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(CEPEJ)

GUIDE FOR THE IMPLEMENTATION OF SELECTED CEPEJ TOOLS  
IN THE COURTS OF THE REPUBLIC OF MOLDOVA

(2<sup>ND</sup> EDITION)



*based on the cooperation between CEPEJ experts and six national pilot courts*

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**Disclaimer:**

*The present Guide was developed on the basis of the cooperation experience between CEPEJ experts and six pilot courts, as part of the Project “Strengthening the efficiency of justice and support to lawyers’ profession in the Republic of Moldova” (hereinafter “the Project”), which is part of the Council of Europe and European Union Eastern Partnership Programmatic Co-operation Framework 2015-2017. This document should give a general guidance to the national judicial administration and Moldovan courts as to the possible ways of implementing the CEPEJ tools and addressing challenges related to time and quality management in judicial institutions and improving their efficiency.*

*The Guide is included in the final report of the Project and was presented to judicial authorities and justice sector stakeholders of Moldova during the final conference of 21 March 2017. The recommendations herewith should be adapted to take into consideration the circumstances of the Moldovan judiciary and the court’s specificities and needs. It is recommended, therefore, that the Superior Council of Magistracy and the Ministry of Justice of the Republic of Moldova provide guidance for a uniform implementation of the CEPEJ tools in all courts of the country.*

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## 1. Introduction

The main purpose of this Guide is definition of necessary steps and activities in order to facilitate the implementation of the agreed recommendations, defined through the Project's Court Coaching Reports concerning implementation of the SATURN Time Management Guidelines and the Quality Checklist and designated as the pilot courts' priorities. This would give an extended sustainability to the recommendations made by the CEPEJ team of experts to the pilot courts of Moldova.

While working on potential areas of improvement, together with the pilot courts, the setting up of actions directed at **strengthening the external accountability in regard to court's efficiency, judicial timeframes and quality of judicial services** emerged as a significant need. For example, the experts came to the conclusion that little analysis concerning the key statistical indicators on their functioning is done by the courts (e.g. staff-judge ratio, productivity of judges, clearance rate and disposition times for the main types of cases) as well as little external reporting/accountability concerning the performance of the court is carried out. Similarly, relatively little knowledge of how users experience the quality of the services delivered by courts and little external accountability concerning the quality of the courts has been established by the experts.

As a consequence of a discussion of the findings of CEPEJ experts, the representatives of six pilot courts agreed to work on implementing the following recommendations:

1. To consider the implementation of a statistical analysis method in line with CEPEJ guidelines on judicial statistics.
2. To extract data from the available statistics in view of establishing average lengths of the proceedings by categories of cases. Upon these findings the court will be able to set targets and draw up action protocols regarding cases that exceed the recommended or legally-set timeframes.
3. To establish satisfaction survey committees and to conduct users' satisfaction surveys on a regular basis. Action plans to improve the quality of courts should be drawn up and implemented based on the results of the satisfaction surveys.

The present document tend to define basic legal, organisational and technical preconditions, actions and steps, which should be undertaken by the court management in order to implement the agreed recommendations. It also intends to provide added value to the entire system, as the concepts introduced through experts' recommendations represent standard approach defined through the CEPEJ guidelines and tools.

The first part of this Guide presents the key statistical indicators for analysing the performance of the court. The second part focuses on the setting of targets/timeframes in a court and the specific methodology for external accountability. The third part of the Guide is directed at the introduction of satisfaction surveys in the courts. This activity is particularly well-suited for a step-by-step quality-improvement strategy – the introduction of satisfaction surveys for a court is rather realistic with relatively few resources and external assistance.

### **Common definitions**

These first definitions used by the CEPEJ<sup>1</sup> should be recalled at this stage:

**Workload** – it is the whole work that a court, or a judges, deals with. It is the sum of all the activities carried out by a court or by a judge (e.g. caseload, management duties, any other activity that is part of the work of the court or of the judge).

**Caseload** – it is the number of cases that a court, or a judge, has to deal with. It is usually the sum of pending cases plus incoming cases in a certain time.

**Pending cases** – it is the number of cases that still have to be dealt with by a court, or by a judge, in a certain time (e.g. Pending cases by January 1).

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<sup>1</sup> Source : CEPEJ 2016(5) Towards European Timeframes for Judicial Proceedings - Implementation Guide

Timeframe – it is a period of time within which a certain number or percentage of cases have to be resolved, taking into consideration the age of the pending cases. Timeframes are a managerial tool, which can be set by central authorities (e.g. Judicial Council, Supreme Court, Ministry of Justice, Parliament) and/or by courts. Timeframes should not be confused with procedural deadline or time limits, which refer to single cases. Procedural deadline or time limits are usually established by the procedural law and entail that an action must occur in a specific time or there will be legal consequences.

Backlog – it is the number or percentage of pending cases not resolved within an established Timeframe. For example, if the Timeframe has been set at 24 months for all the civil proceedings, the Backlog is the number of pending cases that are older than 24 months.

## **2. Statistics**

The implementation of standard statistical reports provides the court with the basics for self-monitoring, self-diagnosis and organisational learning. The statistical method is used by courts in many countries and thereby serves the function of benchmarking (within and between courts or judicial systems). It also provides a base for informing other state agencies and the wider public on the functioning of the court.

### **2.1. Organisation**

A clear and comprehensive internal organisation and distribution of tasks will facilitate greatly the implementation of the recommendation concerning statistical reporting. The existing courts' organisational structure will be used in line with the Law on Courts and Judges. No additional organisational units or bodies are needed. The President, the Plenary Board or the Chambers of the court will analyse the statistics and propose or take appropriate measures based on the performed analyses.

#### ***Organisational Act***

The President of the court should sign an organisational act (order, decree) in order to launch the action. This act will refer to:

- the set of statistics and indicators;
- persons or organisation's structures responsible for collection, data entry and analyses;
- persons or organisation's structures responsible for substantive analyses and discussing response measures;
- the intervals of analyses and reporting (quarterly, semi-annual, annual);
- the procedure for publishing the reports and, if necessary, of their submission to state authorities and other institutions with conclusions and proposals.

#### ***Training***

In order to perform data collection and analysis, appropriate training for the court personnel (on using a spreadsheet program, the Integrated Case Management System (ICMS) etc.) should be organised by the court or the judicial organisation. Basic and advanced knowledge and skills (functionalities, data entry, formulas, conditional formatting, sorting, filters) will be obtained. It is recommended that the provider of the training is acquainted with the content of the Court Coaching Reports and adjusts the training curricula to the needs of the beneficiary.

#### ***Assistance***

Given the relatively new and complex tools that may be applied, as well as the involvement of persons with varying level of knowledge and competences, assistance (in-house, from a taskforce, in a reference court or through the MoJ support) should be provided. It is important to have on-site assistance (IT technician) in order to ensure a smooth service for the court management.

### ***Cooperation/communication with the ICMS team***

Regular cooperation/communication with the ICMS Team should be considered in order to provide the input for the ICMS/Data Warehouse implementation. Appropriate equipment (e.g. two screens for analysts) and software licences should be provided.

### ***Kick-off***

After all organisational activities are performed, a kick-off meeting will be organised. The purpose of the meeting will be presentation of the objectives and the content of the entire assignment. The kick-off meeting will also mobilise the internal and external community. A press conference can be organised as well.

## **2.2. Collection of statistics**

The pilot courts of Moldova demonstrated full capacity to collect the main statistical data covering a period of at least five previous years. The analysis of performance indicators in the chronological perspective of several years allows important conclusions as regards evolution of the workload of the court compared to its resources, the capacity of the court to handle its caseload etc. The importance of disaggregation of data by the most important categories of cases should not be under evaluated.

### ***2.2.1 Implementation of standardised statistics***

In order to provide statistics, analyses and reports in line with the Court Coaching Reports and recommendations, the following tables should be implemented:<sup>2</sup>

- **Table 1:** General information concerning the court (the actually implemented budget and human resources in full time equivalent – judges, judicial assistants and non-judicial staff)
- **Table 2:** Workflow information per case category (the number of: cases pending on 1 January of the year; cases registered during the year; cases resolved during the year; cases pending on 31 December of the year; appealed decisions; quashed or modified decisions). Based on this data a table can be generated with the actual structure of the caseload – weighting the pressure exercised by different categories of cases on the court (tables 2a).
- **Table 3:** Age of the pending cases.

Examples of Tables 1-3 are included in the *Appendix 1 of this guide*.

To avoid mistakes some data entry functionalities should be considered. Worksheet instructions for every table from the document should be provided and followed strictly. The number of tables or the content of specific tables is open. Additional content (e.g. specific case categories) or tables (e.g. types of the decisions, duration of procedural phases) can be added.

### ***2.2.2 Data collection***

Data should be collected at regular intervals (on quarterly, semi-annual, annual base). Individual departments and the secretariat are reporting units. Heads of the departments are responsible to supervise the process of reporting. The source for data should be the ICMS and the later should be

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<sup>2</sup> Please refer to appendixes 1 of the Court Coaching Reports and to the Excel workbook distributed to the pilot courts as part of the coaching process.

further developed to integrate and report automatically the indicators recommended by CEPEJ experts. In case of manually kept information, a regular procedure of reporting should be set (e.g. each 15<sup>th</sup> of the month following the quarter – April, July, October, January, half a year - July, January or a year - January).

### 2.2.3 Data entry and final validation

Data entry should be organised at court level and verified in a centralised manner by the respective court. A special form for manually kept statistics should be in place. Specific basic controls can be built in the tables in order to avoid mistakes. When the data is entered, a double-check by the reporting units should be performed and final validation and approval of data should be made. The procedure of final validation of data should be applied for both manually and automatically (through the ICMS) generated statistics.

### 2.2.4 Analyses and drafting reports

Based on tables described above, the following court performance indicators and other important information on the timeliness can be calculated or drawn up:

- **General information concerning the court**
  - a. Judicial assistants per judge ratio
  - b. Non-judicial staff per judge ratio
  - c. Total number of staff per judge ratio
  - d. Incoming, Resolved, Pending per judge ratio
  - e. Incoming, Resolved, Pending per staff ratio
  - f. Cost per case
- **Workflow information per case category**
  - a. Clearance Rate
  - b. Disposition Time (in days)
  - c. Ratios regarding the structure of incoming, resolved, pending cases
- **Information on appeals per case category**
  - a. Appeals ratio
  - b. Quashed or modified decisions ratio
- **Age of pending cases**
  - a. Cases the examination of which risks to incur unreasonable delays

Based on the above indicators and having regard to the chronological perspective, a number of expressive graphs can be generated. See, for example, the graphs and possible elements of a related analysis presented in *Appendix 2*.

Corresponding tables and graphs will be included in the courts' regular performance reports. In the drafting phase the analysis based on the calculated performance indicators and conditional formatting, will be elaborated by the advisers keeping judicial statistics. The analysis can be drafted in the form of narrative comments (e.g.: In the period 2013-2015 the DTs especially for civil and criminal cases was substantially higher than before (see Table ...)). The report will be submitted to the Office of the President for a final analysis and presentation.

### 2.2.5 Final analysis and presentation

The final analysis should be performed by the experienced person/staff in the courts' secretariat or a special service. Beside this analysis, conclusions will be elaborated and appropriate organisational measures can be proposed. Special operational meeting(s) focused on the discussion of the report, analysis, conclusions and proposed measures should be performed on the level of the court management and/or chambers during final validation phase.

Final conclusions and measures should be presented to the concerned court (judges and court staff), to the judicial administration and to superior courts, preferably in the framework of special meetings. Feedback would be expected.

### 2.2.6 Publication

The report or an abridged version of it, including tables with court's statistics, performance indicators and graphs, should be published on the internet page of the court. A basic analysis and conclusions will be added in a comprehensive text.

The financial information can be gradually integrated in such reports and they may also refer to other matters of importance for the life and performance of the court, such as the targets, the quality-improvement strategy adopted by the court, the results of satisfaction surveys, the appointment of new judges or other important developments.

## 2.3. Continuous integrations with the ICMS and its improvement

Throughout all phases of collecting of statistics and drafting of courts' efficiency reports, concrete and very practical experiences regarding the use of the ICMS and its improvement will emerge. This practical information might be relevant for improving the ICMS and also for an eventual future implementation of the Data Warehouse concept. For this reason maintaining regular communication with the ICMS team will be important.

## 3. Setting targets on timeliness within the court system

### 3.1. The purpose of setting targets

The purpose of setting targets is to create points of reference, to evaluate whether the courts' performance meets standards, or whether the goals for change are being met. Whenever there are measurable indicators which can provide for a baseline and support monitoring an output or outcome throughout time, it is possible to set related targets. For example, if the court monitors such indicators as the clearance rate, disposition time, appeal rate etc., as discussed in section 2, it may well set targets for itself: reach and maintain a CR of 100%, decrease each year by a certain percentage the DT or AR etc., which will contribute to increasing the efficiency and quality of the court's work. Even the results of regularly conducted user satisfaction surveys may and should lead to setting targets by the courts' administration.

Setting targets is a step to define where the organisation wants to be in the near future and to guide the members of the organisation towards making that future come true. As important as the target itself, is the process of phrasing or identifying the target. Members of the organisation share and discuss their views on the current situation and the desirable future and reach consensus on a realistic target and the action to be taken to reach it. Involvement of members of the organisation in this process pays off in their commitment to reach the target.

Article 6 of the ECHR states that "everyone is entitled to a fair and public hearing *within a reasonable time*". This objective can be pursued only through an effective and efficient functioning of independent courts, supported by the development of tools, policies, procedures and actions by the decision makers, judges, court personnel, lawyers etc., and the collaboration of all the justice system stakeholders.

Accordingly, a court may define the timely deliverance of justice as its *goal*. The *indicator* it uses is the case processing time. The *target* may be set at '90% of the cases have to be handled within three months'. Three months is a *timeframe*, representing one of the abovementioned tools.

Timeframes can be considered operational tools, because they are concrete benchmarks helping to measure to what extent each court, and more generally the administration of justice, pursue the timeliness of case processing, and therefore the principle of fair trial within a reasonable time stated by the ECHR. At the same time, the timeframes are not the panacea for decreasing the length of judicial proceedings, but they have proven to be a useful tool to assess the courts' functioning and policies, and then to improve the pace of litigation.

The added value of setting timeframes is not only in the timeframes themselves, but, above all, it is in the whole process used to set and to monitor them. This process should involve all court personnel and stakeholders in an in-depth analysis about the functioning of the court and the possible actions to improve it.

### **3.2. How to use targets**

This section includes:

- 3.2.1 What is a 'good' target
- 3.2.2 The process of setting targets
- 3.2.3 Information on targets
- 3.2.4 Evaluating targets

#### *3.2.1 What is a 'good' target?*

A good target is a target that does what we expect from it: give direction to the individual actions of people / organisation members, toward a shared goal. From research it is known that targets that have about a 50% chance of being met, are the most energising. If targets are too easy, people will not see much challenge. If targets seem too hard to reach, people tend not take any effort, since they believe it will be in vain. Another proven fact is that targets should not be too far away in time. If a certain goal is projected to be reached in 5 years, it is best to set a series of targets for shorter periods of time.

In the context of courts, targets can take various forms. There may be 'targets' in daily routines, that are not hard to reach; for instance an average number of files to be studied in a day. Such 'targets', that aim to define and preserve the *status quo*, are usually referred to as 'standards'. We will use the word 'target' in a more specific way, when it is related to change and the ambition to improve performance.

When an organisation sets goals for change, such goals can be quite general (for instance: becoming more flexible, providing a better satisfaction to court users or introducing more delegation of tasks). The targets it will set refer to measurable indicators for these goals. For instance, becoming more flexible may translate into targets on flexible contracts and job rotation. Targets are not the broader goal of change, they are measurable elements that serve as indicators of change and therefore should clearly define the objectives.

The SATURN time management guidelines emphasise a number of conditions and measures for setting up good targets and standards. It says in particular that, in addition to the standards and targets set at the higher level (national, regional), there should be specific targets at the level of individual courts. Court managers should have sufficient authority (attributions) and autonomy to actively set or participate in the setting of these targets.

#### *3.2.2 The process of setting targets*

As in the case of implementing the recommendation concerning statistical reporting, in view of drawing up timeframes and targets, the clear and comprehensive internal organisation and

distribution of tasks will facilitate greatly the main task. The existing courts' organisational structure will be used and no additional organisational units or bodies need to be created.

The president of the court could sign an organisational act (order, decree) in order to launch the action. This act may refer to:

- the objectives (e.g. setting up timeframes and targets for judicial proceedings in accordance with the methodology recommended by CEPEJ);
- persons responsible for defining the categories of case, collection of relevant statistical data;
- persons responsible and actors to be involved in the substantive analysis and drawing up conclusions;
- the intervals of monitoring and reporting on the compliance with the targets (quarterly, semi-annual, annual);
- the procedure for publishing the targets and implementation reports and, if necessary, of their submission to state authorities and other institutions with conclusions and proposals etc.

The process of setting targets starts with the identification of goals for change. One or more indicators are identified, by which the performance towards that goal can be measured. The 'target' is the value of that indicator that has to be reached. The target is often linked to a specific moment in time ('added value of +10% to be reached on 01.10.2017'). There can even be a series of targets, defining the improvement of performance over a longer period of time.

Targets can only work if they are realistic or achievable and not illusory. To create realistic targets, and commitment, it is important to involve people in work processes that are related to the targets, in the process of setting the targets. If external parties are essential – for instance as suppliers of inputs or resources – they should also be heard. Accordingly, the SATURN time management guidelines stipulate, for example, that all authorities responsible for the administration of justice have to cooperate in the process of setting standards and targets. Other stakeholders and the users of the justice system should also be consulted.

The target must not only be measurable, it should actually be measured. It is important to have an initial measurement at the time the target is set. If possible, it should be monitored or periodically measured from that day on. Monitoring or periodical measurements show whether you're on the right track, and indicate if any extra measures have to be taken. For the monitoring – and possible corrective action to be taken – a person or project team should be appointed within the organisation.

The timeframes are not a panacea for decreasing the length of judicial proceedings, but they have been proven as a useful tool to assess the court functioning and policies, and then to improve the pace of litigation.

Timeframes can be considered operational tools, because they are concrete targets to measure to what extent each court, and more generally the administration of justice, pursue the timeliness of case processing, and then the principle of fair trial within a reasonable time stated by the European Convention on Human Rights.

The setting of Timeframes is a fundamental step to start measuring and comparing case processing performance and defining conceptually better the "Backlog", which is the number or percentage of pending cases that do not accomplish the set or planned timeframe.

Timeframes should be set not only for the three major areas (civil, criminal, administrative), but they should progressively be set for the different "Case categories" dealt with by the court. Timeframes should be tailored to each case category (e.g. family matters, bankruptcy, labour etc.), and local circumstances, depending on procedural issues, resource available, and legal environment.

The Timeframes proposed here are the result of a process which was carried out in the following steps: a) analysis of the literature on judicial timeframes; b) case law of the European Courts of Human Rights; c) data collection and analysis of two surveys submitted to both National Correspondents and Pilot Courts of the CEPEJ; d) discussion of the proposed Timeframes during

the 2014, 2015, 2016 meetings of the CEPEJ Pilot Courts and the CEPEJ plenary meeting in December 2015 and June 2016.

The result of this process are the proposed four sets of timeframes (A, B, C, D), which take into consideration the large variety of situations in the Member States.

Based on the data available, we are aware that some countries will not be able to meet the Timeframes proposed, while some others will probably be able to do even better.

These four Timeframes may be used as a basic reference. Each country or court is invited to establish its own Timeframes for each court and case category.

The same or different Timeframes should be applied for each instance of the whole judicial process (first, appeal, Supreme Court instance). For example, Timeframe D can be realistic and set for first instance courts, at least as a starting point, while Timeframe A can be used in Supreme Courts.

In view of defining the appropriate timeframes, the court management should proceed in a “step-by-step” manner. The experiences of other CEPEJ pilot courts indicate on the following “steps”:

### ***Step 1 – Definition of the court’s case categories***

Be it at national, regional or court level, before timeframes are adopted it will be necessary to decide on the case categories to which these targets shall refer. Based on the ICMS’s capabilities, the court should define a consistent number of case categories it deals with. The case categories should not be too detailed, but should consolidate large families of cases (e.g. family, labour, property). The case categories should be consistent with number and kind of cases dealt with. They should be decided in consultation with the court staff and should also take into consideration the organisational setting of the court (e.g. divisions, chambers, judges’ specialisations, etc.).

In civil cases, the case categories for the purpose of setting timeframes should exclude all the non-contentious (non-litigious) matters (e.g. “payment or injunctive orders”, guardianship etc.), which usually follow a particular procedure with specific deadlines.

For the identified case categories statistical data should be easy collectable.

The establishment of case categories, considering the above-mentioned factors, takes place through the organisation of court meetings among judges and court personnel, coordinated by the president of the court. The size of the working group depends on the size of the court.

The working group should proceed as follows: a) draft the first list of case categories; b) check if the ICMS is able to extract the data for these case categories; c) further discuss with the stakeholders and reach a consensus on the case categories.

The result will represent a table with the case categories decided by the court. It is envisaged that more than one court can share the same case categories, which will certainly help to promote a similar approach also by the central authorities (Superior Council of Magistrates, Ministry of Justice).

In the process of court coaching with involvement of six pilot court, the categories and sub-categories of cases presented below have been used. However, it is not certain that the courts should preserve the same classification of cases per categories for the purpose of setting timeframes.

1. Civil and commercial cases
1a. Divorce
1b. Dismissal
1c. Insolvency
2. Administrative cases
3. Administrative offences cases
4. Criminal cases

4a. Burglary
4b. Homicide
5. Cases on the actions of criminal pursuit, on special investigative measures or on procedural coercive measures applied upon the authorisation of an investigation judge (art. 301-303 CPP)
6. Cases on enforcement of court decisions
7. Other categories of cases

### ***Step 2 – Data collection in regard to case categories***

Adopting timeframes shall be preceded by measuring and comparing the actual case processing/disposition time. Once the timeframes are set, it will become possible to calculate the eventual “backlog”, which is the number, or percentage, of pending cases that do not accomplish the set timeframes.

Once the categories of cases are defined, the working group should try to acquire separately for each category the following statistical indicators: age of solved cases and the percentage of cases solved within certain timeframes: e.g. 3,6,9,12 months. If possible, these data should reflect the situation during three previous years or, at least, for the last year. Collecting data on the age of solved cases and the percentage of cases solved within certain timeframes could prove impossible, require large resources or create delays. In this case, it may be sufficient to calculate and analyse the age of pending cases and/or the disposition time (DT). It cannot be affirmed that the age of pending cases is a mirror reflection of the age of solved cases, but they are interrelated and, for the purpose of a statistical analysis, these indicators can play a similar function. For example, if on a certain date 95% of criminal cases on a court’s register are “younger” than one year, it may be assumed that the court usually solves 95% of criminal cases within 12 months.

On the other hand, it is known that the DT is a forecast of the number of days that would be needed to clean up the pending cases of a certain category, considering the actual rate of disposition of the court. Therefore, in the absence of more precise data, the DT may serve as a basis for setting timeframes. For example, if the DT for administrative cases in the previous year was of 259 days, it may be assumed that 95% of such cases can be cleared by the courts within 9 months. The implementation phase will show if this evaluation was correct, or adjustments are necessary.

The process described above will allow checking if data can be easily collected for the case categories and if the case categories have to be amended, considering their consistency. For example, some case categories may have an excessive number of cases and could be further divided, or they could be too small, therefore they may be merged.

### ***Step 3 – Discussing the timeframes with the stakeholders and adopting them***

The setting of timeframes should be done through the collaboration of all the court staff, in order to build and share a common vision and a common objective to be achieved. The setting of realistic timeframes should also take into consideration the actual situation of the court, the average length of judicial proceedings, the trends in court filings, the resources available, the expectations from the local legal community and court users etc.

The timeframes set for each case category should be formalised through a circular note by the court’s president and then disseminated to the court’s judges, staff and other stakeholders (i.e. lawyers, parties, etc.). The latter should know the court’s efforts to fight delays, as they have a legitimate expectation in the definition of court proceedings.

### ***Step 4 – Deploying actions to pursue the timeframes***

The overall goal is obviously to decrease the percentage of cases that are pending excessively long on a courts' roll or, in other words, to have the cases solved "within reasonable time" and therefore avoid claims before the ECHR for excessive length of proceedings.

It should be made clear that the targets and timeframes for the specific types of cases, procedural phases and/or specific courts are to be observed. The targets should be used in the evaluation of the court performance. If they are not achieved, concrete steps and actions have to be taken to remedy the situation.

Based on the data collected and the setting of timeframes, the court should decide what kind of realistic and concrete actions can be undertaken to pursue the set timeframes. These actions have to take into consideration the specific context within which each court operates, however some possible actions have been considered useful in the CEPEJ experience:

- Strong commitment and judges' leadership to enforce the timeframes
- Pro-active case management by the judges
- Clear scheduling of court events
- Strict policy to minimize adjournments and avoid postponements
- Specific policy to manage court-appointed experts to avoid delays
- Policy to increase early settlements, mediations and conciliations
- Some flexibility in case assignment system
- Task force to manage unpredictable caseloads
- Delegation of authority to law clerks and court staff to increase the court productivity.
- Use of information and communication technology to speed up the proceedings.
- Post-filing filtering of cases to address them in different paths (i.e. specialization and, if possible, increase of summary procedures)
- Templates for legal arguments
- Active involvement of lawyers to avoid unnecessary delays

Each court should deploy at least some of these actions, in a participative process involving all the court's stakeholders. In particular, it will hardly be possible to improve the length of proceedings, if there is no strong commitment by the president and judges of the court, and the whole court personnel towards an accomplishment of the timeframes. The setting of timeframes is just the initial step towards a tenacious positive tension to decrease the length of judicial proceedings without any prejudice to the quality of decisions.

A strict court policy against continuances or postponements should be implemented and strictly enforced by all the court's judges. The granting of postponements to lawyers should be limited as much as possible, in order to avoid delaying tactics and keep the scheduled pace of litigation. Courts should promote shared and common practices among the lawyers to avoid postponements, which in any case should be only granted, if really needed and for just a limited period of time. This court policy can be issued and enforced through a circular note of the court's president. The reasons for postponements should be tracked and discussed by the court's administration and judges.

Judges should be able to set a realistic calendar of events for the case, in consultations with the parties, taking into consideration the complexity of the case (e.g. number of witnesses, evidence to be collected, need for expert witnesses, complexity of the legal matter, level of conflict between the parties, timeframes etc.). Effective trials should be as concentrated as possible. The Council of Europe Recommendation Rec. 84 (5) advises the establishment of a typical procedure based on "not more than two hearings, the first of which might be a preliminary hearing of a preparatory nature and the second for taking evidence, hearing arguments and, if possible, giving judgment." A case management meeting to set a calendar of events can help settlements, avoid unnecessary adjournments, concentrate hearings, and uphold the timeframes.

Judges should share templates for giving legal argument in standard cases to save their time and work. In addition, some common rules or practice to give legal reasons in writing should be shared among the judges, also to avoid excessive and useless length in legal reasoning.

The timeframes, considering also the features of the case management, system and data collection of each court or judicial administration, can be calculated in two ways:

1. A percentage of the cases disposed in a certain timeframe (e.g. 75% of cases should be disposed in 12 months from the date of filing);
2. A percentage of the cases still pending in a certain timeframe (e.g. 75% of all pending cases should not be older than 12 months from the date of filing).

In a brief practical exercise realised with representatives of six pilot courts from Moldova (which did not involve the otherwise necessary analysis of statistical data on the actual age of resolved cases within the last year, for example), the CEPEJ experts learned that, in the opinion of national judges and court staff, the following timeframes may be viewed as appropriate, having in mind the peculiarities of Moldovan courts' functioning and of the national legislation. It is noticeable that only one set of shorter timeframes (A) was proposed, which reflects a stricter view on judicial timeframes and delays.

**Summary tables of tentative timeframes for supreme, appellate and first instance courts, as proposed by representatives of pilot courts from Moldova**

<b>SUPREME COURT</b>	<b>CIVIL</b>		<b>CRIMINAL</b>			
PERCENTAGE	75%		95%			
TIMEFRAME A	2 months		3 months			
<b>COURTS OF APPEAL</b>						
<b>CHISINAU</b>	<b>CIVIL</b>		<b>ADMINISTRATIVE</b>		<b>CRIMINAL</b>	
PERCENTAGE	75%	95%	75%	95%	75%	95%
TIMEFRAME A	3 months	6 months	3 months	12 months	5 months	7 months
			Administrative offences			
			0,5 month	1 month		
<b>CAHUL</b>	<b>CIVIL</b>		<b>ADMINISTRATIVE</b>		<b>CRIMINAL</b>	
PERCENTAGE	75%	95%	75%	95%	75%	95%
TIMEFRAME A	3 months	6 months	1 month	3 months	6 months	12 months
<b>FIRST INSTANCE</b>						
<b>RISCANI (CHISINAU)</b>	<b>CIVIL</b>		<b>ADMINISTRATIVE</b>		<b>CRIMINAL</b>	
PERCENTAGE	40%	95%	75%	95%	55%	95%
TIMEFRAME A	12 months	18 months	3 months	6 months	12 months	18 months
<b>IALOVENI</b>	<b>CIVIL</b>		<b>ADMINISTRATIVE</b>		<b>CRIMINAL</b>	
PERCENTAGE	60%	95%	80%	95%	80%	95%
TIMEFRAME A	12 months	18 months	3 months	6 months	12 months	18 months
<b>SOROCA</b>	<b>CIVIL</b>		<b>ADMINISTRATIVE</b>		<b>CRIMINAL</b>	
PERCENTAGE	75%	95%	75%	95%	75%	95%
TIMEFRAME A	12 months	18 months	3 months	6 months	6 months	12 months

After testing the process of setting the timeframes and monitoring the compliance with them, the pilot courts reviewed the above tables and recommended the following timeframes:

### The Supreme Court of Justice:

Category of cases		Phase 1 70%	Phase 2 95%	Buffer zone 5%
Civil, commercial and administrative cases	A	2 months	3 months	
	B	3 months	6 months	
Insolvency cases	A	2 months	3 months	
	B	3 months	6 months	
Criminal cases	A	2 months	3 months	
	B	3 months	6 months	

### Courts of Appeal:

Category of cases		Phase 1 70%	Phase 2 95%	Buffer zone 5%
Civil and commercial cases	A	3 months	6 months	
	B	4 months	9 months	
Administrative cases	A	4 months	12 months	
	B	6 months	18 months	
Insolvency cases	I	36 months	60 months	One set of targets for the main litigation
	II	4 months	8 months	One set of targets for litigation related to accounts receivable
Criminal cases	A	6 months	12 months	
	B	9 months	18 months	
Administrative offences case	A	1 months	3 months	
	B	2 months	4 months	

### First Instance Courts:

Category of cases		Phase 1 70%	Phase 2 95%	Buffer zone 5%
Civil, commercial and administrative cases	A	4 months	12 months	
	B	6 months	18 months	
Criminal cases	A	6 months	12 months	
	B	9 months	18 months	
Administrative offences case	A	1 months	3 months	
	B	2 months	4 months	

Apart from the fact that the timeframes and other targets should be balanced, based on observation of the recent courts' performance and adapted to the national court system or specific courts, it is recommended that, subject to general rules, the judge should be authorised to set appropriate time limits and adjust the time management to the general and specific targets as well as to the peculiarities of each individual case.

If possible, timeframes for procedural phases should be set as well. Following a "protocol" between specific decisions or events within a procedure gives court management a better overview of the overall procedure and helps tackling the real problems. In Slovenia, for example, specific timeframes have been set for different procedural phases. For example, in civil cases examined by first instance courts these phases are: beginning of a case – first hearing – last hearing – case classified as finished. If the duration of these procedural phases is measured through time, the

results give a better insight into what is happening in a specific court, e.g. some courts or judges might take too much time before the first hearing starts, but when it starts, the procedure is finished quite quickly; on the other hand, other courts or judges might be quite quick at setting the first hearing, but then the procedure lasts long, with a lot of hearings, which might not all be necessary.

Having an overview over specific procedural phases and their duration helps court management to have better information on the work of judges. With better information come better decisions. Therefore, setting timeframes for specific phases helps judges and court managers to understand better the procedure, avoid mistakes and rationalise the use of court resources.

### 3.2.3 Information on targets

It is important that people involved in processes related to the targets to be reached know what the targets are. They may have been involved in setting the targets. They should also be informed on the progress that is made reaching the targets and involved if corrective actions have to be taken.

Targets may also be used by the organisation to make itself publicly accountable. Targets provide valuable information on the ambitions of the organisation. Targets can be named on the website of the organisation, possibly accompanied by monitoring results, showing the progress the organisation makes. Outside visibility may also boost efforts by people inside the organisation.

In addition to being an operational or managerial tool, the publishing of timeframes and of the results of courts adds to the transparency of work of courts, enabling other participants in the judiciary an insight in the business process of courts. Timeframes should be used mainly for managerial and general informative purposes and, due to the limitations of the method, should not be used for other purposes such as applying them as criteria for excessive length of individual proceedings or to evaluate the work of an individual judge.

All participants in the process have the duty to co-operate with the court in the observance of set timeframes and targets.

### 3.2.4 Reviewing targets

Targets that were once challenging, realistic or in line with standards common outside the organisation may become less challenging, unrealistic, and no longer in line with the standards common outside the organisation. Every target should be evaluated at regular intervals (preferably yearly) or *ad hoc*, as the need may be. It might no longer serve its purpose, goals may have changed, or a better indicator may have become available.

In evaluating the relevance of a target, typical questions to ask are:

- What would happen if we'd no longer use this target?
- Is the current target in line with the expectations of the general public? Is it important for the general public that we have this target?
- Is the current target challenging? Could we set it to a higher level and should we put effort in improving performance on this indicator?

Just like in setting initial targets, it is important to involve the sections of the court or judicial organisation that play a role in the processes related to the targets. For evaluation of the targets, the common model is not to involve everyone, but to limit the evaluation to a small group of people from various sections of the organisation. If major changes are foreseen, the process should continue with broader involvement.

If the timeframes are successfully accomplished, the Court should consider updating them or setting new ones, in order to constantly improve the pace of litigation. If the set timeframes ended up to be unrealistic, a new process of setting them should be carried out. The setting of timeframes is not a "once for all" event, but it should be a continuous process built through consensus and shared objectives among the court's personnel and the stakeholders

## 4. Managing the quality: appeal ratios and court users' satisfaction surveys

### 4.1. Introduction on the quality of justice

“Quality” is a term with a very broad range of meanings as it can be used to describe objects, individuals and experiences. When moving from the everyday common meaning to a more technical concept of quality, with the objective of assessing goods or services to compare them with others, one enters into the difficult field of “measuring quality”.

The concept of measuring quality is of particular interest in the field of justice and has been subject to a lively debate at the European level, as there is a strong demand for systems of measurement that take account of multiple aspects. More and more judicial systems have developed new information systems in an attempt to respond to this demand. These have very often improved existing statistical systems for measuring and managing performance in a more detailed and sophisticated manner. On some occasions, this approach has led to information systems that are modern but limited in scope, compared with the broad spread of indicators which quality measurement requires.

In December 2016 CEPEJ adopted a document of the Working Group Quality (GT-QUAL). This document has attempted to offer a broad and comprehensive approach to the issue of the quality of the judicial service, and a measurement model that is not only theoretical but also concrete; which does not seek to enter into the merits of decisions but takes account of a large number of factors relating to judicial organisation and performance: from self-verification of the core structure of the organisation and the judicial order (quality checklist) to service performance (service indicators) through to the opinions expressed by users – whether internal (employees) or external (users) – in user satisfaction surveys. This document therefore offers an approach, a method and a very rich set of indicators which are made available to readers who may wish to draw on all, or some, of the proposals made in order to measure the quality of judicial services.

In a narrow sense, the “quality of justice” is often understood exclusively as the “quality of judicial decisions”.<sup>3</sup> In a broader sense, it also covers key aspects of the way judicial services are provided. In this case, policy makers and reformers aiming at measuring this kind of quality will focus on aspects that go beyond the quality of the decision and will include parameters such as timeliness, clearance rates, etc. In any event, it would seem simplistic to focus on only one of these concepts.

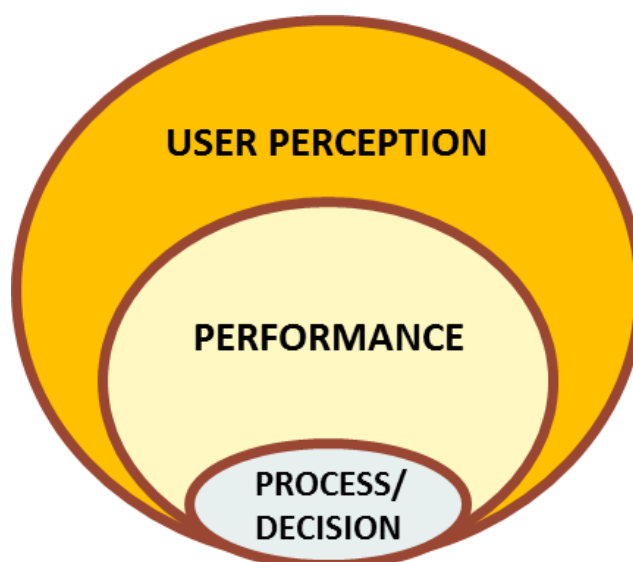
**In a more comprehensive sense, “quality of justice” can be understood as comprising not only the quality of judicial decisions and key aspects of judicial service delivery, but all aspects that are relevant for the good functioning of the justice system, typically assessed through the user perception.** Measuring in this way means considering the quality aspects that go beyond the quality of the decisions and include a variety of elements such as the clarity of the procedure and judicial decisions, on-time individual procedural steps, the accessibility of the offices and the ease of use of available tools.<sup>4</sup>

Measuring users' perception in the justice field does not mean that justice shall be administered with a view to satisfying users' expectations, as there are objectives and institutional constraints which need to be taken into account in justice administration. User's trust is of course a legitimate objective, but it is not the only one.

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<sup>3</sup> See in this regard Opinion n°11 (2008) of the Consultative Council of European Judges (CCJE) on “the quality of judicial decisions”.

<sup>4</sup> CEPEJ-GT-QUAL group, working paper, “Measuring the Quality of Judicial Services”.



The model for quality measurement proposed here intends to cover all aspects of the justice system and builds upon rigorous methodologies normally available on the market for assessing the quality of goods and services. It is structured on the basis of the 3-tier system described above, which need to be considered together for measurement purposes. Focusing only on one or two of these levels would allow only for a partial assessment of the quality of a justice system. Once the quality measurement is performed based on the 3 above-mentioned tiers, and depending on the outcomes of the assessment and the priorities of the intervention, it will be of course possible to take the necessary steps to strengthen the quality at each individual level.

In the second chapter of the Guide we concentrated on some general statistics which deal with the performance of the courts. In this chapter on managing the quality of courts we focus on two instruments which help measuring the other two elements of the figure above. The appeal ratio is generally accepted as the closest measurement you can get regarding the quality of the decision of a judge and the effectiveness of the appeal system. Organising so called “court user satisfaction surveys” is a way to get a view on the perception of users on the quality of courts.

#### **4.2. Effectiveness of the appeal system: appeal ratios**

Measuring the quality of justice with the data collected periodically through the systems for statistical measurement is a common and solidly established practice. This information enables to know the duration of proceedings, the caseload and workloads, and many other aspects related to performance. This exercise becomes more complex when wishing to identify areas of quality within the "production process" of the procedure or on the substance of decisions made. In many legal systems this type of analysis is carried out by inspection bodies and through different degrees of adjudication. However, the purpose of these activities is not to give a certification of quality but to ensure compliance with the rules and obligations applied to the judiciary (which are, in their turn, tested as regards compliance with the constitutional framework and European standards), with consequences both for the professional appraisal and for the disciplinary action.<sup>5</sup>

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<sup>5</sup> Most of the quality elements mentioned in Article 6 of the European Convention on Human Rights are contained in the "Checklist for Promoting the Quality of Justice", prepared by the CEPEJ-GT-QUAL. This list contains about 250 essential questions concerning all components of a judicial system to assess the quality of judicial services. Verifying that each of the principles within the checklist is adopted by a judicial system is a good way to proceed with a deep and detailed X-ray of the "production process" leading to quality decisions. In order to make the checklist more practical, in December 2016 the CEPEJ working group on quality has reduced the 250 questions to a table which covers only 15 question of the checklist. They give an idea of the importance of verifying these facts and of assessing in practice the quality of an entire judicial system or part of it.

The effectiveness of the appeal system is an indicator to be “handled with care”, as in some circumstances it may be taken as an indirect measure of the quality of decisions, assuming that poor quality decisions would be more likely to bring an appeal.

This principle has ignited a debate among those who expressed strong criticisms on all forms of quality measurement based on numerical relations between the degrees of judgment and those who consider it as a valid objective criterion. The opponents argue that the appeal is not always based on matters of error or poor quality of first instance decision, but may be the result of a tactical behaviour independent from the quality of the decision.<sup>6</sup> Numerous cases of appeals instituted only in order to cause delays are an example of that.

**If we agree that the ratio of appeals is not in itself an indicator of quality, on the other hand it must be recognised that a strong difference in this value between comparable areas of measurement is at least an indicator of anomaly.** For example, two sections in a court that deal with the same matters showing very different ratios of appeals in a period of time do represent a situation that requires further investigation. It should not be forgotten that the difference in treatment is in itself an element of poor quality of the system as it undermines the principle of fairness of trial.

The CEPEJ GT-QUAL proposed two indicators: the first measures the percentage of appeals against the total number of judgments at first instance, a calculation to take into consideration that the denominator of the fraction will be the number of those only decisions for which the appeal is admissible. In addition, we recommend taking data of several years as a reference, as a single year’s results could be influenced by external or temporary factors having a strong impact on the indicator.

 **Appeal Rate (AR)**

$$AR = A / DFI$$

Where A is the number of appeals recorded in a period of time and DFI the number of decisions in first instance recorded in the same time interval.

The second indicator measures the proportion of appeals that confirm the decision at first instance.

 **Held Appeal Rate (HAR)**

$$HAR = AH / A$$

Where AH is the number of appeals held i.e. that confirm the decision in first instance and A the number of appeals recorded in the time reference.

It may be noted that the judgments of second degree, both in civil and criminal law, are often structured so as not to determine clearly if it is a full confirmation of the decision of first instance or a full or partial reform of it. The HAR indicator refers to full confirmations or even a partial reform that confirm the substance of the decision of the previous degree. This concept, which would require the establishment of additional criteria, is not simple for its application to concrete cases.

It also appears significant to use both indicators together, since the interpretation of only one of them could lead to inappropriate conclusions. In this regard, the observation of the values relating to the number of appeals together with the outcome of the same ones - whether of reform or confirmation of the decision taken the first instance - appears to offer more useful elements for the analysis of quality. Both AR and HAR should be considered in conjunction, to be really useful. To avoid any misunderstanding, it is important to clarify the scope of the method. The proposed method does not intend to enter into the merits of decisions and does not claim to invent strange

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<sup>6</sup> See in this regard Opinion n°11 (2008) of the CCJE, namely its paragraph 74, in which it is stated that “Both the limited number of appeals and the number of successful appeals can be objectively ascertainable and relatively reliable quality indicators. However the CCJE stresses that neither the number of appeals nor their rate of success necessarily reflects on the quality of the decisions subject to appeal. A successful appeal can be no more than a different evaluation of a difficult point by the appeal judge, whose decision might itself have been set aside had the matter gone to a yet higher court”.

algorithms that are able to measure the intrinsic quality of the decisions taken by a magistrate. This does not however exclude the possibility to measure what is around the contours of the decision and could lower the risks of a poor quality of the latter.

In the assessment of the 6 pilot courts of the Republic of Moldova, the team of CEPEJ experts used and recommended further implementation of comparable, but not exactly the same “appeal ratios”. First of all it should be mentioned that the formula of “Appeal Rate” calculation is the same as the one recommended by the GT-QUAL. When assessing the appellate courts, this “Appeal Rate” may be also applied and may be referred to as “Cassation Rate”. Secondly, unlike the “Held Appeal Rate”, the court coaching programme in Moldova used the “Quashed and Modified Decisions Rate”.

#### **Quashed and Modified Decisions Rate (QMD)**

$$\text{QMD} = \text{NDQM} / \text{DR}$$

Where NDQM is the number decisions quashed or modified by the appeal (or cassation) court during a certain period of time and DR is the number of decisions of the first instance (or appellate court) recorded in the same time interval.

Because both indicators applied by the CEPEJ expert team – AR and QMD, as described above, follow the same logic (higher AR and higher QMD – means less “quality”), their application and interpretation is very straightforward and was much appreciated by the pilot courts’ management.

### **4.3. Conducting user satisfaction surveys**

#### *4.3.1 Introduction on user satisfaction surveys*

Users’ satisfaction surveys are one of the key elements of policies aimed at the evaluation of quality processes. By collecting information on users’ perceptions of the functioning of courts, these surveys are a useful tool for court managers to know and understand what the expectations are, then to assess the functioning of the court and to plan possible changes. Court users’ satisfaction surveys are aimed at collecting information from people who actually deal with the court and the administration of justice, therefore they do not reflect a general level of trust in the justice system, but rather help to detect, on the basis of reliable indicators, potential critical aspects or areas of possible improvements at the court level, in order to determine priority actions to be taken to improve the quality of the service and responses delivered by the court.

In this respect, in order to allow a better evaluation of the expectations of court users regarding justice in general as well as the functioning of specific courts, a model of satisfaction surveys for court users and for lawyers, together with a handbook for conducting satisfaction surveys aimed at court users in the Council of Europe Member States’ courts , were elaborated by CEPEJ experts in 2010. This initiative meant to provide the courts with a simple and operational tool to help understand court users’ demands by evaluating their satisfaction and related priorities. In addition to other CEPEJ quality tools such as the Checklist for promoting the quality of justice and the courts, court users’ satisfaction surveys are a useful tool for the self-assessment of the functioning of the court, in order address changes, improve service delivered and confidence of users.

The surveys are designed to get a broad image of users’ perceptions on most aspects of the functioning of a court. However, they can be tailored to target specific aspects of the concerned courts or specificities of the judicial system in which they are implemented. In this respect, the CEPEJ questionnaires, as regards objectives, content and methodology, were presented and discussed with the delegations representing the pilot courts and other justice sector stakeholders from Moldova on 17-18 March 2016. Practical aspects of conducting satisfaction surveys, in relation with the objectives assumed by the pilot courts, were discussed during working group meetings held in Chisinau on 18-19 May 2016 and in Strasbourg on 26-27 October 2016. The outcome of these workshops led to the adaptation of the content of each questionnaire, in order to tailor them to the objectives of the pilot courts and the judicial system in Moldova (*please see the proposed templates for questionnaires in Appendix 5*). The response scale was simplified from the

CEPEJ model: for each question, the level of satisfaction would be assessed from 1 (very dissatisfied) to 5 (very satisfied). The evaluation of the gap between importance of expectations and level of satisfaction would be measured by inviting users to select the items that are the most important from their point of view to improve the functioning of the considered court.

Hence, the following guidance intend to provide courts in Moldova with a pragmatic and step-by-step approach for the implementation of satisfaction surveys in regard to court users lawyers and court staff.

#### *4.3.2 Piloting the process: setting up a satisfaction survey committee*

It is strongly recommended to set up a working group within the court (or a coordinating/steering committee above the level of the court, if the surveys involve more than one court or are conducted at the level of courts of appeal), with a project leader clearly identified. The working group should include people with different skills: head of the court, judges, court staff, internal or external specialists (statistician, academia, etc.), eventually representatives of court users.

The working group should agree on all decisive steps in the implementation of the surveys: setting-up the objectives, defining the methodology and the relevant indicators (content of the questionnaires), determining how to collect, analyse and use the results.

It is indeed one of the most important steps. Agreeing on these key points prior to the implementation of the surveys will help to cope more effectively with any problems arising during the implementation.

#### *4.3.3 Determining the objectives of the survey*

The CEPEJ model surveys are a useful basis to build on, but they have to be tailored according to the objectives, in terms of improvement of quality of services delivered, defined by the court. Therefore, it is of importance to clarify the aims of the surveys (monitoring court users' satisfaction, assessing the overall performance of the court or of a specific service, improving service delivery, comparing different courts/services of the same type, etc.), in order to narrow down the its scope (target groups), to define the appropriate methodology and to collect and analyse relevant results.

In this respect, the CEPEJ questionnaires were designed with a view to get the picture of court users' expectations, identify strengths and potential critical aspects of services delivered by the court (with a specific scope on the registry services). They should allow to measure the overall court users' satisfaction on most aspects of the functioning of the court, identify areas of improvement from a list of predetermined criteria, discussed with the delegation of Moldova, gather users' expectations for the future and analyse the results in light of different profiles of users (socio-demographic, behaviour, etc.).

The court may already have some information regarding its users (from administrative data, information coming from complaints or from results of surveys previously implemented, from court staff, etc.) that can be interesting to take into account when specifying the objectives, determining the questions or analysing the results.

#### *4.3.4 Scope of the research*

The measure of satisfaction is per se subjective, as it is based on the expression of users' expectations. It consists in evaluating the gap between users' perceptions of the service delivered and their expectations. Therefore, satisfaction is the result of objective aspects (timeframes, court premises, etc.) judged subjectively by users (length of proceedings, comfort, attitude of court staff, etc.) in light of their own personal experience and opinion on what is, according to them, the functioning of the court.

The CEPEJ model surveys are intended for users who have a direct contact with the court. The questionnaires must be adapted and specific questions designed in order to focus on pertinent target groups (witnesses, individuals involved in specific proceedings, individuals having previous

experience with the court, etc.). For example, the CEPEJ questionnaire for court users targets individuals which have dealings with the court in specific proceedings as well as visitors seeking general information or individuals in contact with the registry office. The scope can be narrowed according to the objectives set to the survey. In any case, the target group and representative samples have to be decided by the working group.

#### 4.3.5 Methodology

There is variety of satisfaction surveys techniques that range from qualitative or quantitative surveys. These tools and methodologies need to be adapted to the environment under investigation. Choosing the correct methodology depends on multiple factors such as the aim of the research and the target group. Once both the objectives and target group are set, one can start making decisions on other variables such as sample size, questionnaire, etc. In marketing research there are two big families of methods: qualitative and quantitative.

**The qualitative research** is primarily an exploratory research. It is used to gain an understanding of underlying reasons, opinions, and motivations of people. It provides insights into the problem or helps to develop ideas or hypotheses for a potential quantitative research. Some common methods of a qualitative research include focus groups (e.g. group discussions), individual interviews, and participation/observations. The sample size is typically small; groups of 6 to 20 people meet in a conference-room-like setting with a trained moderator. The room usually contains a one-way mirror for viewing, including audio and video capabilities. The moderator leads the group's discussion and keeps the focus on the areas to be explored. Focus groups can be organised and conducted within a couple of weeks, they are not costly, while their main disadvantage is that the sample is small and may not be representative of the population in general.

**The quantitative research** is used to quantify the problem by way of generating numerical data or data that can be transformed into useable statistics. It is used to quantify attitudes, opinions, behaviours, and other defined variables – and generalise results from a larger sample population. The quantitative research uses measurable data to formulate facts and uncover patterns in research. Quantitative data collection methods are much more structured than qualitative data collection methods. Quantitative data collection methods include various forms of surveys: online surveys, paper surveys, mobile surveys and kiosk surveys, face-to-face interviews, telephone interviews, etc. This document only deals with the quantitative research; in other words with a structured questionnaire composed mainly of multiple-choice questions and a few open-ended questions.

Within the quantitative research there are still different methods which can be adopted depending, once again, on goals, target group, convenience and other aspects (e.g. privacy of the respondents, available means). The methods of conducting quantitative satisfaction surveys have two major dimensions:

- The format of the questionnaire (i.e. on paper or electronic);
- The way the questionnaire is administered (self-administered, administered by an interviewer).

The table below shows the main four possible methodologies.

		Format of the questionnaire	
		Paper questionnaire	Electronic questionnaire
The way the questionnaire is administered	Administered by an interviewer	Face-to-face interview	Telephone survey
	Self-administered	Questionnaire in the box	Online survey

Each of the above options have pros and cons. These methodologies have different performance in terms of costs, quality of data and timing. Choosing the methodology that best suits the environment is a crucial point.

	<b>Face-to-face Interview</b>	<b>Telephone interview</b>	<b>Self-administered paper questionnaire</b>	<b>Self-administered Web-based questionnaire</b>
<b>Cost</b>	Cost of interview Cost of paper Cost of data entry	Cost of interview Cost of calls	Cost of paper Cost of data input	Almost none
<b>Quality of data</b>	High	High	Low	Medium
<b>Timing</b>	Lengthy	Fast	Lengthy	Fast
<b>Confidentiality</b>	It might be an issue for certain categories	There may be concerns	Preserved	There may be concerns

According to the experience of several court user satisfaction surveys run in various countries, some methodologies perform better than others, depending on the target group.

	Face-to-face Interview	Self-administered Web-based questionnaire	Self-administered paper questionnaire	Telephone interview
Court users	Recommended	Not recommended	Possible solution	Not recommended
Staff	Possible solution	Possible solution	Recommended	Not recommended
Lawyers	Not recommended	Recommended	Not recommended	Not recommended

Telephone interviewing does not seem to be a feasible approach when it comes to satisfaction surveys at court level. However, this is probably the most common methodology when it comes to national-wide opinion polls and satisfaction surveys.

As far as the surveys aimed at court users, the face-to-face approach is to be considered more favourable compared to self-administered paper questionnaire for two main reasons: highest response rate and better quality.

As far as the survey aimed at the lawyers, the fastest and most inexpensive methodology is a web-based survey. However, a confidentiality issue might arise. Having the professional association of lawyers, for example the Union of Lawyers, supporting the initiative would be extremely beneficial in this respect. The body that ultimately will send out the invitations to the lawyers should also guarantee that all answers will be handled with care and the data will be analysed in the anonymous way.

Confidentiality plays a big role when designing and implementing a satisfaction survey. For this reason it has to be preserved at all stages. Respondents (be it final users, lawyers or court staff) are very likely to be concerned about their answers being handled anonymously.

When approaching court users / visitors to invite them to take part to a satisfaction survey, it is paramount to mention the fact that the data will be handled in the utmost anonymous way. Respondents won't be asked their names, but only a few demographic questions for data analysis purposes. This approach has proved to ensure a higher response rate.

When it comes to satisfaction surveys aimed at court staff or lawyers, things became a little bit more complicated even though respondents' names are not collected. The reason is that, when tab-crossing questions like gender, age, office and/or length of service, it may become relatively easy to identify the respondent. This is particularly true for small, courts with a limited number of

personnel. In this case it is not recommended to ask demographic questions or other questions that might somehow link to the identity of the respondent. Outsourcing the survey to an external marketing company may also be a valid option to solve confidentiality issues.

#### 4.3.6 Sample size

Once the methodology is set, it's time to decide on to sample size, in other words: how many people do you need to take the survey? Or even better: how big does the sample need to be in order to accurately estimate the satisfaction level of the users? Calculating the sample size can be a daunting task even for statisticians. Generally speaking, the deeper one wants to drill down the data, the bigger the sample size must be. The easiest setting is when the aim is to calculate the percentage of people who are satisfied with the overall service of the court. If one wants to assess if there is any significant difference in terms of satisfaction level among specific target groups (e.g. male and female, younger and older people, people involved in civil or criminal proceedings, etc.) the sample size increases. In case one wants to run a cluster analysis (or other in-depth statistical analysis), the sample size increases drastically. A cluster analysis is a statistical technique that allows identifying homogeneous groups that share the same level of satisfaction.

Before tackling the sample size calculation, there are a few key terms one needs to understand or at least to familiarise with. Since this is quite a technical issue, let's consider an example first.

Say that, at the end of the survey, you find out that 70% of the sample is satisfied with the services of the court. What can we “safely” (from a statistical point of view) say about the satisfaction of the users of the court in general? Depending on the specifics of the survey, we might be in a position to say that “between 68%-72% of the users of the court are satisfied with its services”. In this case the range 68%-72% ( $70 \pm 2$ ) is what we call the “confidence interval” or “margin of error”. To what extent our statement is true? That probability is the “confidence level”. The confidence level represents how often the true percentage of the population who would express satisfaction falls within the confidence interval. The point is that the percentage of satisfied people within the sample actually surveyed may differ from the real percentage of satisfied people in the population the sample is drawn from. The 90% confidence level means you can be 90% certain that, taking the example above,  $70 \pm 2\%$  of the population is satisfied; the 95% confidence level means you can be 95% certain. Most researchers use either the 95% or the 90% confidence levels.

The choice of both confidence interval and confidence level is an arbitrary choice. Once these two parameters are set, it is relatively easy to calculate the sample size through a formula. The table below shows how sample size varies according these two parameters.

SAMPLE SIZE	CONFIDENCE LEVEL		
CONFIDENCE INTERVAL	85%	90%	95%
$\pm 7\%$	106	138	196
$\pm 6\%$	144	187	267
$\pm 5\%$	208	271	384
$\pm 4\%$	324	423	600
$\pm 3\%$	576	752	1.067
$\pm 2\%$	1296	1.691	2.401

±1%	5184	6.764	9.604
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Once again, the choice of the sample size depends on the aim of the research. For instance, if the aim of the research is to assess what aspects affect the overall satisfaction the most, the sample size has to be large enough to feed a driver analysis (a statistical technique used to identify the level of impact of one or more specific aspects (independent variables) on the overall satisfaction (dependent variable)). There is an important debate around this topic even among specialists. As a rule of thumb, it is not recommended to have a sample size smaller than 120 units.

#### 4.3.7 Budget

Once the goals, methodology and sample size of the survey are all set, one should look at the budget; to see whether or not such a survey is feasible within the budget. The survey manager, depending on the resources at disposal of the court, may decide either to outsource the survey to an external body (e.g. research company), entirely or partially, or to run the survey with internal resources only. Other countries' experience has proved that such surveys, to some extent, can be carried out with almost no budget and without compromising on the quality of the work, provided that there are enough human resources available within the organisation. Partnerships with universities and other institutions or professionals groups proved to be the key for success of such initiatives. In some countries, the stakeholders have reached an agreement with the local universities and involved their students. The students were offered a traineeship of a duration of three months. During the traineeship they carried out the interviews. At the end of the traineeship the students were granted a certain number of course credits. In other countries, the clerks themselves distributed the questionnaires to or administered the interviews with court users.

The aspects related to costs and available (internal) resources have to be tackled by the working group before starting the substantial work on implementing the survey.

The costs can be generally divided into 4 main categories:

- Fieldwork
- Data entry
- Coding the open ended questions
- Data analysis

The cost of the interviewing phase (fieldwork) can be split between the cost of the interviewers and the cost of the supervision. As far as the interviewer costs:

$$\text{Interview Cost} = c \frac{N (q + w)}{60}$$

Where:

N	Number of questionnaires
q	Length of the questionnaire (in minutes)
w	Waiting time until the next respondent
c	Interviewer cost per hour

Example
500
30'
20'
15 €
Total cost: 6250 €

The cost of the briefing and supervision of interviewers can be calculated per day. The length of the fieldwork (in days) depends on the number of interviewers, the length of the questionnaire, the sample size and the opening hours of the court in a day.

$$\text{Days of fieldwork} = \frac{N \cdot (q + w)}{60 \cdot H \cdot I}$$

Where:

N	Number of questionnaires (sample size)
---	----------------------------------------

Example
500

q	Length of the questionnaire (in minutes)
w	Waiting time until the next respondent
H	Opening hours of the court in a day
l	Number of interviewers
cpd	Supervision cost per day

30'
20'
6h
3
15 €
Total: 23 days

The data entry is the activity of taking the questionnaires and inputting the answers into an electronic scheme. In most countries, it is a cost calculated per hour. An average questionnaire takes up to 5 minutes to be entered (the actual length depends on the number of closed and open-ended questions). The total cost of data entry can be calculated by the following formula:

$$\text{Data Entry Cost} = c \frac{N m}{60}$$

Where:

N	Number of questionnaires
m	minutes for entering a questionnaire
c	Data-entry cost per hour

Example
500
5'
12 €
Total: 500 €

### *Coding the open-ended questions*

A questionnaire consists of direct questions with expected answers, which are therefore pre-coded (the question provides a choice of answers for the respondent) and the so-called “open-ended” questions, where the respondent is let free/spontaneous in answering. The work of the coding is mainly to translate these spontaneous comments into codes that will be entered into the IT system in order to allow the data processing. Coding the open-ended questions is a quite sensitive and daunting task, therefore it is recommended to keep the number of such questions as low as possible.

### *Cost of data analysis*

The cost of data analysis depends on how deep one wants explore the data. Data analysis can take two-three weeks but it's difficult to give an estimate of costs as it depends on a variety of different factors, such as the quality of the data itself. Basic data analysis includes: statistical tables for each question, calculation of scores and averages, and cross tabulation.

#### *4.3.8 Questionnaire's design*

The questionnaire's design is probably the most important and sensitive aspect of a satisfaction survey. Apart from the specific goals of the research, it has to be clear that any questionnaire is intended to assess the subjective opinion of individuals (personal opinion and personal feeling).

The CEPEJ “Handbook for conducting satisfaction surveys aimed at court users in Council of Europe's member states” includes two model questionnaires that can be taken as a reference.

The CEPEJ model questionnaires hold a question related to overall satisfaction of the functioning of the court. It allows to have a general indicator on the performance of the court (i.e. general indicator to evaluate services delivered by the court), that can be easily monitored if surveys are conducted regularly. However, this indicator is completed with questions targeted on specific aspects in order to detail satisfaction: access to information and to the court (to measure the difficulties of users before being in contact with to the court), court facilities and contact with court staff/registry services, proceedings (length of proceedings, attitude of judges, etc.). These questionnaires close with an open-ended question each, to provide the respondents with the opportunity to spontaneously express their expectations on the services delivered by the court.

The CEPEJ model questionnaires also involve items related to satisfaction with regards functioning of justice in general. These indicators can be of interest, either to balance the results between

satisfaction of the functioning of the court in particular and satisfaction with the judiciary system in general, or to compare results from the surveys in different courts.

A well-structured questionnaire is fundamental to the success of the research. Usually the questionnaire is divided into four main blocks of questions:

1. Screening questions
2. Main questions
3. Additional questions (specific court questions)
4. Demographics

The screening questions (1) are intended to assess whether or not the eligibility criteria are met. The main questions (2) are composed by the overall satisfaction question and a list of items intended to address the satisfaction level on specific aspects (such as court's functioning, finding information, waiting conditions, courtroom furnishing, punctuality of the hearings, attitude and politeness of the non-judge court personnel, etc.). Additional questions (3) can be added by each court, independently from one another, as they are meant to cope with specific aspects/needs of each single court. The demographic questions (4) are usually asked at the end of the questionnaire. Generally speaking, a questionnaire can be considered valid even if the demographics are left blank. In other words the demo questions are not mandatory. Demographic questions can be freely added to the questionnaire if one believes that a specific aspect has an impact on satisfaction. In most cases the response lists vary from country to country. Here below come a few examples of additional demographic questions.

Question	Example of response lists
Age	Age groups (recommended) or exact age (not recommended)
Gender	Male, female.
Nationality	Open question.
Primary language	Russian, Arabic, French, other.
Education	No degree, primary school, secondary, school, college, university, master degree, PhD etc.
Marital status:	Single, married, widowed, divorced, separated.
Employment status	Employed, self-employed, out of work and looking for work, out of work but not currently looking for work, housekeeper, student, retired, etc.

If a similar survey is run in more than one court, the same questionnaire should be used across all courts. The main questions should remain exactly the same while specific questions (3) can be added to cope with specific aspects/needs of each court.

The **length of the questionnaire** is another important element to be taken into consideration when designing it. The questionnaire should take no longer than 20 minutes to be filled in (in case of a face-to-face interview). Any self-administered questionnaire (be it online or on paper) should take no longer than 10 minutes to be filled in. It is a good practice to test the questionnaire prior to the fieldwork, to assess the actual length of answering it. If it is too long, it is worth considering cutting some additional questions.

When designing a questionnaire there are several aspects to be taken into consideration (e.g. language, order of the questions, etc.). Below are some hints that can help during this process:

- Always add a “don't know / haven't experienced” option in those questions where the respondent might have difficulties in answering for lack of information or lack of experience.
- When phrasing a question it might be useful to mention a specific period of time (e.g. “In the last three month how many times have you visited this court?”).

- Try to avoid “yes/no” questions and try to use alternative scales. (e.g. yes always| yes sometimes|, |rarely | never).
- Try to minimize the number of open-ended questions as they make the questionnaire much longer and also require special treatment (i.e. coding) after the fieldwork.
- Pay special attention to the wording (i.e. the language) of the questionnaire. Consider the audience the questionnaire is intended to. Court visitors might not be familiar with certain judicial terminology.
- The wording of the questionnaire should be coherent with the nature of the questionnaire (self-administered or interviewer-administered).
- When phrasing a question always stress the personal opinion aspect (e.g. “What is your personal opinion on...”)
- When phrasing a question always stress the fact that it refers to this court (e.g. “How would you personally judge the [...] in this court?”)

Response lists and scales are important elements of a quantitative questionnaire. When drafting a questionnaire (or when translating the CEPEJ models into national languages) special attention should be paid to both response lists and scales. Scales come in all shapes and forms. For instance: level of satisfaction, level of agreement, level of importance, frequency, etc. Let’s consider some possible scales of satisfaction level:

5-point biased	7-point balanced	5-point balanced	4-point balanced
Extremely satisfied	Completely satisfied	Very satisfied	Completely satisfied
Very satisfied	Mostly satisfied	Satisfied	Somewhat dissatisfied
Moderately satisfied	Somewhat satisfied	Neither dissatisfied nor satisfied	Somewhat satisfied
Slightly satisfied	Neither satisfied or dissatisfied	Dissatisfied	Completely dissatisfied
Not at all satisfied	Somewhat dissatisfied	Very dissatisfied	
	Mostly dissatisfied		
	Completely dissatisfied		

There are scales with odd (e.g. 5-point-scale, 7-point scale) or even number of points (e.g. 4-point scale, 10-point scale), there are balanced and biased (or unbalanced) scales, etc. The balanced scales are balanced around their central point (which is a neutral point). The biased scales are usually biased towards the positive (satisfied) feeling and often lead the audience in the direction one wants it to go. This can be clearly observed in the above example of the 5-point biased scale. Obviously there’s an important debate around the type of scales to be used in marketing research. The choice of the most appropriate scale to be used is to some extent subjective, but the courts are recommend to use a balanced scale, at least in order to avoid any allegations on an intention to distort the results through the applied scale. However, once the scale is set, it has to be used across the entire questionnaire as well as across all the questionnaires applied in different courts.

#### 4.3.9 Testing the questionnaire

Once the questionnaire is drafted and before the fieldwork (e.g. the actual interview process) begins, the questionnaire needs to be tested. There are several reasons why testing is needed. One important aspect is to calculate the length of the process of filling in/answering to the questionnaire as it has direct impact on timings and cost. Another fundamental reason to go through the testing phase is to assess the comprehensibility of the questionnaire for the respondents. Such testing sessions/interviews should be carried out by the person(s) who directly participated/was responsible for the drafting of the questionnaire. A discussion with 5-6 representatives of the target group who filled in the questionnaire or a similar number of test interviews may be enough for the above purposes. After the testing, the questionnaire is supposed to go thought a quick revision before its final approval.

#### 4.3.10 Training and briefing

Once the questionnaire has been finalised (after the testing phase), some sort of instructions must be prepared for the interviewers or for court personnel which will be engaged in distribution/gathering of the questionnaires. This document should summarise the objectives of the research and give all the relevant information around the survey.

The interviewers should be trained / briefed on several aspects such as:

- What is the aim of the research
- Who is the target group
- Eligible criteria and criteria of exclusion
- Phases of the interview (approach, questionnaire, closure)
- How to approach people
- The language to use
- Good conduct (what to do and what to avoid)
- Questionnaire flow (screening, main and demographic questions)
- Ask questions using the exact wording of the questionnaire
- How to handle open-ended questions
- Numbering the questionnaire.

There are also other aspects that the interviewers need to be informed about, such as: the dress code, behaviour while conducting the interview (e.g. discretion, non-verbal communication, etc.), neutral behaviour to avoid any influence on the respondent, etc.

#### 4.3.11 Communicating on the initiative to court users/lawyers and court staff

Communicating the initiative to people visiting the court and “promoting” the surveys among the target groups is a key point to consider. It helps fostering the interest in the project and can give a great contribution on the respondents’ willingness to take part into it. For example, posters can be displayed on the walls of the court premises or flyers explaining the initiative can be distributed before starting the implementation of surveys.

The involvement of court staff is important to take into consideration as well, in order to develop a sense of ownership toward the initiative. Moreover, if the court will be implementing the survey with its own resources, the court staff should be able to provide methodological assistance and information to users, where necessary.

#### 4.3.12 Data collection, cleaning and analysis (an overview)

Once the fieldwork is complete and the envisaged quotas are reached, the paper questionnaires need to be taken and the answers need to be entered into an electronic scheme. The electronic scheme is basically a tool that allows inserting data into a database through a dedicated form. This phase is called **data entry**.

There are several free online tools that are highly reliable and easy to use. One is Google Forms (Google docs) and the other is Excel Survey (Microsoft Office online). Setting a form to gather the data is quite straightforward. Data entry of a the results from a single questionnaire should not take longer than 5 minutes.

One of the most important advantages of using an online form for collecting data is that quality of data is somewhat guaranteed. Tools like Google Forms also allow answers to be accessed in real time. In other words, if the data entry is done on a daily basis, the management can see the progress of the interviewing process at any moment.

After the data is entered into the database, it needs a preliminary processing before being analysed. This phase is called **data cleaning**. Data cleaning is the process of detecting and correcting (or removing) corrupt or inaccurate records from the database. The inconsistencies may have been originally caused by errors during the interview phase or during the data entry process.

Once the data is entered and cleaned, it is finally **ready to be analysed**. The easiest way to process the data is downloading the database into a spreadsheet (e.g. Microsoft Excel or OpenOffice Calc) where each row represents an interview and each column represents a question. Basic statistical tables can be obtained through spreadsheet formulas and tools (e.g. pivot tables). A person with minimum experience with spreadsheets can be easily trained to draw up the necessary tables and graphs. However, the supervision of a statistician or a data analyst is recommended. Even though special analysis might be run through a spreadsheet, if one has the necessity to analyse the data any further, it is better to move to other instruments and statistical packages (e.g. SPSS and “R” – a powerful and one of the few open-source statistical packages). Due to the technical nature of these instruments, their usage is recommended only for those people with an extended knowledge of statistics and data modelling.

Basic data analysis that can be performed in a spreadsheet with minimum effort/costs and some example of possible outputs comes as follows: statistical tables for each question (in both absolute numbers and percentage), calculation of scores and averages, and cross tabulation.

#### *4.3.13 Building on the results of the surveys to improve the quality of services delivered*

##### **Identifying areas for improvement and planning actions.**

Generally speaking, the usefulness of user satisfaction surveys relies on the fact that the management of the court is genuinely involved in the process of improvement of the court. The ultimate aim of a user satisfaction survey is to improve the service offered by the courts in those areas where the performance is poor. In many countries the analysis of the data from surveys proved to be an extremely useful instrument for the stakeholders to ascertain areas of improvements.

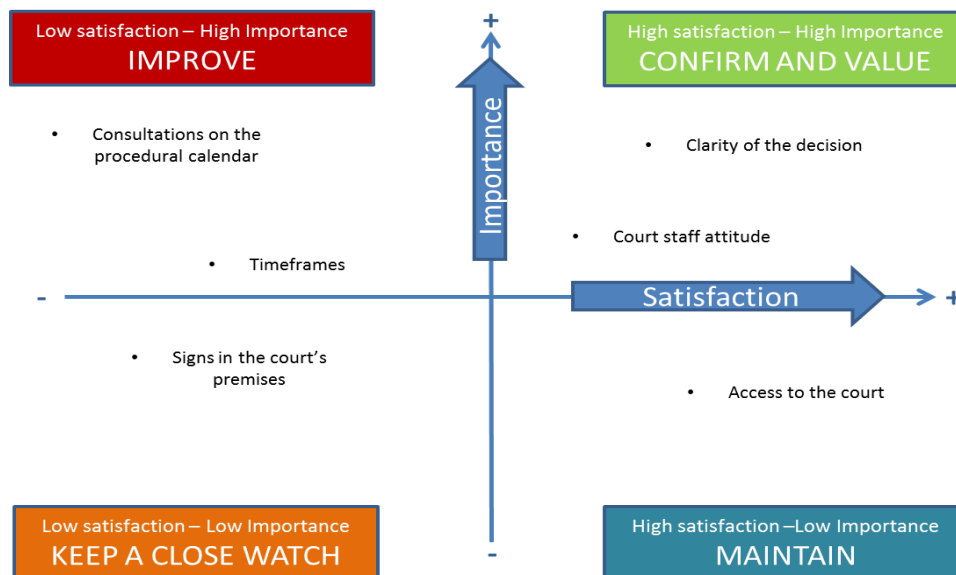
Therefore, once the results from the satisfaction surveys are processed and analysed, it is important to turn them into an “**action plan**” towards the improvement of the quality of service delivered by the court, identifying priority actions to be implemented. Indeed, satisfaction surveys are less about measuring a score of satisfaction as such rather than assessing the action of the court, determine potential critical aspects and plan corrective actions.

In order to build up an action plan, it is possible to use a mapping of satisfaction in order to visualise strengths and weaknesses of the service delivered and areas for improvement where priority actions should be carried out. Each item of the surveys contributes, at a different level, to the overall satisfaction. It is therefore important to highlight the elements to value, to improve, to maintain and to keep a close watch on, in order to prioritise actions.

Using the chart below, known as the “**Importance and Satisfaction chart**”, will help to figure out the level of satisfaction from each criteria (X-axis, from left to right) and the corresponding level of expectation (Y-axis, bottom-up). Indeed, a low level of satisfaction does not necessarily entail a priority action to be carried out. For example, a low level of satisfaction regarding the equipment of the court might not be considered as a priority aspect from the users’ point of view.

This mapping sets out four different areas:

- Aspects to be confirmed and valued (high importance-high satisfaction): for example, if clarity of court’s decisions or court staff attitude are assessed satisfying and important, they rank among the strengths of the service and aspects to be valued;
- Aspects to improve (high importance – low satisfaction): for example, if length of proceedings are judged too long but are a determining factor for the satisfaction of users, it is then a priority area for improvement;
- Secondary aspects to monitor (low importance – low satisfaction): for example, orientation inside the court has been poorly assessed but is not that important for the final satisfaction of users, it will definitely be an area for improvement but will not call for a priority action;
- Secondary aspects to maintain (low importance – high satisfaction): for example, access to the court is judged satisfying but is not noted as important in light of users’ expectations.



Once the mapping is completed in light of the analysis of the results from the surveys, the action plan is built upon the identified areas for improvement. Obviously, the management of the court is supposed to take initiative in order to improve areas starting from those that fall in the quadrant (low satisfaction / high importance). The mapping can be completed with the analysis of the answers to the open-ended question in order to gather additional elements to refine the assessment of satisfaction.

The results can be also analysed in light of certain determining factors and profiles (socio-demographic, for example). Some questions can therefore be connected in order to detect factors that can influence satisfaction (*i.e.* identifying if the level of satisfaction varies whether users have already had a contact with a court or not). Results can therefore be analysed in light of socio-demographic criteria (age, profession, level of education, etc.), types of service used (registry office for example), ways of contacting the court (internet, post, telephone, etc.). Identifying profiles of users allows to refine the analysis and, if pertinent with regards to the improvement of the quality of service, to target specific surveys for these categories of users.

When a complete analysis of the survey's results is available, it should be shared and discussed with the entire working group. The workshops provide an excellent environment for analysing the survey findings and driving through the planning of the response measures. Once more, it is recommended to draw up an action plan to tackle all the areas of poor performance. The action plan is a document describing the problems or issues that need to be addressed and identifying a series of targets, indicators for reaching them, concrete actions to be taken and resources. Generally speaking, following a court user satisfaction survey, there may be response actions with immediate effect, that can be taken quite easily and with minimum costs. For instance, uploading the calendar of the hearings on the court website so that people can access it online. On the other hand, there are other aspects that involve a wider span of time (e.g. all those related to cultural changes) and/or certain costs. The action plan should tackle both categories of actions.

Other than developing the action plan, the court management should ensure its implementation and a monitoring of the implementation of planned activities and their effect. The courts could set-up specific groups (involving court users, for example) in charge of monitoring the critical areas and the implementation of the action plan emerged from the survey.

### **Communication on the results**

Organisation and communication of the feedback are an integral part of the process of conducting satisfaction surveys and are important for the success of the initiative. Survey results should be communicated to respondents (the specific target groups or the general public), in order to show them that their opinion has been taken into account. Giving feedback to court users can be done through an information campaign on the results of the surveys conducted in the court premises, or by disseminating these results to the public or the whole community (oral presentation, discussion

meetings, TV broadcasting, publishing on the courts' Internet pages, etc.). It is necessary to emphasise in this communication the priority actions that had been identified from the results of the questionnaires and on the concrete actions to be taken to improve the quality of service delivered. In this respect, the court could set-up a specific group (involving court users, for example) in charge of monitoring the critical areas and the implementation of the necessary changes emerged from the survey.

### ***Implementing surveys periodically***

A user satisfaction index is a snapshot in a given moment in time. For this reason measuring satisfaction must be a continuous process. When carried out periodically, the satisfaction surveys represent a very powerful tool to track the performance of the court across time. These surveys enable the court management to monitor changes in the users' perception of the functioning of the court, to identify trends and also to assess the impact of changes eventually carried out. Therefore they bring about long-term improvements to the quality of service. In this respect, the very first survey carried out represents the benchmark for the following surveys.

## **5. Communication and information**

It is important for courts to be accountable to the public. Communication and information, both internal and external, should be treated with care, as part of the three areas covered by this guide above. Therefore, the importance of communication was emphasized several times in the preceding pages (please see at: statistics 2.1.5, 2.2.6; targets 3.2.3; satisfaction surveys 4.12).

Communication and information of the public of the results of the courts should facilitate the reach of the following objectives:

- Informing the users and the public of the results of court's activity, its efficiency and quality of services.
- Striving for continuous improvement of the efficiency, quality of services, and of the court's image.
- Ensuring institutional transparency and communication with the users and the public.
- Endorsing the accountability of the court towards its users and the general public, etc.

By improved communication and informing the public on their results, the courts will ensure the implementation of a number of CEPEJ instruments:

**The SATURN guidelines for judicial time management (CEPEJ (2014)16), at least the 4 guidelines:**

### *A. Transparency and foreseeability*

- I.A.2. The users should be informed and, where appropriate, consulted regarding every relevant aspect that influences the length of proceedings.
- I.A.4. The general statistical and other data regarding the length of proceedings, in particular per types of cases, should be available to the general public.

### *A. Collection of information*

- IV.A.2. The information collected should be available, to inform the work of court administrators, judges and the central authorities responsible for the administration of justice. In appropriate form, the information should also be made available to the parties and the general public.

### *C. Established targets*

- IV.C.2. The targets should clearly define the objectives and be achievable. They should be published and subject to periodical re-evaluation.

**The Checklist for promoting the quality of justice and the courts (CEPEJ (2008)2), at least the following criteria:**

### *Evaluation of performance*

- II.10.4. Is there a policy on the publication of the evaluation results?
- II.10.9. Is the percentage of appeals recorded and published?
- II.10.10. Is the productivity of judges and court staff recorded and published?
- II.10.12. Is the length of proceedings systematically recorded and published?

### *Evaluation*

- III.7.5. Are the evaluation results of the users' satisfaction surveys made public?

### *Evaluation of the Human Resources policy*

IV.5.3. Are the results of evaluations (of judge and staff satisfaction) published?.

### **The Guidelines on judicial statistics, GOJUST (CEPEJ(2008)11), namely the guideline I.12:**

#### *Transparency and accountability of data*

- I.12. Public availability of data collected at national level should be ensured, namely through publication on Internet.

The courts could do the following in the context of the recommendations contained in the court CEPEJ coaching reports:

- Adopting a decision on publication, at least once a year, of a report on the activity of the court (including efficiency indicators and quality).
- Appointment of a unit or person responsible for the institutional transparency and public information.
- Presentation and broad discussion of the draft activity report within the court and later with the target audience.
- Use extensively the Internet to inform operatively, efficiently and a non-discriminatory the public and stakeholders (parties, lawyers, etc.) on court's activity.

### **The recommended structure of the court's yearly reports.**

**An introduction**, preferably including the court's vision, mission and value (VMV) statement.

#### **Part I**

- The CEPEJ-recommended court efficiency indicators, including a view from the perspective of the last 3-5 years and an insight in the future. Forecasting of the necessary resources.
- Information on the court's caseload and the weight of the main categories of cases in its functioning (including a forecast).

#### **Part II**

- Quality indicators and other information on the strategy to enhance the quality of judicial services.
- The results of satisfaction survey and the actions taken on their basis. It is important to conduct satisfaction surveys on a regular basis, to expose the evolution of the level of satisfaction.
- Other important information on the activity of the court.

**Conclusions** and possibly the strategy for future development, including clear targets and sustainable indicators.

The structure of the court's external websites (as provided by the Ministry of Justice or the Superior Council of Magistrates) should be updated to allow the courts which implemented the above recommendations to easily disseminate information about their results through the Internet.

More specifically, for the statistics, the information should be published in a simplified way to allow citizen to easily get the element that often interest them the most: the range of time within which they can hope to get a judgment.

The policy and figures concerning targets for the main categories of cases should be also reported on the external website. External publication will also give to different courts the possibility to learn from each other by setting benchmarks and exchanging best practices.

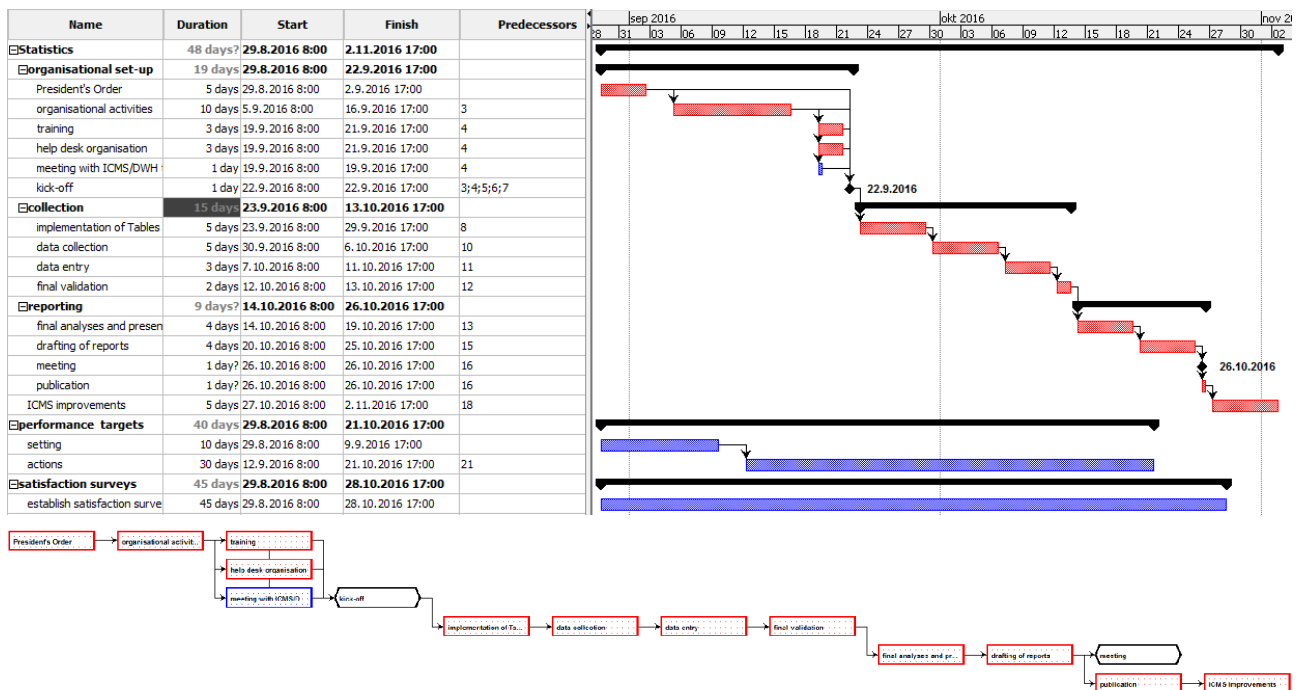
It is necessary to refresh the data broadcast over the Internet, especially when updated statistics are available.

## 6. Action plan

The world is full of people who have dreams, e.g. of running a marathon or of owning their own business. The difference between the people who make it across the finish line and everyone else is one simple thing: an action plan. In an organisation, were more people work together in order to achieve a common goal, setting plans for action is indispensable for succeeding.

In view of testing the implementation of the priority recommendation of CEPEJ experts, or of responding to the results of evaluating the efficiency, or following up on the findings of satisfaction surveys, it was proposed to the pilot courts to consider applying action plans (please see the below example). CEPEJ stands ready to further support the corresponding efforts of the courts through expert advice and other assistance.

**Table: The Action Plan – Example** (drawn up by using the open source *ProjectLibre*<sup>7</sup>. Concrete action plans are to be adapted case-by-case)



<sup>7</sup> Please see <http://www.projectlibre.org/product/projectlibre-open-source>

## 7. Appendixes

### Appendix 1: Example of tables with statistical data for the assessment of courts' efficiency

**Table 1: General information concerning the court - Example**

	2010	2011	2012	2013	2014
Budget (MDL)	2 104	2 232	2 689	7 249	16 274
(actually implemented)	500	800	600	800	500
Judges	19,00	19,00	19,00	16,00	19,00
Judicial assistants	37,00	20,00	18,00	35,00	44,00
Non-judicial staff	20,00	27,00	23,00	46,00	46,00
Total number of staff	57,00	47,00	41,00	81,00	90,00
Judicial assistants / Judge ratio	1,95	1,05	0,95	2,19	2,32
Non-judicial staff / Judge ratio	1,05	1,42	1,21	2,88	2,42
Total number of staff / Judge ratio	3,00	2,47	2,16	5,06	4,74
Cost / Case (MDL)	156	201	155	430	845
New cases / Judge ratio	727	716	922	1 144	1 076
Solved cases / Judge ratio	710	584	913	1 055	1 013
Solved cases / Staff ratio	237	236	423	208	214

**Table 2: Workflow information per case type – Example**

2010	Cases pending on 1 January	New cases initiated during the year	Resolved cases during the year	Cases pending on 31 December	Appealed decisions	Decisions quashed or modified in appeal	Clearance Rate	Disposition time (in days)	Appeal ratio / decisions quashed or modified	Percentage of appealed decisions
<b>1. Total Civil and commercial</b>	<b>1 927</b>	<b>4 909</b>	<b>4 493</b>	<b>2 343</b>	<b>816</b>	<b>225</b>	<b>91,5%</b>	<b>190</b>	<b>5,0%</b>	<b>18,2%</b>
1a. Divorce	175	727	698	204			96,0%	107	0,0%	0,0%
1b. Dismissal	40	69	67	42			97,1%	229	0,0%	0,0%
1c. Insolvency										
<b>2. Total Administrative cases</b>	<b>156</b>	<b>259</b>	<b>208</b>	<b>207</b>	<b>86</b>	<b>34</b>	<b>80,3%</b>	<b>363</b>	<b>16,4%</b>	<b>41,4%</b>
<b>3. Total Administrative offences</b>	<b>490</b>	<b>5 701</b>	<b>5 916</b>	<b>275</b>	<b>348</b>	<b>235</b>	<b>103,8%</b>	<b>17</b>	<b>4,0%</b>	<b>5,9%</b>
<b>4. Total Criminal cases</b>	<b>315</b>	<b>668</b>	<b>658</b>	<b>325</b>	<b>153</b>	<b>53</b>	<b>98,5%</b>	<b>180</b>	<b>8,1%</b>	<b>23,3%</b>
4a. Burglary	38	89	96	31			107,9%	118	0,0%	0,0%
4b. Homicide	7	2	3	6			150,0%	730	0,0%	0,0%
<b>5. Cases on the actions of criminal pursuit, on special investigative measures applied or on procedural coercive measures applied upon the authorisation of an investigation judge (art. 301-303 CPP)</b>		<b>683</b>	<b>683</b>		<b>234</b>	<b>112</b>	<b>100,0%</b>	<b>1</b>	<b>16,4%</b>	<b>34,3%</b>
<b>6. Cases on enforcement of court decisions</b>	<b>57</b>	<b>479</b>	<b>444</b>	<b>92</b>	<b>102</b>	<b>34</b>	<b>92,7%</b>	<b>76</b>	<b>7,7%</b>	<b>23,0%</b>
<b>7. Other categories of cases</b>	<b>77</b>	<b>1 122</b>	<b>1 097</b>	<b>102</b>			<b>97,8%</b>	<b>34</b>	<b>0,0%</b>	<b>0,0%</b>
Calculated total number of cases	3 022	13 821	13 499	3 344	1 739	693	97,7%	90	5,1%	12,9%
Presented total number of cases	3 022	13 821	13 499	3 344	1 739	693				

**Tables 2.a: Structure of the caseload – Examples**

Incoming cases 2010-2014 (absolute numbers)					
Category of cases	2010	2011	2012	2013	2014
<b>1. Total Civil and commercial cases</b>	<b>4 909</b>	<b>6 773</b>	<b>8 512</b>	<b>7 052</b>	<b>7 106</b>
<b>2. Total Administrative cases</b>	<b>259</b>	<b>445</b>	<b>376</b>	<b>1 027</b>	<b>1 192</b>
<b>3. Total Administrative offences cases</b>	<b>5 701</b>	<b>3 564</b>	<b>3 057</b>	<b>3 710</b>	<b>5 162</b>
<b>4. Total Criminal cases</b>	<b>668</b>	<b>509</b>	<b>905</b>	<b>880</b>	<b>1 108</b>
<b>5. Actions of criminal pursuit (art. 301-303 CPP)</b>	<b>683</b>	<b>483</b>	<b>2 949</b>	<b>2 949</b>	<b>3 780</b>
<b>6. Cases on enforcement of court decisions</b>	<b>479</b>	<b>801</b>	<b>749</b>	<b>990</b>	<b>780</b>
<b>7. Other categories of cases</b>	<b>1 122</b>	<b>1 021</b>	<b>973</b>	<b>1 695</b>	<b>1 310</b>
Calculated total number of cases	13 821	13 596	17 521	18 303	20 438

Incoming cases 2010-2014 (in %)					
Category of cases	2010	2011	2012	2013	2014
<b>1. Total Civil and commercial cases</b>	<b>36%</b>	<b>50%</b>	<b>49%</b>	<b>39%</b>	<b>35%</b>
<b>2. Total Administrative cases</b>	<b>2%</b>	<b>3%</b>	<b>2%</b>	<b>6%</b>	<b>6%</b>
<b>3. Total Administrative offences cases</b>	<b>41%</b>	<b>26%</b>	<b>17%</b>	<b>20%</b>	<b>25%</b>
<b>4. Total Criminal cases</b>	<b>5%</b>	<b>4%</b>	<b>5%</b>	<b>5%</b>	<b>5%</b>
<b>5. Actions of criminal pursuit (art. 301-303 CPP)</b>	<b>5%</b>	<b>4%</b>	<b>17%</b>	<b>16%</b>	<b>18%</b>
<b>6. Cases on enforcement of court decisions</b>	<b>3%</b>	<b>6%</b>	<b>4%</b>	<b>5%</b>	<b>4%</b>
<b>7. Other categories of cases</b>	<b>8%</b>	<b>8%</b>	<b>6%</b>	<b>9%</b>	<b>6%</b>
Calculated total number of cases	100%	100%	100%	100%	100%

Solved cases 2010-2014 (absolute numbers)					
Category of cases	2010	2011	2012	2013	2014
1. Total Civil and commercial cases	4 493	4 714	8 619	7 104	6 576
2. Total Administrative cases	208	258	396	473	1 252
3. Total Administrative offences cases	5 916	3 519	2 943	2 947	4 940
4. Total Criminal cases	658	388	715	689	783
5. Actions of criminal pursuit (art. 301-303 CPP)	683	483	2 949	2 949	3 780
6. Cases on enforcement of court decisions	444	744	738	1 020	687
7. Other categories of cases	1 097	983	1 007	1 695	1 233
Calculated total number of cases	13 499	11 089	17 367	16 877	19 251

Solved cases 2010-2014 (in %)					
Category of cases	2010	2011	2012	2013	2014
1. Total Civil and commercial cases	33%	43%	50%	42%	34%
2. Total Administrative cases	2%	2%	2%	3%	7%
3. Total Administrative offences cases	44%	32%	17%	17%	26%
4. Total Criminal cases	5%	3%	4%	4%	4%
5. Actions of criminal pursuit (art. 301-303 CPP)	5%	4%	17%	17%	20%
6. Cases on enforcement of court decisions	3%	7%	4%	6%	4%
7. Other categories of cases	8%	9%	6%	10%	6%
Calculated total number of cases	100%	100%	100%	100%	100%

Pending cases 2010-2014 (absolute numbers)					
Category of cases	2010	2011	2012	2013	2014
1. Total Civil and commercial cases	2 343	4 402	4 295	4 243	4 773
2. Total Administrative cases	207	394	396	950	890
3. Total Administrative offences cases	275	320	434	1 197	1 419
4. Total Criminal cases	325	446	636	827	1 152
5. Actions of criminal pursuit (art. 301-303 CPP)	0	0	0	0	0
6. Cases on enforcement of court decisions	92	149	160	130	223
7. Other categories of cases	102	140	106	106	183
Calculated total number of cases	3 344	5 851	6 027	7 453	8 640

Pending cases 2010-2014 (in %)					
Category of cases	2010	2011	2012	2013	2014
1. Total Civil and commercial cases	70%	75%	71%	57%	55%
2. Total Administrative cases	6%	7%	7%	13%	10%
3. Total Administrative offences cases	8%	5%	7%	16%	16%
4. Total Criminal cases	10%	8%	11%	11%	13%
5. Actions of criminal pursuit (art. 301-303 CPP)	0%	0%	0%	0%	0%
6. Cases on enforcement of court decisions	3%	3%	3%	2%	3%
7. Other categories of cases	3%	2%	2%	1%	2%
Calculated total number of cases	100%	100%	100%	100%	100%

Evolution of the number of new, solved and pending cases, year 2014 compared to year 2010 (abs. numbers)			
Category of cases	New	Solved	Pending
1. Total Civil and commercial cases	2197,00	2083,00	2430,00
2. Total Administrative cases	933,00	1044,00	683,00
3. Total Administrative offences cases	-539,00	-976,00	1144,00
4. Total Criminal cases	440,00	125,00	827,00
5. Actions of criminal pursuit (art. 301-303 CPP)	3097,00	3097,00	0,00
6. Cases on enforcement of court decisions	301,00	243,00	131,00
7. Other categories of cases	188,00	136,00	81,00
Calculated total number of cases	6617,00	5752,00	5296,00

Evolution of the number of new, solved and pending cases, year 2014 compared to year 2010 (change in %)			
Category of cases	New cases	Solved cases	Pending cases
1. Total Civil and commercial cases	145%	146%	204%
2. Total Administrative cases	460%	602%	430%
3. Total Administrative offences cases	91%	84%	516%
4. Total Criminal cases	166%	119%	354%
5. Actions of criminal pursuit (art. 301-303 CPP)	553%	553%	#DIV/0!
6. Cases on enforcement of court decisions	163%	155%	242%
7. Other categories of cases	117%	112%	179%
Calculated total number of cases	148%	143%	258%

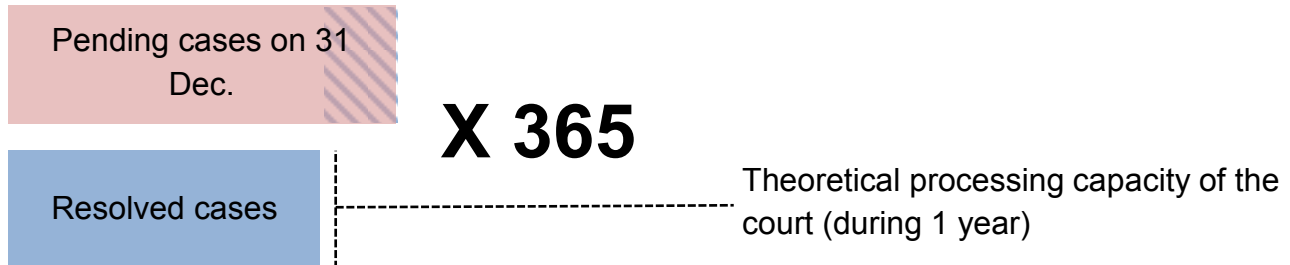
Table 3: Age of pending cases – Example

Type of cases	Number of cases registered since:								Grand total
	Less than 1 year	% of the total	Between 1 and 2 years	% of the total	Between 2 and 5 years	% of the total	More than 5 years	% of the total	
1. Civil and commercial cases	3733	43,21%	779	9,02%	261	3,02%		0,00%	
2. Administrative cases	625	7,23%	235	2,72%	30	0,35%		0,00%	
3. Administrative offences cases	1419	16,42%		0,00%		0,00%		0,00%	
4. Criminal cases	987	11,42%	128	1,48%	37	0,43%		0,00%	
5. Cases on the actions of criminal pursuit, on special investigative measures applied or on procedural coercive measures applied upon the authorisation of an investigation judge (art. 301-303 CPP)		0,00%		0,00%		0,00%		0,00%	
6. Cases on enforcement of court decisions	223	2,58%		0,00%		0,00%		0,00%	
7. Other categories of cases	183	2,12%		0,00%		0,00%		0,00%	
<b>Total per period of time</b>	<b>7170</b>	<b>82,99%</b>	<b>1142</b>	<b>13,22%</b>	<b>328</b>	<b>3,80%</b>	<b>0</b>	<b>0,00%</b>	<b>8640</b>

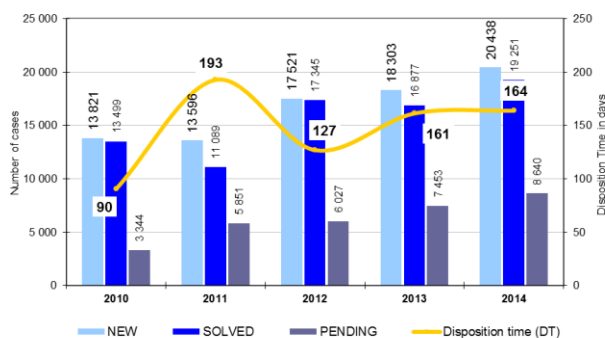
## Appendix 2: Example of graphs on courts' statistics and elements of a related analysis

- **Disposition time and the movement for all and specific types of cases.**

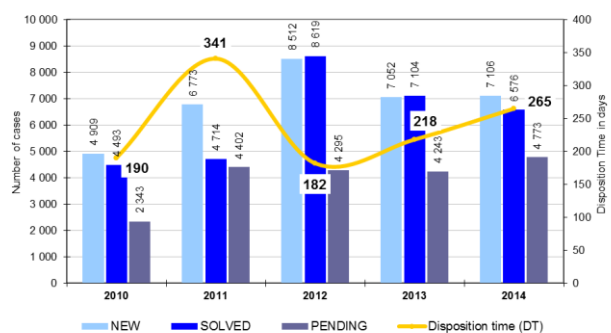
By using the pending cases at the end of the year and the resolved cases, should be calculated the Disposition Time. This theoretical indicator shows, in days, the time needed to solve the entire pending cases in a court.



Movement and disposition time for all types of cases



Movement and disposition time for civil and commercial cases

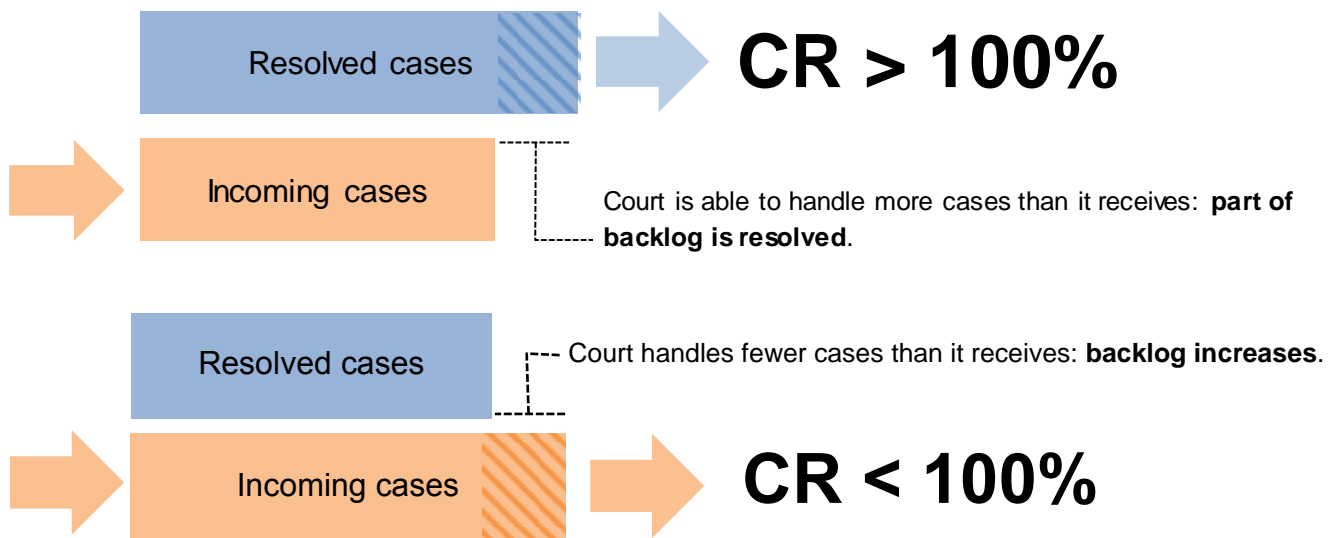


Analysis and eventual conclusions that can be drawn on the basis of such graphs:

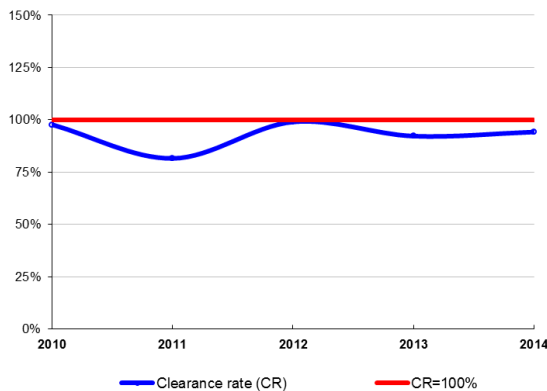
- How have the general workload of the court and its productivity evolved; whether the court manages to cope with the inflow of cases;
- What is and how has the calculated DT for the entire caseload and for specific categories of cases evolved. Indirectly, this indicator gives the answer to one of the questions most raised within a judicial system – what is the “expected” length of proceedings;
- In which periods the DT showed important positive or negative fluctuations and to which circumstances or court’s practices that could be attributed;
- Which categories of cases show the most important fluctuations in the DT and therefore might require special attention etc.

- **Clearance rate for all and specific types of cases**

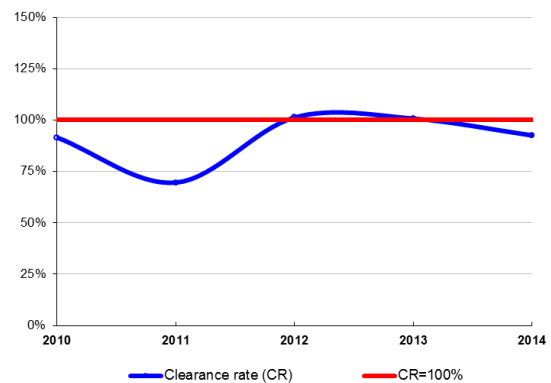
Based on the resolved and the incoming cases, should be calculated the Clearance Rate. This indicator shows if a court is able to handle its incoming cases and if backlog is going to be resolved or if it increases.



Clearance rate for all types of cases



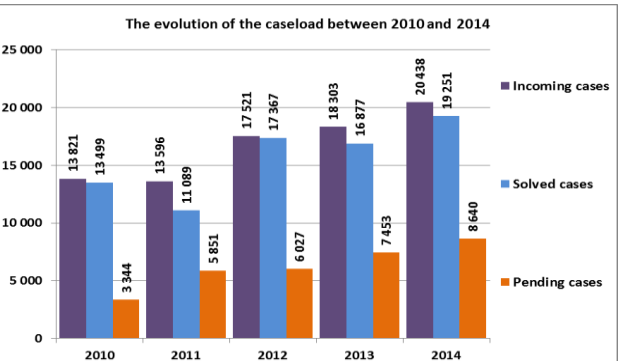
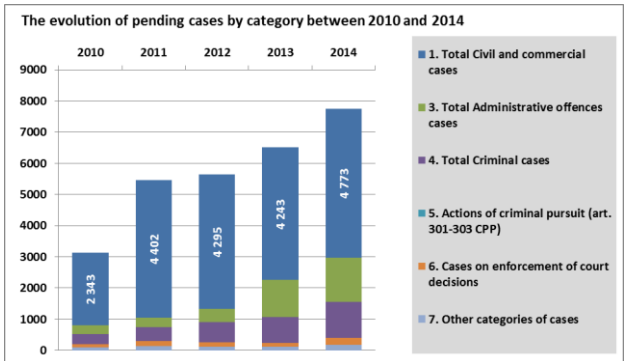
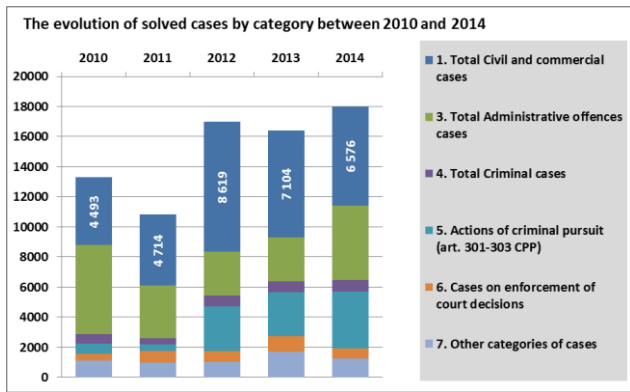
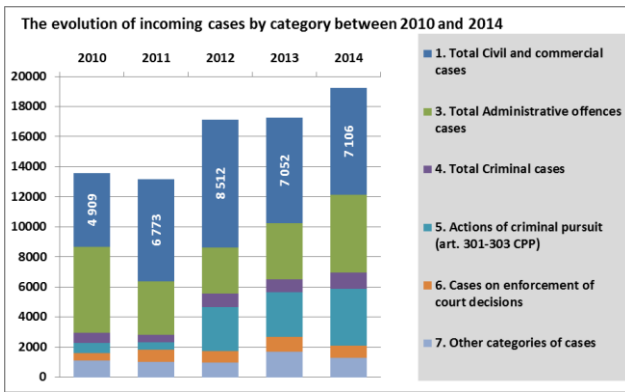
Clearance rate for civil and commercial cases



*Analysis and eventual conclusions that can be drawn on the basis of such graphs:*

- *How has the CR evolved and whether the court manages to cope with its caseload (a CR constantly or significantly below 100% is a sign of trouble). Using CR is widespread in Europe and the interpretation of this indicator is more intuitive compared to the percentage of solved cases out of the entire caseload in a given period;*
- *In which periods of time the CR showed important positive or negative fluctuations and to which circumstances or court's practices that could be attributed;*
- *Which categories of cases show the most important fluctuations in the CR and therefore might require special attention;*
- *When applied for a longer period of time, the DT and CR indicators can be used to identify conspicuous trends and compare judicial performance on the level of particular types of cases or between different courts etc.*

- **Evolution of the caseload and of incoming, resolved and pending cases by category**

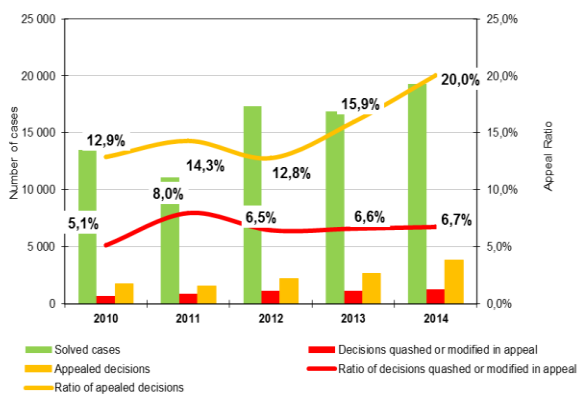


Analysis and eventual conclusions that can be drawn on the basis of such graphs:

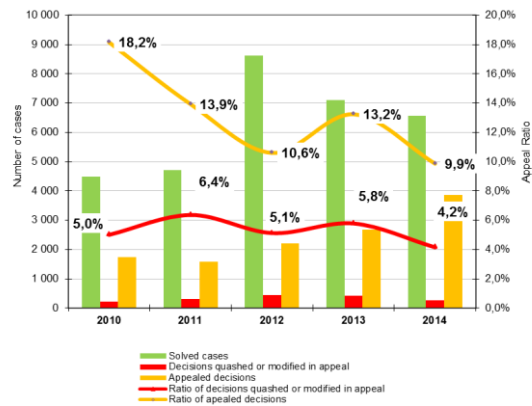
- How have the general workload of the court and its productivity evolved; whether the court manages to cope with the inflow of cases;
- Structure of a court's caseload and its capacity to deal with different categories of cases;
- Adequacy in internal distribution of resources to deal with different categories of cases (e.g. the size of specialised panels compared to the inflow of cases by category);
- Which categories of cases demonstrate an important increase and therefore might require special attention, such as directing more human resources etc.

– **Evolution of the appealed, quashed and/or modified decisions, by category of cases**

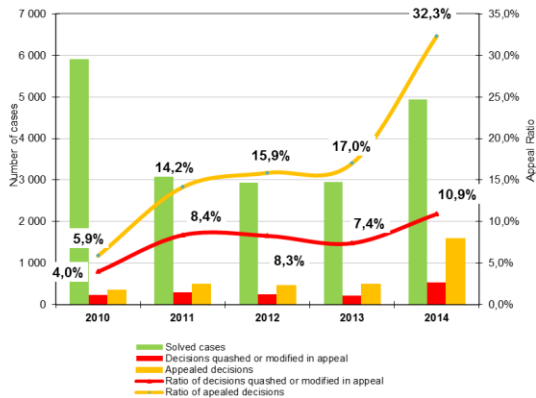
**Solved cases/Appealed Decisions/Decisions quashed or modified in appeal. All types of cases**



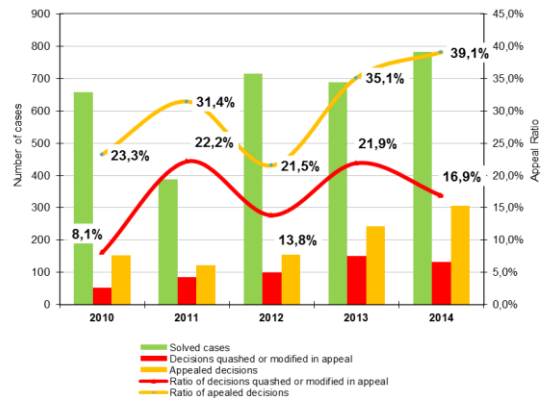
**Solved cases/Decisions quashed or modified in appeal. Civil and commercial cases**



**Solved cases/Decisions quashed or modified in appeal. Administrative offences cases**



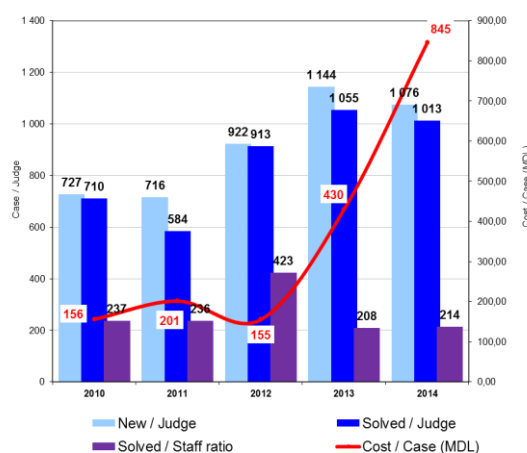
**Solved cases/Decisions quashed or modified in appeal. Criminal cases**



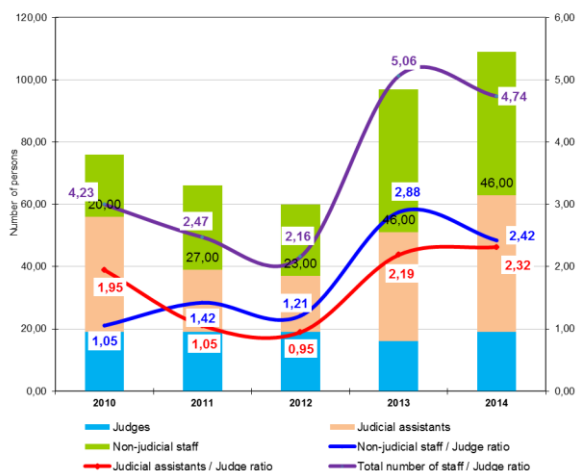
Analysis and eventual conclusions that can be drawn on the basis of such graphs:

- The overall rate of appeals as well as the rate of quashed and/or modified decisions are very rough indicators for the quality of judicial decisions. The above graphs show how the number of appealed, quashed and/or modified decisions evolved in time. For example, a higher appeal rate in conditions of a stable rate of quashed and/or modified decisions may speak in favour of lesser concern for clear and understandable court decisions or of court users' satisfaction;
  - Court's capacity to deal with an increasing workload preserving, at the same time, a stable high quality of decisions;
  - The "quality of decisions" per different categories of cases (e.g. the worsening of these indicators may be caused by a problem of capacity, or human resources, of judges' or staff insufficient training and qualification, of significant changes in the material or procedural legislation which requires adequate response measures etc.);
  - When applied to compare the performance on the level of particular types of cases or between different courts these indicators can be used to identify conspicuous trends, good or bad practices etc.
- **New and Solved cases per Judge, New and Solved cases per Staff, Cost per Case. Judicial Assistants per Judge ratio, Staff per Judge ratio etc.**

**New and Solved cases/Judge, Solved cases/Staff, Cost/Case 2010-2015**



**Judges, staff and judge/staff ratio 2010-2015**



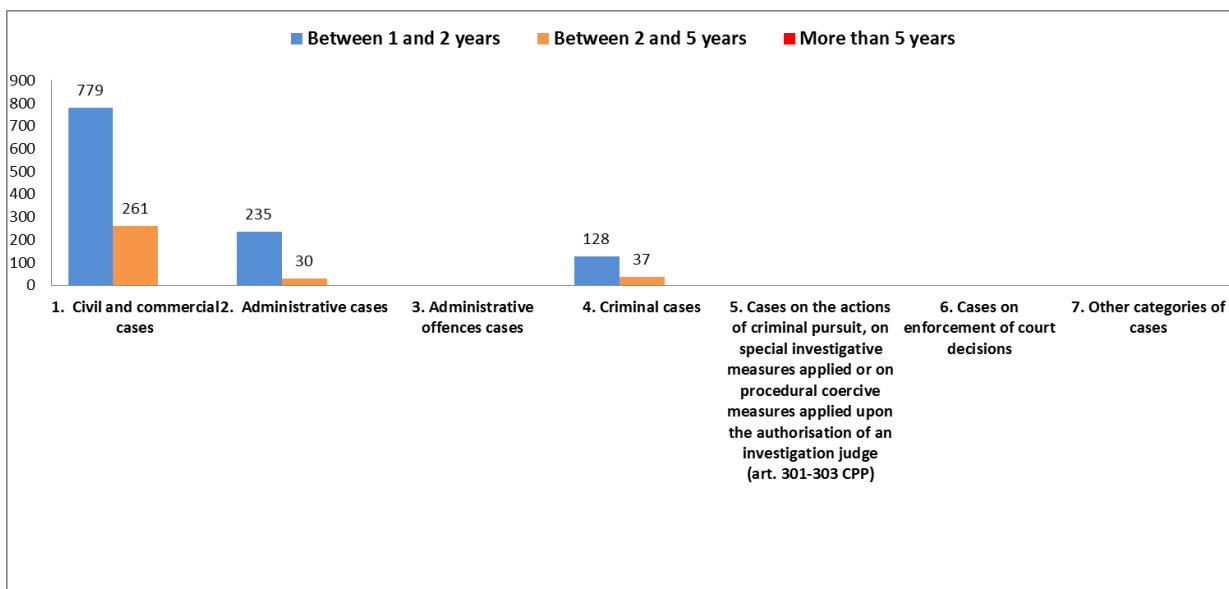
Analysis and eventual conclusions that can be drawn on the basis of such graphs:

- The indicators displayed in the above graphs are mostly concerned with the resources available to the courts and their correlation with the caseload. They are interesting in

particular when comparing the workload and efficiency of judges, staff and courts, but should be analysed and interpreted with care, taking into account particular circumstances and objective factors which may play a role (e.g. a particular court may incur higher security and staff costs due to its geographical positioning in a sensitive area);

- The cost per case indicator may speak of a court's particularly high, average or low efficiency, but it is necessary to apply a unified methodology and the budget taken into calculations should not include capital investments (which are irregular, often costly and therefore may hinder the indicator);
- The correlation of such indicators as the Solved cases per Judge, Judicial Assistants per Judge and Cost per Case may speak in favour of a particular structure of court's human resources. For example, to counteract an increased caseload it may be more efficient to supplement the number of judicial assistants per judge instead of increasing the number of judges.

– **Cases the examination of which risks to incur unreasonable delays.**



Analysis and eventual conclusions that can be drawn on the basis of such graphs:

- Generally, when there are cases pending in a court for more than two years, the risk of infringing upon the requirements of Article 6 of the ECHR is significantly increasing. Therefore, even with very good performance indicators described above, a court may be responsible for excessive delays in statistically insignificant, but otherwise very important instances. To avoid such situations, the courts should monitor the age of their pending cases and constantly inquire or address special measures to cases getting "old", starting from the oldest.

### Appendix 3: SATURN-recommended summary table of timeframes

The **SATURN Centre for judicial time management** developed a Guide entitled “Towards European Timeframes for Judicial Proceedings” including practical advice on how to possibly set timeframes and targets. This Guide provides for the first set of recommended timeframes which are supposed to be applied to the three large “families” of cases (civil, administrative and criminal). In the future it is envisaged the proposition of timeframes for other case categories:

PERCENTAGE OF CASES DISPOSED (PENDING) WITHIN TIMEFRAMES A, B and C						
	CIVIL		ADMINISTRATIVE		CRIMINAL	
	75%	95%	75%	95%	75%	95%
<b>TIMEFRAMES LEVEL A</b>	12 months	18 months	12 months	18 months	6 months	12 months
<b>TIMEFRAMES LEVEL B</b>	18 months	24 months	18 months	24 months	12 months	18 months
<b>TIMEFRAMES LEVEL C</b>	24 months	30 months	24 months	30 months	18 months	24 months

Each timeframe has two stages (e.g. Timeframes A for civil cases: 75% of cases shall be disposed in 12 months, 95% disposed in 18 months), meaning that they can be fully accomplished, if both percentages are accomplished or partially accomplished if, for example, the first percentage is not accomplished, but the second is accomplished (e.g. 65% disposed in 12 months, 95% disposed in 18 months; Timeframe A is partially accomplished).

Courts have also to deal with very complex cases that may require some extra time. For this reason, there is a 5% so called “buffer zone” reserved only for very complex cases that are not supposed to be included in the Timeframes, which therefore address 95% of the court caseload. However, the cases within this “buffer zone” need a very special attention, as they present the highest risk of incurring unreasonable delays.

### Tool for calculating the compliance with the SATURN recommended timeframes:

Civil and commercial litigious cases pending at [DATE]							Civil and commercial litigious cases pending at [DATE]						
	Less than 12 months	Between 12 and 18 months	Between 18 and 24 months	Between 24 and 30 months	Over 30 months	Total pending		Less than 12 months	Between 12 and 18 months	Between 18 and 24 months	Between 24 and 30 months	Over 30 months	Total pending
Pending cases	400	350	150	50	50	1000	Pending cases	1200	200	50	2	0	1452
Percentage	40	35	15	5	5	100	Percentage	83	14	3	0	0	100
<b>Timeframe A</b>	75%	95%	backlog %				<b>Timeframe A</b>	75%	95%	backlog %			
Monitoring	-35	-20	25				Monitoring	8	1	4			
<b>Timeframe B</b>		75%	95%	backlog %			<b>Timeframe B</b>		75%	95%	backlog %		
Monitoring		0	-5	10			Monitoring		21	5	0		
<b>Timeframe C</b>			75%	95%	backlog%		<b>Timeframe C</b>			75%	95%	backlog%	
Monitoring			15	0	5		Monitoring			25	5	0	
Administrative cases pending at [DATE]							Criminal cases pending at [DATE]						
	Less than 12 months	Between 12 and 18 months	Between 18 and 24 months	Between 24 and 30 months	Over 30 months	Total pending		Less than 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total pending
Pending cases	4500	2300	950	330	80	8160	Pending cases	1500	700	250	67	19	2536
Percentage	55	28	12	4	1	100	Percentage	59	28	10	3	1	100
<b>Timeframe A</b>	75%	95%	backlog %				<b>Timeframe A</b>	75%	95%	backlog %			
Monitoring	-20	-12	17				Monitoring	-16	-8	13			
<b>Timeframe B</b>		75%	95%	backlog %			<b>Timeframe B</b>		75%	95%	backlog %		
Monitoring		8	0	5			Monitoring		12	2	3		
<b>Timeframe C</b>			75%	95%	backlog%		<b>Timeframe C</b>			75%	95%	backlog%	
Monitoring			20	4	1		Monitoring			22	4	1	

After receiving feedback from the pilot courts of CoE member States, the CEPEJ Plenary meeting adopted on 7 December 2016 the Implementation Guide “Towards European Timeframes for Judicial Proceedings”, CEPEJ(2016)5. The Guide contains a new approach and proposes the following indicative timeframes for civil, criminal and administrative cases.

**The new summary table of SATURN-recommended timeframes:**

Contentious Civil and Administrative Cases	Timeframe Target A	Timeframe Target B	Timeframe Target C	Timeframe Target D
Priority Cases	Disposed in 6 months	Disposed in 12 months	Disposed in 12 months	Disposed in 12 months
Normal Cases + (Priority cases)	95% - 90% Disposed in 18 months	95% - 90% Disposed in 24 months	95% - 90% Disposed in 30 months	95% - 90% Disposed in 36 months
Complex Cases (buffer)	5% - 10% Pending cases older than 18 months	5% - 10% Pending cases older than 24 months	5% - 10% Pending cases older than 30 months	5% - 10% Pending cases older than 36 months
Criminal Cases	Timeframe Target A	Timeframe Target B	Timeframe Target C	Timeframe Target D
Priority Cases	Disposed in 3 months	Disposed in 6 months	Disposed in 6 months	Disposed in 6 months
Normal Case + (Priority cases)	95% - 90% Disposed in 12 months	95% - 90% Disposed in 18 months	95% - 90% Disposed in 24 months	95% - 90% Disposed in 30 months
Complex Cases (buffer)	5% - 10% Pending cases older than 12 months	5% - 10% Pending cases older than 18 months	5% - 10% Pending cases older than 24 months	5% - 10% Pending cases older than 30 months

#### **Appendix 4: Timeframes for Judicial procedures in The Netherlands (good practices)**

At the beginning of this millennium many courts in The Netherlands had huge backlogs. National rules on time limits did not exist but it was clear that many procedures lasted too long. The requirement of article 6 of the European Convention of Human Rights and Fundamental Freedoms that *everyone is entitled to a fair and public hearing within a reasonable time* was not always met.

The Netherlands' Council for the Judiciary, founded in 2002, has thereupon introduced timeframes in The Netherlands. The courts and (representatives of) the judges were consulted beforehand. Timeframes are part of a broad and overarching quality system in The Netherlands, meant to improve the performance of the courts and of the judiciary.

The timeframes apply nation-wide and are set for 45 categories of cases in the fields of civil, criminal and administrative law, for first instance courts and for appeal courts. Timeframes relate to the length of a procedure in one instance, from the date the case is received by the court until the date it is disposed. There are no timeframes for procedural phases. The timeframes consist of two elements:

- the deadline(s) by which a case has to be disposed
- the percentage of cases that relates to this deadline

#### **The timeframes consist of:**

- either two stages and a buffer (towards complex cases)
- or (most common nowadays) one stage.

Examples of timeframes for first instance courts

Categories of cases		
contentious civil cases	70% < 1 year	90% < 2 years
interim proceedings	95% < 3 months	
regular administrative cases	70% < 9 months	90% < 1 year
small criminal cases	90% < 5 weeks	

For some courts the nation-wide timeframes are not realistic because they perform much worse than would be expected according to the timeframes. If so, a court can make a plan to improve its performance step-by-step, in order to be able to comply with the timeframes in a few year time. If, on the other hand, a court performs better than the nation-wide timeframes, it can formulate its own ambition in order to keep judges and court staff motivated to preserve their high-quality performance.

In The Netherlands timeframes have been an incentive to work more efficiently. In order to shorten the length of procedures and to realise the targets set in the timeframes many measures have been taken, such as:

- more delegation of tasks to law clerks and court staff to increase productivity
- more specialization of judges and law clerks
- the promotion of settlements, mediation, etc.
- the implementation of strict rules to minimize adjournments and avoid postponements. To increase the chance for these rules to be enforced, the decisions on granting postponements to lawyers and parties often are not taken by the judge who handles the case, but by a judge who has got the task to take such decisions on behalf of his colleagues
- more use of templates in making legal decisions.

Courts are accountable for the length of their procedures to the Council for the Judiciary. But, if they do not meet the timeframes there are no sanctions. Timeframes are a management tool and an instrument to improve the performance of the courts. They are not meant to compare courts with each other, but in reality there is some competition between the courts: rankings are made, all courts want to perform well and no court wants to be last on the ranking.

Timeframes are not meant nor used to measure the performance of individual judges. Judges and court staff know what the targets are and they are regularly informed on the length of procedures in relation to the timeframes.

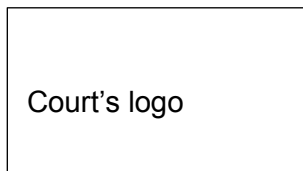
Courts do not present timeframes or the actual length of procedures on their websites. The Council for the Judiciary publishes an Annual Plan and an Annual Report in which the timeframes and the length of procedures are dealt with.

Until a few years ago in The Netherlands there was much emphasis on timeframes. The length of many types of proceedings has improved, but still many courts do not meet the timeframes. Meanwhile other priorities were chosen.

In The Netherlands a digital procedure with new legislation is being developed and one of its aims is that the length of procedures will be shortened by 40%. That would be a major step forward and would obscure all previous measures that have been taken.

## Appendix 5: The template questionnaires proposed by the CEPEJ experts as a result of the meetings with the pilot courts

### Questionnaire 1: COURT USER SATISFACTION SURVEY



## COURT USER SATISFACTION SURVEY

Evaluation of the functioning of the Court of [name of the Court].

This survey is conducted under the Project “*Strengthening the efficiency of justice and support to lawyers’ profession in the Republic of Moldova*”, which is part of the Council of Europe and European Union Eastern Partnership Programmatic Co-operation Framework 2015-2017.

As a public body, it is essential for us to give users an opportunity to provide feedback. Your opinion and suggestions are therefore important for improving the quality of services which we should supply to the citizens (court users).

Please, take a moment to complete this court user satisfaction survey. Then, place it in the box provided at the court’s reception desk, using a sealed envelope [*to be adapted according to the chosen method*].

This survey is anonymous. The confidentiality of your answers will be preserved.

1. In which capacity are you going to the court today?	
<input type="checkbox"/> One of parties at court hearing	<input type="checkbox"/> Witness at court hearing
<input type="checkbox"/> Judicial expert	<input type="checkbox"/> Representative
<input type="checkbox"/> Visitor	<input type="checkbox"/> Other
2. Have you already had a direct contact with a court in the past XXX years?	
<input type="checkbox"/> Yes <i>If yes, on what occasion?</i> _____	<input type="checkbox"/> No
3. What is the reason for your visit?	
<input type="checkbox"/> Court hearing / Court appearance	<input type="checkbox"/> File a document
<input type="checkbox"/> General assistance / information	
<i>If you didn't answer "Court hearing/court appearance", please go to question 7</i>	
4. In which type of proceedings did you take part in?	
<input type="checkbox"/> Civil	<input type="checkbox"/> Criminal
<input type="checkbox"/> Administrative	<input type="checkbox"/> Other (finance, land, etc.): _____
5. If you were a party, and the decision was delivered, did the court find partially or fully in your favour?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> The decision has not been delivered yet	
6. If you were a party, were you represented by a lawyer?	
<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>5a. If no, please explain why:</b>	
<input type="checkbox"/> I did not wish to be represented by a lawyer	<input type="checkbox"/> The fees were too expensive
<input type="checkbox"/> I did not trust lawyers enough	<input type="checkbox"/> Other : _____
7. How well do you know this court?	
<input type="checkbox"/> This is my very first experience in this court and I know almost nothing	<input type="checkbox"/> This is not my first time in this court but I know this court very little

I know this court quite well

I know this court very well

## PERCEPTION OF THE FUNCTIONING OF THE COURT

Now, we would like you to give us your opinion on the functioning of the court of \_\_\_\_\_.

Please select the answer that best describe **your level of satisfaction**:

**1: very dissatisfied**

**2: not satisfied**

**3: neither dissatisfied nor satisfied**

**4: satisfied**

**5: very satisfied**

**Don't know**

	1	2	3	4	5	Don't know
<b>OVERALL SATISFACTION</b>						
8. Overall satisfaction of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>ACCESS TO INFORMATION</b>						
9. Finding information about your rights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. The goodness of the information provided by the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>ACCESSIBILITY AND INTERIOR OF THE COURT</b>						
11. Coming to the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Signs inside the courthouse (orientation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Waiting conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Level of equipment in the courtroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Security within the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PROCEEDINGS</b>						
16. Due diligence of court's notifications/summons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Time lapse between court's notifications/ summons and court hearing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Punctuality of hearings and conditions under which your case was called in	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>COURT'S STAFF (non-judge)</b>						
19. Attitude and politeness of court's staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Level of competence of court's staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>JUDGES AND HEARINGS</b>						
21. Attitude and politeness	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Judge's way of expressing himself/herself	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Judge's impartiality in conducting the oral proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24. Time allocated to you or your lawyer/representative to make submissions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. Clarity of court's decision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>RESOURCES</b>						
26. Resources available to the court (material, funding, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COURT'S REGISTRY SERVICES</b>						
27. Information provided in response to your request	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28. Which court's registry services have you used in the course of the past XXX months/year(s)?	<input type="checkbox"/> I haven't used any court's registry services <input type="checkbox"/> Information on forms of legal action <input type="checkbox"/> Access to documents (e.g. copy of evidence) <input type="checkbox"/> Information on the court's decisions <input type="checkbox"/> Practical information on the execution of decisions <input type="checkbox"/> Other: _____					
29. What means of communication have you used to contact the court registry?	<input type="checkbox"/> in person <input type="checkbox"/> post <input type="checkbox"/> telephone <input type="checkbox"/> fax <input type="checkbox"/> email <input type="checkbox"/> website					
30. What means of communication would you prefer to contact the court registry?	<input type="checkbox"/> in person <input type="checkbox"/> post <input type="checkbox"/> telephone <input type="checkbox"/> fax <input type="checkbox"/> email <input type="checkbox"/> website					

**31. Please select 3 items that are, in your opinion, important in**

**order to improve the functioning of the court.**

<input type="checkbox"/> Fair trial	<input type="checkbox"/> Access to justice
<input type="checkbox"/> Length of proceedings	<input type="checkbox"/> Punctuality of hearings
<input type="checkbox"/> Equipment of the courtroom	<input type="checkbox"/> IT infrastructure
<input type="checkbox"/> Expertise of court staff	<input type="checkbox"/> Expertise of judges
<input type="checkbox"/> Information provided by the registry office	<input type="checkbox"/> Information provided by the court
<input type="checkbox"/> Public funding	

**GENERAL PERCEPTION ON THE JUDICIARY SYSTEM**

We would appreciate if you could give us your opinion on the judiciary system in general. Please tell us **whether you agree or disagree with each of the statements below.**

	<b>Completely disagree</b>	<b>Somewhat disagree</b>	<b>Neither agree nor disagree</b>	<b>Somewhat agree</b>	<b>Completely agree</b>
32. I do trust in the justice system in my country	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
33. Cost of justice (without taking into account lawyers' fees) is fair	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
34. The average length of proceedings is fair	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
35. The functioning of courts in my country is good.	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5

36. Please do not hesitate to tell us if you have any remarks or observations regarding the improvement of the functioning of this court in particular or of the justice system in general:

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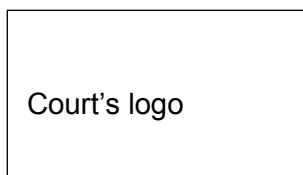


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## Demographic questions

<b>Gender :</b>	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
<b>Age :</b>	
<input type="checkbox"/> Between 18 and 30	<input type="checkbox"/> Between 31 and 50
<input type="checkbox"/> Between 51 and 65	<input type="checkbox"/> Over 65

## Questionnaire 2: LAWYER SATISFACTION SURVEY



Programmatic Cooperation Framework for  
Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus

Funded  
by the European Union  
and the Council of Europe



COUNCIL OF EUROPE



Implemented  
by the Council of Europe

## LAWYER SATISFACTION SURVEY

Evaluation of the functioning of the Court of [name of the court].

This survey is conducted under the project “*Strengthening the efficiency of justice and support to lawyers’ profession in the Republic of Moldova*”, which is part of the Council of Europe and European Union Eastern Partnership Programmatic Co-operation Framework 2015-2017.

Your opinion and suggestions are important to us and should help make the necessary improvements in the functioning of the court.

Please, take a moment to complete this court user satisfaction survey. Then, place it in the box provided at the court’s reception desk, using a sealed envelope [*to be adapted according to the chosen method*].

This survey is anonymous. The confidentiality of your answers will be preserved.

## 8. Are you practising:

Individually

In an associated form

## 9. How long have you been a member of the Bar of [name of the Bar]?

\_\_\_\_\_ years

## PERCEPTION OF THE FUNCTIONING OF THE COURT

We would appreciate if you could give us your opinion on the functioning of the court

Please select the answer that best describe **your level of satisfaction**:

**1: very dissatisfied**

**2: not satisfied**

**3: neither dissatisfied nor satisfied**

**4: satisfied**

**5: very satisfied**

	1	2	3	4	5
<b>OVERALL SATISFACTION</b>					
3. Overall satisfaction of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Costs / fees of access to justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>ACCESS TO INFORMATION</b>					
5. Access to the court's decisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Easy and practical file consultation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Communication between the court and lawyers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Promptness of responses to your requests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Relevance of responses to your requests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Quality of the website of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>ACCESSIBILITY AND INTERIOR OF THE COURT</b>					
11. Signs inside the courthouse (orientation)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Conditions of meetings with the clients	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Furnishing and equipment of courtrooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>COURT STAFF</b>					
14. Politeness and attitude	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

15. Level of professionalism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Availability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Clarity of court organisation and administrative responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PROCEEDINGS</b>					
18. Computerised management of proceedings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Punctuality of hearings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>JUDGES AND HEARINGS</b>					
20. Judges' politeness and attitude	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Judges' level of professionalism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Organisation and progression of hearings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23. Impartiality of the judges in conducting hearings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>JUDGES' DECISIONS</b>					
24. Independence of judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25. Clarity of the judges' decisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26. Rapid handling of cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27. Enforcement of decisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 28. Over the last five years, do you think the functioning of the court:

has deteriorated  is unchanged

has improved  I don't know

## 29. Over the last five years, do you think that the workload of the court has increased:

faster than its means  in proportion to its means

more slowly than its means  I don't know

## 30. In your opinion, are the court's material resources:

most insufficient  insufficient

sufficient  more than sufficient

<input type="checkbox"/> I don't know	
<b>31. In your opinion, are the court's staff resources:</b>	
<input type="checkbox"/> most insufficient	<input type="checkbox"/> insufficient
<input type="checkbox"/> sufficient	<input type="checkbox"/> more than sufficient
<input type="checkbox"/> I don't know	
<b>32. Please select 3 items that are, in your opinion, important in order to improve the functioning of the court:</b>	
<input type="checkbox"/> Fair trial	<input type="checkbox"/> Punctuality of hearings
<input type="checkbox"/> Equipment of the courtroom	<input type="checkbox"/> IT infrastructure
<input type="checkbox"/> Expertise of court staff	<input type="checkbox"/> Expertise of judges
<input type="checkbox"/> Relation with the court	<input type="checkbox"/> Access to the court's case law

33. Please do not hesitate to tell us if you have any remarks or observations regarding the improvement of the functioning of this court in particular or of the justice system in general:

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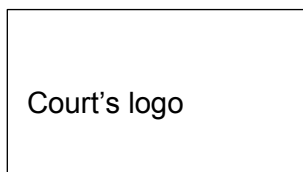
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<b>Socio-demographic questions</b>	
<b>Gender :</b>	
<input type="checkbox"/> Male	<input type="checkbox"/> Female
<b>How long have you been practising as a lawyer?</b>	
<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> 1 – 5 years
<input type="checkbox"/> 6 – 9 years	<input type="checkbox"/> 10 years or more

### Questionnaire 3: COURT STAFF SATISFACTION SURVEY



Programmatic Cooperation Framework for  
Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus

Funded  
by the European Union  
and the Council of Europe



COUNCIL OF EUROPE



Implemented  
by the Council of Europe

## COURT STAFF SATISFACTION SURVEY

Evaluation of the functioning of the Court of [name of the Court].

This survey is conducted under the project “*Support to increased Efficiency of*  
This survey is conducted under the Project “*Strengthening the efficiency of  
justice and support to lawyers’ profession in the Republic of Moldova*”, which  
is part of the Council of Europe and European Union Eastern Partnership  
Programmatic Co-operation Framework 2015-2017.

As a public body, it is essential for us to give staff members an opportunity to  
provide feedback on their working environment. Your opinion and  
suggestions are important for improving both you wellbeing at work and the  
quality of services which we should supply to the citizens. Therefore, please  
take a moment to complete this court staff satisfaction survey.

This survey is anonymous. The confidentiality of your answers will be  
preserved.



To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

## MEANINGFUL WORK SCALE

**10. To what extent do you feel that your work is important?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

**11. To what extent is your job interesting for you?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

## WORK MANAGEMENT/WORKLOAD SCALE

**12. How often do you feel that your workload is unevenly distributed?**

Almost always ----- 1 2 3 4 5 ----- Very rarely

**13. How often do you need extra time to complete your work assignment?**

Almost always ----- 1 2 3 4 5 ----- Very rarely

## WORK MANAGEMENT/AWARENESS SCALE

**14. To what extent do you feel that you are informed early on important decisions, changes or future plans?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

**15. To what extent do you feel that you have enough information to do your job well?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

## ROLE CLARITY SCALE

**16. To what extent do you know what is expected from your work?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

**17. To what extent do you know what belongs to your sphere of responsibility?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

**ADMINISTRATION**

**18. To what extent does your immediate supervisor give you feedback on your work?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

**19. To what extent is your immediate supervisor (or secretary general) good at resolving conflicts?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

**20. To what extent do you feel that you can deliver opinions and suggestions to your immediate supervisor (or secretary general)?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

**WORK ENVIRONMENT**

**21. Do you have a good atmosphere between colleagues?**

Very rarely ----- 1 2 3 4 5 ----- Almost always

**22. Do you have a good co-operation between colleagues?**

Very rarely ----- 1 2 3 4 5 ----- Almost always

**23. Do you feel yourself as part of a working collective?**

Very rarely ----- 1 2 3 4 5 ----- Almost always

## WORK VALORISATION

**24. To what extent does management acknowledge and appreciate your work?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

**25. To what extent does management have a respectful attitude towards you?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

**26. To what extent are you treated fairly at work?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

## REMUNERATION

**27. To what extent do you feel that your work is remunerated fairly compared to equivalent positions in your organisation?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

**28. To what extent is the remuneration system understandable for you?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

**29. To what extent does your organisation's remuneration system motivate you to put in more effort?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

## COURT PRESIDENTS ROLE IN ORGANISATION MANAGEMENT

**30. To what extent do you trust decisions (regarding with court administration) made by court president?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

**31. To what extent is court president result-oriented?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

## COURT REPUTATION AS AN EMPLOYER

**32. To what extent do you consider your organisation as an attractive employer?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

**33. To what extent is your organisation innovative?**

To a very low extent ----- 1 2 3 4 5 ----- To a very large extent

## COMMITMENT

**34. How often do you think about finding a new job?**

Very rarely ----- 1 2 3 4 5 ----- Almost always

**35. How often do you attend events as to improve your professional knowledge?**

Very rarely ----- 1 2 3 4 5 ----- Almost always

**36. If you had the opportunity, what would you change or suggest in order to improve well-being at work?**

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