should be noted that some case-weighting systems, particularly those using Time-Study methods, do not collect data on complexity factors directly but instead base their calculations on the average time required to resolve a case, using data that already include cases with varying complexity elements.

Some examples of complexity criteria include number of plaintiffs, number of defendants, number of witnesses, declared/established economic value, number of evidence items, number of hearings scheduled/held, number of documents filed, total number of pages of documents, number of decisions/orders, decisions on the merits etc. This data can be retrieved from case-management systems or directly from case files. The table below includes examples of complexity criteria that can help evaluate the weight of a case.

Table 3: Example of case data elements to calculate the complexity of a case

#	DATA ELEMENT	PURPOSE	COMMENT	SOURCE
Determined at point case is registered with a court				
1	Case Number	Identification		CMS
2	Case Type	Classification		CMS
3	Number of requests in the case	Classification		CMS
4	Number of Plaintiffs	Classification		CMS /Casefile
5	Number of Defendants	Classification		CMS / Casefile
6	Number of Witnesses/Experts/Interpreters	Classification		CMS / Casefile
7	Declared Economic Value	Classification		CMS / Casefile
8	Number of Evidence Items	Classification		CMS / Casefile
Determined During Case Disposition				
9	Established Economic Value	Classification		CMS / Casefile
10	Type of procedure (ordinary / fast-track)	Classification		CMS / Casefile
11	Judicial composition (panel of judges / single judge)	Work Measure		CMS / Casefile
12	Number of Issued Summons	Work Measure		CMS / Casefile

13	Number of Hearings	Work Measure		Casefile
14	Total Pages of Documents	Work Measure		Casefile
15	Number of Decisions/Orders	Work Measure		Casefile
16	Total Pages of Decisions/Orders	Work Measure		Casefile
17	Case Duration	Work Measure		Casefile
18	Decision on the Merits	Classification		CMS

6.d. Working time of judges

Referring to table 4 below, the fourth set of data that is important for developing case-weighting is **the calculation of the working time of the participants** (e.g. judges or court clerks) to obtain the average working time per year and per case-type. The table below provides an example of how to calculate a judge's average working time per year. These calculations may vary depending on the year and across different national judicial systems. This information is valuable for comparing a judge's working time with overall caseload and workload.

An alternative method for estimating a judge's average working hours is to use a standard based on national legislation or established practices in the private or public sector of a country. For example, if the working time in the private sector is 40 hours per week, the same figure may be applied to judges' working time. Both approaches support the estimation of judges' working time, especially in countries where judicial working hours are not formally regulated. These calculations are essential for determining the resources required in the court system.

Table 4: Example of how to calculate judge's working time per year

TABLE: Judge's working days per year	
Description	**Days**
Year	365
Weekends	(-104)
Public Holidays	(-10)
Private Vacations	(-28)
Illness and Family Emergency	(-10)
Working days per Year	213
Mandatory Court Management Meetings	(-4)
Conferences, Training & Certifications	(-5)
Net Case Disposition Days per Year	*204*

It is also possible to calculate the judge's average working time per day. This involves calculating an average daily working hours, deducting lunch break, morning and afternoon breaks, time devoted to court administration and management, coaching of colleagues, training and other activities constituting workload.

STEP 7: Defining case-types for assignment of case-weights

Undertaking the analysis described in step 1 will reveal areas of courts' work where there is an efficiency problem. The results of the analysis will determine what case-types should be the focus of future case data analysis. It might be necessary to analyse all the case-types within one court system or group of courts (based on jurisdiction) or just selected case-types. **Case-types can be grouped into categories based on similar weights**, which reflect the time required for a judge to resolve a case. To maintain a manageable case-weighting system, **overly detailed categories should be avoided.** The grouping process should follow a logical structure and align as closely as possible with existing categories set out in the legislation; and, where the judiciary uses a case-management system for case registration, tracking and case-data storage. If needed, adjustments to the case management system may be required to facilitate data collection from judges or courts based on the defined case-types and/or categories. Adjustments may be required when new or substantially revised case-types are introduced. Such changes increase the complexity of developing a case-weighting system and the level of resources required for its implementation.

STEP 8: Collecting data based on defined parameters

Once a data collection methodology has been selected, it is then important to identify the participating courts, determine the number of participants, and define the data collection period. **A larger number of participants generally improves the representativeness** of the data and the accuracy of the resulting case-weights. However, broader participation can also increase costs, extend timelines, and require greater coordination efforts. Depending on the size of the court network and the judicial level for which case-weights are being developed (e.g. first instance and/or second instance), the data may be collected from all courts or a representative sample of courts.

The selection of courts should aim for diversity and representativeness to ensure that the estimated time values reflect the national average as accurately as possible. This means using adequate sampling methodology that incorporates courts from both large and small cities including all relevant case types, and particularly those handling a high volume of ordinary cases. Participation should be voluntary. To support accurate and consistent reporting, all participants must receive both technical and professional assistance throughout the process. A dedicated individual or a technical team may be assigned to the selected courts to provide support to the participants on a permanent or semi-permanent basis during the data collection period.

The data collection **period and its timing** are equally important. Data can be collected: i) continuously over a fixed period (e.g. six months), or ii) periodically at regular intervals (e.g. over the course of two weeks, undertaken once/twice a year). The frequency and structure of data collection should align with the chosen methodology. Regardless of which data collection methodology is chosen, it is important to plan carefully and avoid periods of official holidays or extended employee absences that may affect participation and data quality.

It is essential that **a training programme** is developed prior to any data collection. Such a programme should include preparation and distribution of training materials (e.g., manuals, FAQs – *Frequently Asked Questions*, etc.), along with a clear strategy for disseminating these materials to all relevant courts. The training manual should provide detailed information on case-weighting, including its purpose, the methodology for data collection, and practical guidance. It must also offer an overview of the data recording instruments, rules for recording, and the timing of entries.

Training sessions should focus on how to record the time spent on each activity, its frequency, and how to use the designated data collection tools. Whenever possible, training should be conducted in person. If in-person delivery is not feasible, online training may be organised as an alternative. It is recommended that the technical team conduct on-site visits to the courts and meet with all participants involved in the data collection process, including judges and court clerks.

These visits will help clarify the methodology and address any questions or concerns that may arise with respect to the data collection process. The Steering Committee/Working Group should approve the data collection methodology, training programme, and training materials.

Data collection is important for developing a case-weighting formula. Effective data collection facilitates the calculation of the time needed for an individual judge to adjudicate one case per different case-type, which is usually the most challenging part of case-weighting formula development. The table below illustrates an example of calculation of the time of various activities needed to adjudicate a case-type.

Table 5: Example of calculation of a weight of case-types (in time units)

TABLE – Formula Elements Based on Extracted and Sampled Data					
FORMULA ELEMENT		AVERAGE CALCULATED VALUE			
Values indicated are averages based on case file sampled or extracted data.		Case Type 1		Case Type 2	
1	Average Available Annual Judge's Time (in Minutes)	204 days X 480 minutes= 97,920 minutes		204 days X 480 minutes= 97,920 minutes	
		No.	Total Min.	No.	Total Min.
2	Average Number of Incoming (Initial) Documents per Case	2	9x4x4 =72 min	4	4x11x4 =176min
3	Average Number of Pages in Initial Document	9		11	
4	Average number of Minutes for reading one page	4		4	
5	Average Number of Additional Documents	2	8x4=32 min	7	56x4=224min
6	Average number of Pages per Additional Document (4 minutes each per page/see line 4)	4		8	
7	Occurrence of case events apart from the hearing (e.g. interim requests)	3	3x10 =30 min	11	11x10 =110 min
8	Average Time in Minutes for case events apart from the hearing	10		10	
9	Average Number of Interim Hearings per Case	2	2x11=22min	5	5x11=55min
10	Average Time in Minutes for Interim Hearing	11		11	
11	Average time in Minutes for Final Hearing	30	30	38	38
12	Average Number of Pages in Final Decision	11	11x20 = 220 min	24	24x20 = 480 min
13	Average Time in Minutes for Drafting Final Decision	20		20	
	TOTAL		**Approx. 406 min**		**Approx. 1,083 min**
	COMPLEXITY	Standard		Complex	

The time values (average time) can also be converted into other relative values, such as coefficients, points, and indices. For example, cases can be categorised in one of the predefined case-weight categories based on predefined parameters that influence their complexity. On a scale from 1 to 5, cases with low complexity may be assigned a weight of 1.00 while highly complex cases may receive a weight of 5. Alternatively, one case-type can be used as a reference point, with other case-types weighted in relation to it. For example, if a reference case type is assigned a weight of 1.00 and has an average processing time of 1.15 hours, the weights of other case types can be calculated by dividing their average time by 1.15. The determination of the case-weight for a case depends on the predetermined weights and subsequent adjustment based on aggravating factors presumed to increase the complexity of the case. The aggravating criteria and corresponding coefficients are determined in the corresponding rules.

STEP 9: Developing the case-weighting formula

The development of a case-weighting formula largely depends on the objective for the introduction of case-weighting and the quality of data that is or can be collected. **This section provides an example of a case-weighting formula**. This particular formula has been created to primarily calculate the required number of judges in courts. However, it can be also used for other objectives mentioned above in Chapter II.

FORMULA ELEMENTS:

1. TOTAL NUMBER OF CASES PER CASE-CATEGORY/CASE-TYPE (pending and incoming cases* = TOTAL CASELOAD).
2. AVERAGE TIME AN INDIVIDUAL JUDGE NEEDS FOR ADJUDICATION OF ONE CASE (per category/case-type).
3. ANNUAL OVERALL WORKING TIME OF A JUDGE PER YEAR.

FORMULA CALCULATION:

Calculate TOTAL NUMBER OF CASES PER CASE-CATEGORY/CASE-TYPE (= **ALLOCATION BASE**)

multiplied by AVERAGE TIME AN INDIVIDUAL JUDGE NEEDS FOR ADJUDICATION OF ONE CASE (= **WEIGHT OF A CASE**)

divided by AVERAGE JUDGE'S AVAILABILITY ON ANNUAL BASIS (= **ANNUAL OVERALL WORKING TIME OF A JUDGE**).

$$\text{Coefficient per type of case} = \frac{\text{ALLOCATION BASE x WEIGHT OF CASE}}{\text{ANNUAL OVERALL WORKING TIME OF A JUDGE}}$$

This formula needs to be applied for each case-category/case-type for which case-weight is defined. The result is the coefficient per case-category/case-type used for different application of case-weighting in courts.

REQUIRED DATA FOR THE FORMULA:

For this case-weighting formula, the following data needs to be collected or calculated:

1. Total number of incoming and pending cases (from the previous reporting period) by case-type in the observed period (usually annually).

   **Note:* It is also possible to count only incoming cases without including pending ones. This approach may be particularly relevant for judicial systems that do not experience significant number of pending cases and where the flow of cases is stable.

2. Average time individual judge needs to adjudicate one case in an observed case-type. This represents the weight of a case per case-type, typically measured in minutes. The time value can also be converted into other values, such as points and coefficients.

3. Average judges' annual time-availability (in hours) for case adjudication (without any other administrative or any other related duty). The working hours can be calculated in different ways. You can agree on the average working hours per year per judge taking into account the national labour law and practice. Or you can count the total number of available days for case adjudication and the total number of hours per day. For example, the total number of available days for case adjudication is 204 days, and the total number of daily available hours for case adjudication is 8 hours[8] which amounts to 1,632 hours per year per judge for case adjudication (caseload). It is important that the same unit of measurement is used for points 2 and 3 in the formula above.

PRACTICAL EXAMPLE:

In a situation where the total number of cases per a case-type (e.g. labour dispute) is 200 and the weight of the case-type is 1.76 hours, the total number of annual overall working hours per judge is 1,632.

200 multiplied by 1.76 hours divided by 1,632 = 0.215 judges (full time equivalent).

This formula needs to be applied for all case-types. All the values for different case-types need to be added to give the total number of judges needed. This number can be compared against the available number of judges.

[8] For the purposes of this example, it is used an average 40 hours for workweek.

When the weights for different case-types are set up, the example below illustrates how they can be applied:

Weight per case-type	**Judge 1** (number of cases)	**Judge 2** (number of cases)
Case-type 1= 1,8 hours	200	50
Case-type 2 = 2,3 hours	250	250
Case-type 3 = 3,2 hours	150	100
Case-type 4 = 4,5 hours	50	150
Total number of cases	**650**	**550**
Annual working time	200x1.8 +250x2.3 +150x3.2 +50x4.5 = **1,640**	50x1.8+250x2.3+100x3.2+150x4.5=**1,660**

The result in the table shows that Judge 1 has similar annual working time compared with Judge 2 when expressed in hours (1,640 and 1,660 hours respectively), even though they have been attributed different number of cases with different case-types. You can also add the time judges spent on non-caseload related tasks, such as managing courts, participating in training or lecturing. In this case, the case-weighting system would also consider other activities (workload) beyond those directly related to case handling (caseload).

STEP 10: Testing the developed case-weighting formula

After developing the case-weighting formula, it is advisable to test it before implementation in courts. The testing helps to assess the functioning of the developed formula in a controlled environment.

The testing depends on the main purpose of the case-weighting formula. It is **important to differentiate between manual and automated testing.** If the future use of the case-weighting formula assumes everyday use of an application (software), the testing procedure should be performed with the test version of the same application (software). If the case-weighting formula will support a specific kind of calculation of data ("static use" or "one time use") and the outcome of that calculation will be used for making management decisions (number of judges, number of court administrative staff or number of courts in a judicial network), the testing phase could be done manually. For example, if the purpose of the case-weighting formula is to identify the budgetary needs of courts, the testing process could be carried out through electronic budget tools, which are already in place. Instead of the previously used methodology and values for creating and forecasting the budget, it is necessary to insert newly developed values and assess the effects or results and possibly how much they differ from the previous ones.

Another purpose of the case-weighting formula might be random case assignment to judges based on the complexity of cases. In this situation, the testing could be done by using the existing case management system (software, application), though it is important to use a “test” version of the software and not a “production” version with real court case data. This type of testing will also show whether the formula was developed correctly and whether it serves its primary purpose. The best way to assess the accuracy of the formula is to compare test results to previous values, and to find out whether applying the case-weighting formula yields "new value" (or solves a problem) as intended.

If it becomes apparent during the testing phase that the developed case-weighting formula does not meet the defined functional specification or does not solve the task for which it was developed, it is necessary to identify shortcomings and correct them to improve the quality of the development results. The corrective process should start from the beginning of the development phase, including the analysis of baseline data and the method of calculation. Once the corrective process is complete, the testing process should be repeated to evaluate and verify the accuracy of the case-weighting formula until it performs satisfactorily in the test environment, before it is deployed.

V. IMPLEMENTATION

This chapter outlines the steps relevant to the implementation of a case-weighting system. Following the completion and successful testing of the case-weighting system, the next stage is the implementation and application of the case-weighting formula in courts. This chapter also includes examples, presented in simplified tables, of how a case-weighting system can be applied in practice (see step 7). The implementation process involves several steps. It is recommended that the judicial authorities draft **an implementation plan** at the beginning of the process. The implementation plan serves as a framework to plan the activities and involve institutions and participants in this process. Designing an implementation plan can also support awareness-raising and understanding of the steps and activities among different stakeholders.

The table below provides **a proposal of an implementation plan. The plan** should be flexible and can be tailored to meet the circumstances in each judiciary. Internal and external communication about each step of the implementation needs to be conducted in a timely manner.

Table 6: Proposal for the implementation plan

Steps	Description	Timeline	Institutions involved
1	Holding a coordination meeting of all relevant stakeholders	Prior to application of the case-weighting formula (CWF)	Working group, Judicial Council, ministry of justice, technical team
2	Drafting the implementation plan	Prior to application of the CWF	Working group, judicial institutions, technical team
3	Drafting the implementation User manual	Prior to application of the CWF	Working group, judicial institutions, technical team, external experts

4	Training future users and implementation team	Prior to application of the CWF	Technical team and external experts
5	Piloting a case-weighting formula in pilot courts	Prior to application of the CWF	Technical team and external experts
6	Raising awareness within courts	Prior to and during the application	Working group, judicial institutions, project team, communication experts
7	Application of the case-weighting system in courts	Application	Working group, judicial institutions, project experts, external experts
8	Monitoring of the implementation plan and application of the case-weighting formula	Application	Working group, judicial institutions, technical team
9	Creating the implementation report	Application	Judicial institutions
10	Conduct an anonymous survey among case-weighting users	Application	Judicial institutions

STEP 1: Holding coordination meetings of all relevant stakeholders

The implementation process should begin with convening a body (the working group or the steering committee) that developed the case-weighting formula. **This body will be responsible for coordinating the implementation process**. It should agree on concrete activities, responsible entities and timelines for each implementation step. Together with the technical team, this body responsible for organising training for users involved in the implementation, developing and implementing a communication strategy/plan, and applying the case-weighting formula in the relevant courts.

Technical teams play a key role in supporting participants in courts with day-to-day operations by providing advice and technical assistance. If the case-weighting formula is intended for periodic use (e.g. annual calculation of the number of judges or court clerks required), coordination meetings should focus on technical matters (such as how to calculate the formula) rather than organisational ones. If the case-weighting formula is intended for "everyday use" (e.g. random assignment of cases to judges based on case complexity), the coordination meeting should cover technical, managerial and organisational matters, such as, who will coordinate the work and how this activity will be integrated into the court's daily work.

STEP 2: Drafting the implementation plan

The first coordination meeting, or the series of meetings, should result in drafting an implementation plan with the steps and activities aimed at implementing the case-weighting formula in courts. The plan should clearly define the tasks and roles of each institution involved in the implementation and timeline for each activity (i.e. who does what and when). It may also identify risks and corresponding mitigation measures.

STEP 3: Drafting the implementation user manual

Drafting the user manual is a crucial step in implementing the case-weighting formula and in ensuring its continued use after the initial application. The manual should describe all steps necessary for implementation and provide clear guidance for the day-to-day use of the case-weighting formula. The descriptions should be as detailed as possible, outlining each task by court position, explaining the implications of these tasks, and specifying the expected results.

STEP 4: Training future users and implementation team

Depending on the purpose of the case-weighting system, training will be required for the implementation team and future users (e.g. judges and court staff) and on how to use the case-weighting formula in courts. This is particularly true for a case-weighting formula used for everyday court work (e.g. the equal and equitable case distribution or assignment). Court staff who will use the formula need to be trained on how to apply it in practice. This may not be necessary for a formula applied on a periodic basis. Training for future court users should be conducted prior to the application of the formula and should be accompanied by training materials (e.g. user manual, training guidelines and/or instructions).

STEP 5: Piloting the case-weighting formula in selected courts

Piloting the case-weighting formula is the final step before its full application. Its goal is similar to the testing step, which is to assess the accuracy of the case-weighting formula and its readiness to serve the purpose for which it was developed. The difference from testing is that piloting should be done in **a "production" environment**, in other words, with real data in courts.

The size of the pilot phase will depend on the scope of the overall implementation. If the scope of the overall implementation is the entire judiciary, the pilot phase should be planned to cover a representative sample of courts. The sample should be of a balanced size, sufficient to reveal potential errors in the initial calculation. It is also important to consider the size of the courts engaged in the upcoming implementation (choose different sizes: large-medium-small courts), as well as opting for a regional distribution of judicial institutions across the country. Therefore, proper and meaningful planning and preparation for the piloting phase is crucial to gain a true understanding of the accuracy of the formula and/or whether further development or bug fixing is needed.

Another difference between testing and piloting is that the latter is an actual implementation and should include training for staff (future users of the case-weighting formula, such as judges, court managers and court staff), preparation of training materials and instructions for use.

If the testing phase is successfully completed, the piloting phase is the “final test” to assess the accuracy of the developed case-weighting formula, as well as the point at which **full-scale application can be approved or postponed**. It is important to understand that there is nothing wrong with doing additional work and adjusting the case-weighting formula if the pilot results are not satisfactory. It is also acceptable to postpone full-scale implementation if additional training is needed for future users. The most important recommendation is to not start applying the case-weighting formula unless completely sure of its accuracy or

that its application can serve the intended purpose. Applying the formula when its accuracy is in doubt, or it will not solve the identified issues could create a much bigger problem than the one it was intended to address.

STEP 6: Raising awareness among all courts

Raising awareness about case-weighting and its intended outcomes is essential for securing the active engagement of courts. The participation of judges, court presidents and staff, is crucial for the success of the introduction of case-weighting. A communication strategy or plan can play a key role in effectively conveying the purpose and benefits of the system, while also addressing any concerns raised by judges, court presidents, and staff. This awareness-raising plan should target both internal stakeholders within the judiciary and external audiences (such as court users), providing clear information about the rationale, objectives, methodology, and timeline of the case-weighting process. As a part of the awareness raising campaign, the judicial authorities may hold round tables on case-weighting and invite legal professionals, or create short promo-videos, as well as leaflets or small commercials for social media or radio.

STEP 7: Applying the case-weighting system in courts

This step refers to the actual use of the case-weighting formula in courts to achieve the identified objective(s). Below are two examples of how the results of case-weighting can be used in practice to inform the relevant courts and judicial authorities about staffing levels and to take an informed decision accordingly (e.g. to increase the number of judges/court staff, move judges from one court to another, move cases from one court to another etc.).

Table 7: Example on how to use the case-weighting for calculation of staffing needs in courts at the regional and national level

Region / Court (1)	Judge required based on the actual and weighted workload (2)	Judge available 01.07.2023 (3)	Judge / Workload Ratio 01.07.2023 (4)	Staffing/understaffing at the current workload Staffing Ratio: 1.0754 (5)
Region XY				
District Court 1	120.35	109.23	1.10	- 2.68
District Court 2	35.50	35.50	1.00	2.49
District Court 3	130.74	115.38	1.13	- 6.19
Total regional	**286.59**	**260.11**	**1,10**	- **6.39**
Region XYZ				
District Court 1	64.55	55.20	1.17	- 4.82
District Court 2	43.20	35.68	1.21	- 4.49
Total regional	**107.75**	**90.88**	**1.19**	- **9.32**
Region XYZW				
District Court 1	6.72	7.67	0.88	1.42

District Court 2	23.34	22.56	1.03	0.86
District Court 3	45.20	46.15	0.98	4.12
Total regional	**75.26**	**76.38**	**0.96**	**6.40**
Region XYZWQ				
District Court 1	120.54	119.23	1.01	7.14
District Court 2	10.45	11.26	0.93	1.54
District Court 3	17.59	16.76	1.05	0.40
District Court 4	2.45	2.50	0.98	0.22
Total regional	**151.03**	**149.75**	**1.01**	**9.31**
TOTAL (state level)	**620.63**	**577.12**	**1.0754**	

The table provides an overview of the staffing level in courts in different regions. The table shows how case-weighting can be used for monitoring staffing needs (e.g. judges) having regard to workload in different courts.[9]

Columns:

- the **first column** indicates the list of courts disaggregated by region.
- the **second column** indicates the staffing requirements based on case inflow and calculations stemming from case-weighting.
- the **third column** indicates the availability of staff (e.g. judges) in courts in full time equivalent (FTE).
- the **fourth column** indicates the workload ratio measuring the adequacy of judges available in relation to workload of individual courts. This is calculated by dividing the column 2 with column 3 (e.g. 120.35 divided by 109.23 = 1.10.
- the **fifth column** shows the level of understaffing (-) or overstaffing (+) in different courts based on the overall staff/workload ratio (correction factor that enables to calculate the staffing quota) calculated on the state level, = 1.0754. This column is calculated as follows: column 2 divided by the overall workload ratio is subtracted from column 3 (e.g. 109.23 – (120.35/1.0754)). The number shows how many more/less judges are needed in specific court or region. The goal is to achieve a fair distribution of judges within the courts.

Rows: The final row – **TOTAL** - calculates the overall staff/workload ratio for the state level (column 4). The number of **1.0754** in the fourth column = 620.63 divided with 577.12 indicates the difference on the state level between the actual availability of judges with the required number judges based on the incoming weighted workload. On average, each judge shall work with a factor of 1.0754 to cope with the incoming workload. Since this is an overall correction factor this will have an equalising effect on the values in the fifth column for each district court.

[9] This table is inspired by an existing example of the practical application of the case-weighting in Germany.

Table 8: Example of how to use case-weighting for calculation of the number of judges needed at the court level

Case categories/types (1)	Case-types/sub-types (2)	Number of cases (3)	Average time per case (min.) (4)	Total hours (5)	Full-time equivalent (6)	Share (%) of workload (7)
Civil law cases	Liability	12	1,567	313.40	0.18	0.65
	Loans/Credits	64	412	439.47	0.26	0.91
	Pension and Insurance	15	624	156.00	0.09	0.32
	Compensation claims	313	1,495	7,798.92	4.53	16.23
Appeals in family law cases	Divorce	55	773	708.58	0.41	1.47
	Paternity and Child Custody	332	752	4,161.07	2.42	8.66
	Juvenile matters	62	569	587.97	0.34	1.22
Labour law cases	Wages	629	472	4,948.13	2.88	10.30
	Social law cases	2,150	212	7,596.67	4.42	15.81
	Compensation cases	297	472	2,336.40	1.36	4.86
Commercial law cases	Bankruptcy with debtor	160	468	1,248.00	0.73	2.60
	Bankruptcy without debtor	11	468	85.80	0.05	0.18
	Commercial register	1,170	46	897.00	0.52	1.87
	Other insolvency cases	1,969	6	196.90	0.11	0.41
Criminal cases	Murder	714	178	2,118.20	1.23	4.41
	Robbery	15	381	95.25	0.06	0.20
	Proceedings by a panel	122	1,579	3,210.63	1.87	6.68
	Proceedings by a single judge	40	1,764	1,176.00	0.68	2.45
	Proceedings decided by jury	25	2,934	1,222.50	0.71	2.54
Subtotal - caseload				**39,296.88**	**22.85**	**81.78**
Court management				3,835.60	2.23	7.98
Training and coaching				3,405.60	1.98	7.09
Other tasks (meetings, etc.)				1,513.60	0.88	3.15
Subtotal - workload				**8,754.80**	**5.09**	**18.22**
Total				**48,051.68**	**27.94**	**100.00**

The table provides an overview of the staffing level in a court during a reporting period (e.g. from 1 January 2019 to 31 December 2019). The table shows how case-weighting can be used for monitoring the staffing needs having regard to the workload. The data in this particular table is based on historical data.[10]

Columns:

- the **first column** indicates the list of case-categories (civil, commercial, criminal, etc.) disaggregated by case-types indicated in the **second column.**
- the **second column** indicates the case-types.
- the **third column** indicates the number of incoming cases (e.g. 64) for each case-category during the reporting period.
- the **fourth column** indicates the average time (in minutes) spent by a judge to resolve one case of a particular case-type (e.g. 412 minutes for loan credits case).
- the **fifth column** shows the hours spent on solving all the cases of a particular case-type (e.g. 64 cases x 412 minutes (6.8 hours) = 439.47). The **sixth column** indicates the judges' capacity expressed **in full time equivalent** (FTE) to handle each case-type based on annual total of 1720 hours (439.47 hours / 1720 = 0.26 capacity). The full-time equivalent corresponds to 1720 hours that is equal to 215 working days. The **seventh column** shows the share of each case-type in the total workload expressed in percentages.
-

Rows: The final row – **TOTAL** - summarises the total values related to work on cases (caseload) and other tasks/activities (workload) concerning the total hours spent on case-resolution and the judges' capacity to deal with the cases (including in percentages). The total row shows that in this court the whole workload is around 48 051 hours that represents 27.94 FTE judges which could be compared with the current number of judges in this court.

STEP 8: Monitoring the implementation plan and the application of the case-weighting formula

The implementation of case-weighting should be systematically monitored to ensure the process aligns with the established plan. Monitoring must be both flexible and prepared in advance. This requires clarity on which aspects of the process should be analysed, the purpose of each step, and whether the necessary conditions are in place to proceed with implementation.

Applying the case-weighting formula will not deliver immediate results, as outcomes may vary depending on the specific purpose of the formula. Monitoring therefore also involves refining and finalising the case-weights to ensure they accurately reflect the complexity of each case type. To support this, post-implementation surveys or questionnaires may be distributed to participants to gather feedback on the assigned weights (see also Step 10). Based on these findings, adjustments can be made to specific case types as needed.

In addition, follow-up visits to courts by working groups, technical teams, or steering committee members may be organised. These visits provide an opportunity to clarify outstanding issues, collect first-hand feedback, and gain deeper insight into practical challenges. More importantly, the application of the case-weighting formula in all courts must be followed by concrete actions from the authorities to address identified needs.

[10] This table is inspired by an existing example of the practical application of the case-weighting in Austria.

STEP 9: Preparing the implementation report

An implementation report is a valuable analytical tool designed to capture every element of a process in a single document. It should highlight lessons learned, obstacles encountered, challenges overcome, as well as positive experiences and outcomes. When a process runs smoothly, the report can serve as a best-practice example for future initiatives of the same kind. When difficulties arise, its value becomes even greater, offering insights to address shortcomings, apply lessons learned, and improve future implementation efforts.

STEP 10: Conducting the anonymous survey among users

It might be useful to conduct an independent and anonymous survey among the users of case-weighting (e.g. judges, clerks, IT staff included) on their experience in applying case-weighting in their court. Among others, the main questions could be: a) What are the experiences during the development phase?; b) What challenges were experienced during the data collection process?; c) Was the training and the testing phase useful for applying the formula?; d) What could have been done differently? All these questions are important because they represent first-hand user experience and should be considered when periodically reviewing and updating the formula in the future.

VI. REVIEW AND UPDATE

Case-weights become outdated due to various factors, such as changes in legislation and judicial practices. They must therefore be regularly updated to ensure their accuracy. Investing in robust initial data collection enhances the system's long-term sustainability.

The CEPEJ recommends conducting **periodic and ad hoc reviews**. It is also recommended to determine the frequency of these reviews at the outset when developing and implementing the system. The periodicity depends on various factors, including the purpose of the case-weighting formula, data collection methodology, and the extent of legal and judicial reforms.

The CEPEJ considers it important to carry out the following case-weighting reviews:

- ✓ **Periodic reviews**: while there is no single commonly agreed schedule for reviewing case-weights, it is advisable to conduct a full-scale review regularly (i.e. at least every ten years). The frequency of these long-term reviews depends on various factors, such as the data collection methodology, the extent of judicial reforms, and the availability of resources. Having regard to these factors, the comprehensive review can be carried out more or less frequently according to the needs in the member State.

- ✓ **Ad hoc reviews:** it is recommended to conduct small-scale updates for specific case-types where legal or procedural changes may impact adjudication times (i.e. on the annual or biennial basis). These updates should result in identification of those case-types that remain unchanged, those that were adjusted and those that need to be further evaluated. When updating the case-weights, the key questions to ask are as follows: Which case-types have been affected by amendments of law regarding the complexity of cases? How many case-types have been affected? Does it affect the current time units or point units? Which case types need adjustments of time/point units? The data collection methodologies, which require fewer resources, are suitable for these short-term updates.

Governance and oversight: A designated body should oversee case-weight reviews and updates. This could be an existing institution responsible for establishing the case-weighting system or a newly created body dedicated to review and update processes. Full-scale reviews are best managed by higher supervisory bodies (e.g., steering committees that include representatives from Ministries of Justice, national judicial councils and associations of judges), which provide strategic oversight. Operational tasks and technical decisions can be delegated to technical working groups composed of judges and other relevant participants. Regular small-scale updates are best conducted by a permanent body (for example, working groups) using information collected directly from the courts to identify and update case-types requiring adjustments to their case-weights.

VII. GUIDELINES

This chapter provides general guidelines on how to set up a case-weighting system. These guidelines are based on the steps explained in detail above in this tool. They follow the main phases encompassing the defining of objectives, development, implementation, and periodic review.

Guideline 1: Define the need and the objective for case-weighting
When developing a case-weighting system, the first question to answer is *"what we would like to improve*". The objective of the development and implementation of case-weighting will determine the other aspects of the process, including the scope of work and case-weighting formula. Case-weighting can serve several purposes. The objectives can be to obtain and allocate human and financial resources, assigning cases and defining territorial jurisdictions. It is more difficult to implement case-weighting if more distinct purposes are pursued. It is therefore advisable to define a primary objective when designing a case-weighting system. It is also important to note that case-weighting is not suitable for the purpose of evaluation of judges.

Guideline 2: Provide the necessary resources for development of a case-weighting system and identify judicial institutions which should lead the process
Judicial institutions responsible for developing and implementing case-weighting must have legitimacy within the legal framework. They also need to possess internal capacity to coordinate the entire process with other actors and users in the judiciary. In addition, they need to assess opportunities, evaluate potential impacts, and identify possible risks associated with case-weighting. Developing the case-weighting system is not solely a legal task. It requires expertise that goes beyond judicial and legal knowledge. It involves activities such as data analysis, data collection, data calculation, as well as design and implementation of IT tools. For this reason, it is advisable to engage internal or external experts, such as statisticians, IT specialists, mathematicians, and project managers. The purpose of teamwork is to bring together diverse professional perspectives and skills necessary for development of the case-weighting formula and establishment of a system capable of fully achieving the objective(s) initially set.

Guideline 3: Define the scope of work
Defining the scope of work is crucial for successful development of case-weighting formula. It will determine the human, technical and material resources needed for its development and implementation. It will also define the schedule of activities with deadlines. The scope of work will define the choice and extent of the data collection methodology. It should be defined as to whether the data will cover caseload (case-related activities) or also workload (non-case related activities that include for example the time spent on training, administrative matters, travel, etc.). The scope of work may also include other activities related to the development of the case-weighting formula, such as case data migration, merging of case databases, research and analysis of archived cases, improvements in digitalisation and other similar activities. It is important to objectively estimate the scope of work to ensure that its implementation is feasible. Do not hesitate to adjust the scope of work during the process, if it becomes clear that the existing one is not going to provide all data necessary for accurate calculation of the case-weighting formula.

Guideline 4: Define case-types and case-categories for assignment of case-weights

Defining case-types for which the case-weighting formula is going to be developed is a key step. At the outset of the process, it is important to determine whether individual case types will be assigned distinct weights or whether multiple case types with similar values will be grouped into a single category and assigned the same weight. Different case-types are grouped based on the similarity of the average judicial work time required to adjudicate cases within each case-type. The list of categories could be determined either after the initial case data collection and analysis, or after case-weights have been assigned to different case types, ensuring that case types with the same case-weights are grouped into the same categories. Overly detailed categorisation should be avoided.

Guideline 5: Identify the data for collection and select and implement the methodology(ies) for data collection

A case-weighting formula should be developed based on reliable data from courts. There are different methodologies for data collection and analysis, each of them involving different aspect of courts and judges' work. It is also possible to combine methodologies or to start with one and then complement it with other(s). It is important to have accurate and reliable case management systems. This is a pre-condition for collecting and analysing case data that is needed for calculating the case-weighting formula. It is also a reliable source of case information for post-implementation reviews. Data collection might be time-consuming, requiring considerable efforts from courts and judges. Consequently, it is necessary to provide resources to support this activity. Since data collection is not inherently the role of judges, attention should be given to providing necessary support from staff and experts with adequate technical knowledge of data collection, analysis and calculations. The data collection should not be carried out before or during major judicial reforms that affect the handling of cases, as this may risk the accuracy and reliability of the collected data.

Guideline 6: Develop, test and pilot the case-weighting formula and train participants on how to use it

The development of a case-weighting formula largely depends on the defined objective(s) and collected case data. It is important to have clear guidelines on the goal and purpose from the judicial authority. The duration of the development phase can vary, but in any case, it is important not to rush this stage as it is the main pillar of future implementation. The testing phase depends on the main purpose of the case-weighting formula, which defines the testing methodology. It is important to distinguish between manual and automated testing. If the future use of the case-weighting formula assumes the use of any application/software, the testing process should be carried out with the same application /software. The piloting phase of the case-weighting formula is the last step before its full implementation. Its goal is like the testing phase, which is to assess the accuracy of the developed subject weighting formula and its readiness to serve the purpose for which it was developed. Depending on the future users, the methodology and training approach may vary. The formula can be developed for “static” use (e.g. calculating the number of judges or court staff) or for the “periodic” use for everyday court work (e.g. the equal and equitable distribution of cases), the court staff, who will use the formula daily, must be trained in its application.

Guideline 7: Prepare the detailed implementation plan

After the development phase of case-weighting, it is time to plan its implementation with a clear and detailed action plan. Any plan should include all steps for future work: The steps can be as follows: : the implementation team, the engagement of external experts, the number of courts for pilot implementation, the detailed implementation schedule, the number of judges and court staff to receive the training prior to implementation (a list of employees may be drafted), technical preconditions,, communication plan with all judicial institutions engaged in development of the case-weighting formula, and other similar aspects. It is vital to communicate effectively with court staff who will be involved in the future implementation as well as to other court staff who are not directly linked to the case-weighting implementation.

Guideline 8: Prepare the awareness and communication strategy/plan for internal purposes and for the broader legal community

The concept of case-weighting in the judiciary is relatively new in European countries. Therefore, it is of a paramount importance to clearly explain the concept of case-weighting, its use and potential impact on the efficiency of courts, addressing both possibilities and limitations. Judicial institutions, judges, court administrative staff and the broader legal community need to have clear expectations about the potential of case-weighing system. Round tables, meetings and promotional documents could be organised and shared among judicial office holders and legal professionals to explain the purpose of the case-weighting system and what solutions to it can bring to a specific judicial system.

Guideline 9: Implement, apply and monitor the case-weighting to ensure that it meets judiciary's needs

The implementation phase should be carried out in accordance with the previously agreed and adopted implementation plan, with a view to introducing changes to previous work processes or judiciary organisation. Implementation should be conducted with all available resources, including the team which worked on the design and development of the case-weighting system. It is important to allow enough time for implementation. Successful implementation relies largely on how the users (the judicial institutions and the courts) will accept the new system and whether they will embrace it. The timing of the implementation is also important. It is essential to be aware of the activities and obligations in the courts before launching the implementation of case-weighting. In other words, it is key to avoid overlap with other important activities and to find a suitable period for courts to allow judges and relevant staff to allocate necessary time and capacity to its implementation. Monitoring the implementation of the case-weighting formula is an important part of the implementation phase. Certain situations may not be predictable during development or detectable during testing and piloting and might only occur during implementation. Monitoring helps to adjust the system. The implementation phase can be broken into steps to regularly take stock of the progress or lack of it during the monitoring process.

Guideline 10: Conduct periodic review of the functioning of the case-weighting system, analyse its accuracy and remain open to adjustments and changes, in line with user needs

Establishing a case-weighting system requires regular reviews to maintain accuracy amid legal and procedural changes. Reviews could include short-or-mid-term updates and comprehensive reviews. The reviews help to check the accuracy of case-weights and the reliability of the case-weighting system and, if necessary, to adjust it. The same methodologies used for the initial analysis, calculation and development of the case-weights could be used for the periodic updates. The overall efficiency of the case-weighting on the court work should be evaluated for comprehensive understanding of its outcomes. The data should be collected using the different data collection methods, including interviews with court staff and surveys, to understand whether the deployment of the system created the desired change. Working groups and steering committees should manage and guide the review process to ensure the system's effectiveness and sustainability.

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