



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 10 September 2010

CEPEJ(2010)2

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

**WORKING GROUP ON QUALITY OF JUSTICE
(CEPEJ-GT-QUAL)**

REPORT

**Conducting satisfaction surveys
of court users in Council of Europe member states**

by

Jean-Paul Jean
Public Prosecutor, Paris Court of Appeal,
Associate professor, University of Poitiers

And

Hélène Jorry
Temporary teaching and research fellow
University of Versailles-Saint-Quentin-en-Yvelines

CONTENTS

INTRODUCTION.....	3
1. INVENTORY OF SURVEYS ALREADY CONDUCTED.....	6
2. CONSTRUCTING A USER SURVEY AT LOCAL LEVEL.....	14
2.1. DETERMINING SURVEY AIMS, METHODOLOGY AND RELEVANT INDICATORS.....	14
2.2. DETERMINING VARIOUS CATEGORIES OF USER	14
2.3. CHOOSING A METHOD	15
2.3.1. QUALITATIVE SURVEYS.....	15
2.3.2. QUANTITATIVE SURVEYS	16
2.4. PREPARING THE SURVEY.....	16
2.4.1. MANAGEMENT AND ADMINISTRATION.....	17
2.4.2. SURVEY TIMING	17
2.4.3. QUESTIONNAIRE CONTENT: METHODOLOGY.....	17
2.4.4. QUESTIONNAIRE MEDIUM.....	17
2.4.5. RESPONSE SCALES.....	18
2.5. RECORDING AND ANALYSING RESULTS.....	18
2.6. REPORTING RESULTS AND LEARNING LESSONS	18
2.7. SUPPLEMENTING THE SURVEY BY OTHER METHODS IF NECESSARY	19
2.7.1. 'INTERVISION' OR PEER REVIEW	19
2.7.2. MIRROR SURVEYS.....	19
2.7.3. 'MYSTERY SHOPPING'	19
3. TESTING OF PRELIMINARY DRAFT OF QUESTIONNAIRE IN PILOT COURTS	19
3.1. COMMENTS BEFORE ADMINISTRATION OF QUESTIONNAIRE	20
3.2. COMMENTS AFTER THE TEST ON USERS OF THE MARSEILLE REGIONAL COURT.....	20
3.3. COMMENTS AFTER THE TEST ON USERS OF PRAGUE 1 DISTRICT COURT	21
3.4. COMMENTS AFTER THE TEST ON USERS OF THE NOVI TRAVNIK CANTONAL COURT.....	21
3.5. COMMENTS AFTER THE TEST ON USERS OF THE LUBLIN DISTRICT COURT.....	21
3.6. LESSONS LEARNT FROM THE TESTS CONDUCTED.....	22
DRAFT HANDBOOK FOR CONDUCTING SATISFACTION SURVEYS OF COURT USERS.....	23
APPENDIX 1: CUSTOMER SATISFACTION SURVEYS FOR COURT SYSTEM.....	33
APPENDIX 2: CHECKLIST FOR PROMOTING THE QUALITY OF JUSTICE AND THE COURTS (EXTRACTS)	37
APPENDIX 3: EXTRACT OF THE CEPEJ REPORT, EUROPEAN JUDICIAL SYSTEMS, EFFICIENCY AND QUALITY OF JUSTICE, OCTOBER 2008.....	39
BIBLIOGRAPHY	43

INTRODUCTION

By a letter dated 19 January 2009, Ms Killerby, Director of Cooperation in the Council of Europe's Directorate General of Human Rights and Legal Affairs, requested us to prepare a draft handbook on organising satisfaction surveys of court users for the use of central authorities in charge of justice and the courts. This study comes within the remit of the CEPEJ Working Group on Quality of Justice (CEPEJ-GT-QUAL).

On 7 March 2008, the working group proposed the preparation of a methodological handbook for court authorities and courts wishing to develop user satisfaction surveys. This tool was to be based on the experience of certain member states and relevant best practice.

On 26 September 2008, Mr Daimar Liiv, the group's rapporteur on this matter, presented a preliminary discussion paper on production of a suitable handbook (see Appendix 2). The group raised the question which courts had the authority to initiate such surveys and stressed the need clearly to identify the survey target groups. Involving court staff in use of the findings was also deemed very important, as well as making these surveys part of a quality system.

The *Checklist for Promoting the Quality of Justice and the Courts* adopted by the CEPEJ in July 2008 has also constituted an essential source (see Appendix 3).

Within this framework we began, with the help of the CEPEJ secretariat, by making an inventory of all existing surveys, using information from the 2008 evaluation report (see Appendix 4)¹. Then has been requested information on the methodology, results and use of these various surveys.

On the basis of this inventory, we divided the surveys into different types for the purpose of establishing their contexts, methodologies and aims.

Nature of surveys

Satisfaction surveys are a key element of policies to introduce a culture of quality.² Taking expectations as its starting point, a public-satisfaction approach reflects a concept of justice centred more on the service user than on the judicial system's internal performance.³ Satisfaction survey methods vary considerably: trend recording and ordinary public-opinion surveys (such as Eurobarometer),⁴ qualitative surveys of sample groups of users, and surveys to assess the satisfaction of actual users.⁵

¹ A qualitative inventory of user surveys measuring the public's confidence in their judicial systems had already been drawn up for 12 European countries and Quebec: M. Fabri, J.-P. Jean, P. Langbroek and H. Pauliat (eds), *L'administration de la justice en Europe et l'évaluation de sa qualité*, Montchrestien, Paris, 2005, 449 p.

² The Netherlands offers a good example with its general introduction of the 'RechtspraakQ' quality system. Cf. van Erp, Niemeijer, ter Voert & Meijer, *Geschiedprocedures en rechtspraak in cijfers 2005*, Ministerie van Justitie, WODC, 2007, <http://www.wodc.nl/onderzoeksdatabase/periodieke-informatievoorziening-rechtspraak-en-buitengerechtelijke-geschiedbeslechting-2006.aspx>; Committee for the Evaluation of the Modernisation of the Dutch Judiciary, *Judiciary is Quality*, December 2006, http://www.coe.int/t/dghl/cooperation/cepej/quality/JudiciaryQuality_nl.pdf. A further example of development of a culture of quality is the project launched by the Court of Appeal of Rovaniemi in Finland, which was awarded the CEPEJ's 'Crystal Scales of Justice' prize in 2005.

http://www.coe.int/t/dghl/cooperation/cepej/events/EDCJ/Cristal/Cristal2005Prix_fr.asp: *How to Assess Quality in the Courts? The Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi*, 2006, available at <http://www.oikeus.fi/uploads/6tegx.pdf>.

³ C. Bagues and S. Ferey, 'Les référents de l'image publique de la justice' in E. Breen (ed.), *Évaluer la justice*, Droit et Justice, PUF, 2002, pp. 175-195.

⁴ European Commission, *Civil justice in the European Union*, Special Eurobarometer 292, April 2008, http://ec.europa.eu/public_opinion/archives/ebs/ebs_292_en.pdf.

⁵ Cf. J.F. Lorit, S. Barichard, X. Brunetière, F. Pavé and J. Thierrée, *Les méthodes d'évaluation de la satisfaction des usagers*, Committee of Inquiry into the Cost and Performance of Public Services, October 2001, 101 p., <http://www.ccomptes.fr/fr/CECRSP/documents/divers/CompletsatisfactionUsagers.pdf>.

National opinion surveys on the courts and their operation

This type of survey has a number of distinguishing features. They may be either regular or ad hoc, and are frequently conducted even with the aim of gauging the impact of a high-profile case. Regular and/or detailed surveys are conducted by Ministries of Justice,⁶ Judicial Service Commissions⁷ and publicly funded bodies.⁸ Ad hoc opinion polls are conducted by private institutes at the request of individual sponsors, mostly newspapers. They mainly reflect the *level of confidence in the judicial system*, with varying results according to the country concerned, which can be linked to the general level of confidence in national public institutions such as the education system, the health system and the police. We took the view that regular surveys are more useful provided they cover larger sample groups and are based on fixed questionnaires, which are a far more appropriate means of measuring significant changes. For instance, the survey conducted by the Judicial Service Commission (Conseil supérieur de la justice) in Belgium very clearly brings to the fore factors reflecting the level of public confidence in the courts after the reforms resulting from the Dutroux case⁹.

Criticisms of the judicial system have remained the same for two centuries (delays, costs, inequality, unintelligibility, etc), and variances in survey results are closely associated with certain judicial scandals such as the Dutroux case in Belgium and the Outreau case in France.¹⁰

In our work, we shall be looking primarily at regular surveys with reliable indicators which make it possible to measure effectively the level of public confidence in the judicial system, explain any changes and understand the public's priorities in terms of reforms to improve the quality and efficiency of the judicial response. To this end, we shall rely not on polls of representative samples of the public (where the results are confined to *perceptions of justice*) but on the somewhat harder to organise surveys of people who have actually had dealings with the courts, where the results offer *practical feedback*.¹¹

⁶ See, for example:

Austria: National survey on perception of the judicial system, *Image der Justiz in Österreich*, 2006, www.bka.gv.at/.

France: Annual surveys of victims of offences, conducted since 2006, cf. *La satisfaction des victimes d'infractions concernant la réponse de la justice*, 2008 survey, 47 p., http://www.justice.gouv.fr/art_pix/1_1_1_stat_satisfvict_20091105.pdf; *Enquête de satisfaction auprès des usagers de la justice* (Court users satisfaction survey), Mission de Recherche Droit et Justice/Louis Harris, May 2001, 24 p., <http://lesrapports.ladocumentationfrancaise.fr/BRP/014000589/0000.pdf>.

Ireland: 'Mystery shopping' performed by an external firm on behalf of the Courts Service of Ireland in 2007.

United Kingdom: Satisfaction surveys of public and professional court users: *Her Majesty's Courts Service court user survey*, 2006-2009, <http://www.justice.gov.uk/publications/hmcsusersurvey.htm>.

⁷ See, for example:

Belgium: Survey by the Conseil supérieur de la Justice in 2000 and 2007, *Les belges et la justice*, www.csj.be;

France: One-off survey by the Conseil supérieur de la magistrature, *Les Français et leur justice: restaurer la confiance*, 2007 Annual Report, pp. 83-184;

Romania: Survey on independence of the judicial system, *The magistrates' perception of the independence of the judiciary system*, 2008, <http://www.transparency.org.ro/>.

Spain: Annual surveys by the Consejo General del Poder Judicial, www.poderjudicial.es.

⁸ See, for example:

Albania: Satisfaction survey of actual court users (OSCE mission / Research Institute on Judicial Systems (IRSIG-CNR, Italy)), 2009;

Finland: Marjukka Litmala (ed.), *Law and the Citizen 2004*, National Research Institute of Legal Policy, 2004.

⁹ Conseil supérieur de la Justice, 2000 and 2007, *op. cit.*

¹⁰ Jean-Paul Jean, 'Au nom du peuple français? La justice face aux attentes des citoyens usagers', in Daniel Soulez-Larivière and Hubert Dalle, *Notre Justice*, Robert Laffont., 2002, 444 p., pp. 103-118.

¹¹ Switzerland, Geneva law courts, 1995-1997, 2001, 2007; Bern, Bejube project, 2000; Netherlands, Council for Judiciary/Prisma, 2000, *op. cit.*; France, Mission de Recherche/Louis Harris, May 2001, *op. cit.*; United Kingdom, Her Majesty's Courts Service, 2006-2009, *op. cit.*

National and local surveys of actual court users

We distinguish between various **categories of user**:

1) Citizens who have had dealings with the courts for various reasons: in criminal cases as victims or perpetrators, witnesses or jury members; in civil cases as plaintiffs or defendants. Perception of the courts' performance in terms of reception of the public, length of proceedings and also cost is important, as is perception of the input of all those involved, first and foremost judges, lawyers and court staff. All aspects must be considered, as the surveyed individuals might have won or lost their civil cases. Specific categories of user may be studied, particularly victims of offences.¹²

2) Legal professionals, distinguishing between:

- Professionals belonging to the public justice service, such as **judges, public prosecutors, and other staff belonging to the courts and the public prosecution service**,
- Professionals who are essential partners of the courts, especially **lawyers**.

It is also always possible to conduct surveys of particular players such as bailiffs, notaries, expert witnesses and interpreters, as well as public sector employees and associations working directly with the courts to prepare or enforce the latter's decisions (social workers, police, probation staff, prison officers, etc.). This type of sociological survey, based on questionnaires and interviews, enables to complete the main survey, either by exploring a specific issue or in becoming part of a process for a comprehensive evaluation of the system's operation.

Methods used and expected outcomes

Various methods can be used for qualitative or quantitative surveys: on-the-spot observation, interviews, self-administered or telephone questionnaires, and 'mirror surveys'.¹³

Method and frequency will depend on:

- **Objectives** (monitoring user satisfaction, measuring court performance, improving service delivery, reforming the judicial system);
- **Scope** (a service area, a court, several courts of the same type, several courts in the same geographical district, etc.);
- **Target groups**: court users (all users of a particular court, certain users such as victims, persons involved in divorce proceedings, etc.), professionals (in the categories referred to above);
- Human, technical and budgetary **resources** available to the survey sponsor.

The CEPEJ asked us for an inexpensive and approved 'basic product' that is easy to use and focuses on the fundamental problems and issues of the courts' operation. A tool of this kind is intended to be widely distributed to member state courts and its use should entail few costs for the latter.

A second level of need might concern a more sophisticated multi-entry product, which could be adapted to specific judicial cultures, the problems anticipated and the amount of money available.

We are therefore proposing a *model multi-entry survey of actual court users*, accompanied by a *methodological handbook* making use of trials already run in a number of member states and the CEPEJ's work addressing the substantive issues involved. The aim will be to develop an operational tool within an overarching approach to improving the quality of justice. It will take the form of an *adjustable kit* with a *standard model that can be adapted* by users according to their needs, resources and priorities.

¹² For example, La satisfaction des victimes d'infractions concernant la réponse de la justice (2008), op. cit. (France).

¹³ For an exhaustive presentation of survey methods, with practical examples, see France Qualité Publique, *La satisfaction des usagers/clients/citoyens du service public*, Paris, La Documentation française, 2004, pp. 46-53.

1. INVENTORY OF SURVEYS ALREADY CONDUCTED

The table below describes all the surveys mentioned in the 2008 CEPEJ report as well as others in North America familiar to the experts. A number of requests for information were not met.

COUNTRY	PURPOSE	LEVEL	SURVEY SPONSOR AND DESIGN	TARGET GROUPS	METHOD	COMMENTS
NORTH AMERICA						
CANADA February 2007	Measuring customer satisfaction with the scope, quality and efficiency of service delivery	LOCAL Supreme Court of Canada, Registry Branch	<u>Sponsored by:</u> Supreme Court of Canada <u>Conducted by:</u> Private outside contractor	- Counsel - Agents - Self-represented litigants 299 persons 60% completion rate 2006 data	Contact by letter Online questionnaire on dedicated website	Assessment of court operation restricted to Registry Branch services
UNITED STATES	Design of ten tools to measure trial court performance (CourTools), in particular access to the courts, length and cost of proceedings, etc. Two tools in the form of satisfaction surveys: - Access and Fairness (users) - Court Employee Satisfaction (staff)	NATIONAL	National Center for State Courts	For the Access and Fairness questionnaire: - Litigants - Visitors - Lawyers - Law enforcement officers - Representatives of social service agencies	Annual survey Self-administered paper questionnaire in the courthouse 15 <u>statements</u> with a five-point response scale from 'Strongly agree' to 'Strongly disagree' 5 background information questions (sociodemographic and reasons for attendance at court)	Questionnaire drafted in the form of statements about access (10) and case handling (5).

		NATIONAL	National Center for State Courts	For the Court Employee Satisfaction questionnaire: - Court staff	Annual survey Self-administered questionnaire (paper or online on a dedicated site, depending on the court) 20 <u>statements</u> with a five-point response scale from 'Strongly agree' to 'Strongly disagree' 2 questions to identify the workplace.	Questionnaire drafted in the form of statements about the work environment, especially well-being at work and relations with supervisors.
--	--	-----------------	----------------------------------	---	--	--

COUNCIL OF EUROPE COUNTRIES

ALBANIA	Measuring satisfaction of actual court users: - Court access/facilities - Reception/information - Judges/conduct of proceedings - Overall operation	NATIONAL	OSCE Research Institute on Judicial Systems (Italian National Research Council)	Court users	Satisfaction survey (method of administration not stipulated)	Approach involving researchers Range of response scales (selection of an item, rating) and rating methods (rating from 1 to 10, putting a cross on a scale between two extremes, or expression of preferences through long-hand rating such as 'very satisfied, satisfied, no opinion, dissatisfied, very dissatisfied')
AUSTRIA December 2007	National survey on confidence in and operation of the courts	NATIONAL	<u>Sponsored by:</u> Ministry of Justice <u>Conducted by:</u> Outside contractor	- 1000 Austrian citizens selected at random	Telephone interviews	Recording opinion trends on the judicial system
BELGIUM	National survey (regular) on confidence in and operation	NATIONAL	<u>Sponsored by:</u> Conseil supérieur de la Justice	- 3210 Belgian citizens selected at random from	- Selected individuals contacted by letter	Measurement of trends 2002-2007 Second regular survey

February - April 2007	of the courts		(Judicial Service Commission) <u>Conducted by:</u> Private outside contractor	a telephone list (excluding companies and institutions) - Representative of different provinces, the Brussels-Capital Region and French- and Flemish-speaking citizens	- Subsequent telephone survey (22 minutes)	Opinion affected by high-profile cases (Dutroux) General confidence in the courts influenced by sociodemographic factors (stronger among young people, weaker among people actually having had dealings with the courts)
DENMARK	No reply concerning a survey conducted in 2001	NATIONAL covering all courts		12,000 survey respondents (public and professionals)		No reply concerning this survey (some information in Fabri, Jean, Langbroeck and Pauliat, <i>op. cit.</i>, pp. 202-203)
FINLAND	Satisfaction survey on legal institutions and access to the courts 2004	NATIONAL	<u>Sponsored and designed by:</u> National Research Institute of Legal Policy	- The public	Questionnaire	Very broad field covering public confidence in the legal and judicial system
	Measuring quality of proceedings and decisions, begun in 1999	LOCAL Courts under the Court of Appeal of Rovaniemi (Court of appeal + 9 district courts)	<u>Sponsored by:</u> Court of Appeal of Rovaniemi		Various methods: - Satisfaction surveys - Statistical analysis - Expert assessment - Self-assessment	Part of the overall 'Quality in adjudication' approach, focusing on preparation of proceedings (civil cases), quality of decisions delivered, and training
FRANCE	Measuring user confidence in the judicial system 2008	NATIONAL	<u>Sponsored by:</u> Conseil supérieur de la magistrature (Judicial Service Commission) <u>Conducted by:</u> Polling company	- The public (1008 individuals polled) - Members of the courts (8000 members; 15% response rate)	Telephone questionnaire (the public) and self-administered online questionnaire (members of the courts)	Comparative survey of public and court opinion. Comparison of value systems. Limited to confidence/distrust regarding the courts
	Opinions and expectations of the French public 1997	NATIONAL	<u>Sponsored by:</u> Law and Justice Research Task Force (public interest grouping) <u>Conducted by:</u> Polling company	- 1042 members of the public - 21 legal professionals	Questionnaire for the public In-depth interviews with legal staff	Measuring trends (similar poll carried out in 1991)

	Annual survey of crime victims, conducted since 2006	NATIONAL	<u>Sponsored by:</u> Ministry of Justice <u>Conducted by:</u> Polling company	Survey of approximately 5000 crime victims Sample based on nature of offence, extracted from case registration software data	Telephone questionnaire	Survey targeting a particular category of court user and covering their satisfaction at different stages of the proceedings.
	User satisfaction survey 2001	NATIONAL	<u>Sponsored by:</u> Ministry of Justice Law and Justice Research Task Force (public interest grouping)	Actual users: sample of 1200 individuals out of the 24,000 contacted	Preliminary qualitative interviews (public and professionals) Then telephone questionnaire by category (perpetrator, victim, divorce, etc.)	Actual court users' perception of the most common types of cases. Assessment concerning professionals and the judicial system
GERMANY	Insufficient information on this survey	LOCAL In the state of North Rhine Westphalia	Eight surveys	- The public - Lawyers and notaries - Representatives of court employees	Interviews	Insufficient information on this survey
IRELAND	'Mystery shopping' January - February 2007	NATIONAL	<u>Sponsored by:</u> Courts Service of Ireland <u>Conducted by:</u> Private outside contractor	Court staff	100 'shops': - 70 on court premises - 15 by telephone - 15 by e-mail	Part of implementation of the Customer Service Charter aimed at improving service quality. Questions mainly covered the working environment (cleanliness, accessibility) and relations between staff and users (reception, information provision, availability)

	Satisfaction surveys July 2008	NATIONAL	Courts Service of Ireland	<ul style="list-style-type: none"> - Court users - Jurors - Lawyers - Court staff - User groups 	5 questionnaires containing 4 to 8 items 1-to-5 rating scale	<p>In-house procedure prior to introducing a Customer Service Action Plan</p> <p>Questions focusing mainly on reception and information</p>
NETHERLANDS	<p>RechtspraakQ system for regular quality measurement to improve various aspects of court organisation.</p> <p>Some of its measuring tools are based on the satisfaction surveys conducted every 4 years since the early 2000s:</p> <ul style="list-style-type: none"> - of court users; - of staff. 	NATIONAL	<p><u>Sponsored by:</u> Council for Judiciary in consultation with the other courts</p> <p><u>Conducted by:</u> Independent polling agency (Prisma) (Experts met Prisma coordinators) + Sociology researchers</p>	<p>Survey of 'customers' or non-professional users:</p> <ul style="list-style-type: none"> - Court users <p>Survey of professional users:</p> <ul style="list-style-type: none"> - Lawyers - Expert witnesses - Crown prosecutors <p>Survey of staff:</p> <ul style="list-style-type: none"> - Court staff 	<p>Qualitative phase Individual interviews to construct the questionnaire</p> <p><u>User survey</u></p> <ul style="list-style-type: none"> - For the first survey, questionnaires were sent out by post and administered by telephone (poor response rate: 10 to 20%) - Since then, questionnaires have been administered at the end of the hearing (interview lasting 10-15 minutes; 70% response rate) <p><u>Professionals survey</u></p> <ul style="list-style-type: none"> - Letter of invitation by post or e-mail - Self-administered online questionnaire on dedicated website <p><u>Staff survey</u> Method of administration not specified</p>	<p>Quality procedure institutionalised and extended to the whole of the Dutch judicial system</p> <p>All aspects of a court's service delivery are addressed: judge's treatment of parties during the hearing, intelligibility of decisions, observance of deadlines, court access.</p> <p>These surveys may be supplemented by more detailed interviews with sample groups of customers.</p> <p>Court staff surveys focus on assessing the working environment, especially with regard to motivation and scope for development.</p>

	<p>Paths to Justice in the Netherlands</p> <p>Regular survey (2003, 2009)</p>	NATIONAL	<p>Ministry of Justice Research and Documentation Centre (WODC)</p>	<p>5000 members of the public</p>	<p>Online questionnaire (2003 and 2009) supplemented in 2009 by individual interviews (in the street)</p>	<p>Survey focusing mainly on problems encountered by members of the public in gaining access to the courts (financial, family, administrative, etc.) and how they were solved (legal advice, trade unions, etc.).</p> <p>Trend measurement The 2009 survey shows that the number of problems encountered has fallen since 2003 (from 2.5 to 1.9) and that citizens increasingly tend to resort to legal advice to solve them (from 45.5% to 52%)</p>
ROMANIA 2006	<p>Evaluation of independence of judicial system</p>		<p><u>Sponsored by:</u> Judicial Service Commission <u>Conducted by:</u> NGO and polling company</p>	<p>Judges Public prosecutors Assistant judges and public prosecutors</p>		<p>Original feature: In the context of EU accession, dealt with aspects of interference in operation of the courts: political and media pressure.</p>
	<p>2008 survey of judicial profession (data gathered in 2005 and 2007)</p>	NATIONAL	<p><u>Sponsored by:</u> General Council of the Judiciary</p>	<p>- Judges (1800 in 2005 and 1475 in 2007)</p>	<p>Telephone survey</p>	<p>Survey focusing on the judicial profession: case handling, accommodating family life, in-service training</p>
SPAIN	<p>Regular survey of the image of the judicial system in Spanish society 2001</p>	NATIONAL	<p><u>Sponsored by:</u> General Council of the Judiciary <u>Designed by:</u> A teacher/researcher <u>Conducted by:</u> Private outside contractor</p>	<p>- The public (1200 persons)</p>	<p>Home interviews with the individuals selected (35 minutes)</p>	<p>Measuring trends</p>
	<p>Satisfaction survey on operation of the courts December 2001</p>	NATIONAL	<p><u>Sponsored by:</u> General Council of the Judiciary <u>Designed by:</u></p>	<p>- Parties (plaintiffs, defendants, accused, victims)</p>	<p>Questionnaire administered during a personal interview (20 minutes)</p>	<p>General assessment of operation of the courts Process involving academics</p>

			A researcher at the Autonomous University of Madrid Administered by: Private outside contractor	- Witnesses - Lawyers Sample of 1000 persons (800 parties/witnesses and 200 lawyers)	Closed questions, replies on a scale of 0 to 10, some open-ended questions	
SWEDEN	No information on this survey					No information on this survey
SWITZERLAND	BEJUBE project (2000) Customer satisfaction - Proceedings and atmosphere; - Information provided about proceedings - Intelligibility of proceedings - Length of proceedings - Acceptance of verdict	LOCAL All courts in Canton of Bern, including Supreme Court	<u>Sponsored by:</u> Supreme Court of the Canton of Bern - Prepared by legal professionals - Processing and analysis of results by an outside company	3 questionnaires: - Parties, witnesses, informants; - Persons involved in sentence-order proceedings - Lawyers	Written questionnaires sent out on completion of proceedings (or the hearing, for witnesses and informants). Response rate: 20%	All courts within a district Did not consider quality of judgments Nominative file
	Regular satisfaction surveys of Geneva law-court users (1995-1997, 2001, 2007)	LOCAL All courts in Canton of Geneva, including Supreme Court	<u>Sponsored by:</u> Geneva law courts (Experts met coordinator) <u>Designed/administered by:</u> Private outside contractor <u>Supervision and analysis of results by:</u> 'Quality group' consisting of judges and court staff	- Court users (6000 questionnaires sent out in 2007, 1403 returned, representing a response rate of 23.4% (22.9% in 2001 and 20.5% in 1997)) - Lawyers (45% response rate in 2007) - Notaries (1995 and 2001 surveys)	Questionnaire sent out by post	Assessment of general operation of the judiciary and specific operation of the court concerned. Original method of measuring satisfaction: dual assessment (importance of expectations and actual satisfaction) for various factors.

<p>UNITED KINGDOM</p>	<p>Satisfaction surveys of public and professional court users (2006-2009 three-year programme)</p>	<p>NATIONAL Survey conducted in all English and Welsh courts</p>	<p><u>Sponsored by:</u> Her Majesty's Courts Service (Ministry of Justice) <u>Conducted by:</u> Polling company</p>	<p>- Public and professional court users (12,897 persons in 2008, representing a 47% response rate)</p>	<p>Single questionnaire (for both public and professional court users) administered by interviewers outside the courts (exit survey) Supplemented by self-administered questionnaires sent by post to a sample of jurors and probate court users</p>	<p>The aim is to develop a key performance indicator for user satisfaction.</p> <p><u>Trend measurement</u> Observation of major trends, differences between types of user, and points for improvement according to service area.</p> <p>Results can be processed to evaluate user satisfaction according to ethnic origin (reduced access to the law for some minorities)</p>
------------------------------	---	---	---	---	--	--

2. CONSTRUCTING A USER SURVEY AT LOCAL LEVEL

For a comprehensive approach to quality assessment,¹⁴ it would be advisable to start by conducting a qualitative survey using individual interviews, group meetings or on-the-spot observation of behaviour, supplemented by an analysis of correspondence and complaints (examples: the Polish Ombudsman,¹⁵ the Court of Grasse in 2000¹⁶ and the French Ombudsman), in order to define more clearly the target group, the scope of the survey and the methodology and to involve stakeholders in the assessment procedure. Some courts, following the example of the law courts in the cantons of Bern and Geneva, have set up a **steering committee** to this end. Such a committee, which may be internal or external to the court concerned and which consists of court professionals, court users and external specialists (academics, researchers, etc.), can adapt the final version of the questionnaire to the court's needs and aims and then make arrangements for its implementation.

However, given the cost and the resources required, a qualitative survey of this sort is not automatically necessary; the tool proposed by the CEPEJ draws on good practice in member states and can be adapted to specific local features after a few consultation meetings.

Whatever the circumstances, establishing a local steering committee would seem essential to the success of a user satisfaction survey, with or without a preliminary qualitative survey.

2. 1. DETERMINING SURVEY AIMS, METHODOLOGY AND RELEVANT INDICATORS

Putting in place a survey means first clarifying the aims in order to:

- Narrow down the scope of the survey (object and target groups);
- Define the survey methodology (user observation, interviews, questionnaires, etc.) and details (timetable, regular or ad hoc survey, etc.);
- Agree with staff on aims, indicators and use of results;
- Determine the way in which the target groups are to be involved in the survey;
- Cope more effectively with any problems arising;
- Collect relevant results.

The indicators should be chosen in order to pinpoint the various aspects of a user's perception of the situation. It is a question of understanding all aspects affecting user relations (environment, cost, length of proceedings, reception, etc.).

In addition, this stage makes it possible to determine whether the conduct of the survey and the analysis of its results will require the involvement of an independent outside body as well as the establishment of a steering committee. A research laboratory or university team may well be interested in working in partnership with the court.¹⁷ If a private company is used, the relevant cost must be taken into account.

2. 2. DETERMINING VARIOUS CATEGORIES OF USER

¹⁴ Van Erp, Niemeijer, ter Voert & Meijer, *Geschilprocedures en rechtspraak in cijfers 2005*, Ministerie van Justitie, WODC 2007, <http://www.wodc.nl/onderzoeksdatabase/periodieke-informatievoorziening-rechtspraak-en-buitengerechtelijke-geschilbeslechting-2006.aspx>; Committee for the Evaluation of the Modernisation of the Dutch Judiciary, *Judiciary is Quality*, December 2006; L. Sibony, 'Quelles leçons tirer des expériences étrangères?' in E. Breen (2002), *op. cit.*, pp. 105-116. *How to Assess Quality in the Courts? The Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi*, Finland, 2006.

¹⁵ Rafal Pelc, What are the expectations and the needs of justice users: the experience of the Polish Ombudsman, CEPEJ study session, 2003

¹⁶ Marie-Luce Cavrois, Hubert Dalle and Jean-Paul Jean (eds), *La qualité de la justice*, Perspectives sur la Justice, Paris, La Documentation française, 2002, 269 p.

¹⁷ Examples: Albanian court-user satisfaction survey, OSCE Mission / Research Institute on Judicial Systems (Italian National Research Council) 2009; Finland, Marjukka Litmala (ed.), *Law and the Citizen 2004* (National Research Institute of Legal Policy), 2004; Netherlands, regular surveys of 'customers' and staff; Spain, Consejo general del poder judicial, *Encuesta a usuarios de la administración de la justicia* (Autonomous University of Madrid) 2001.

It is first necessary to define a representative sample, which will depend on user characteristics, the survey choices and the degree of detail required.

In the case of national opinion surveys, such as those conducted in Belgium, France and Spain, a representative sample can be put together using a wide range of criteria, including sociodemographic factors (age, gender, faith, etc.),¹⁸ language factors,¹⁹ geographical representativeness²⁰ and whether individuals are actual court users or not. National surveys may also target categories of actual users – on the basis of an individual's status during proceedings, for example.²¹

Satisfaction surveys in courts, on the other hand, must be conducted among actual users of the court concerned. The representative sample of users may be narrowed down according to whether the aim is to analyse a particular area of service, such as reception or registry services,²² operation of the court as a whole or specific types of case (family law cases, for example), or to study specific categories of user:

- **Defendants:** Individuals undergoing trial are one category of user of the public judicial service. Some countries such as Canada, the Netherlands and Switzerland use the label 'customer/client' over and above its commercial meaning, to describe the individual receiving the service delivered (consumer, client, beneficiary, etc.);
- **Barristers:** registered with the Bar association of the court concerned, or outside its district but occasionally pleading there;
- **Various professionals belonging to the court and the public prosecution service:** judges, judicial officers not part of the regular judiciary (independent bodies/clerks with administrative and judicial duties), court officials, prosecutors, etc.;
- **Legal professionals** in most frequent contact with the court concerned (notaries²³ and bailiffs);
- **Other professionals frequently called upon to assist the courts,** whose contribution substantially affects the quality of justice: expert witnesses and translators/interpreters.

2.3. CHOOSING A METHOD

There are a number of satisfaction survey methodologies²⁴ depending on whether the aim is to take stock of trends in user opinion (qualitative survey) or of satisfaction levels in a representative sample of users (quantitative survey).

2.3.1. QUALITATIVE SURVEYS

Qualitative surveys are more exploratory in nature and can be used to identify trends in user satisfaction/expectations. More generally, they can provide preliminary information for quantitative surveys.

Various methods can be used:

- On-the-spot observation of users' attitudes and reactions when visiting a court;
- 'Mystery shops'²⁵ by an expert posing as a user (telephone calls, enquiries, etc.);
- Individual interviews to record opinions and understand users' motives for the purpose of preparing a questionnaire;²⁶

¹⁸ *Les Français et la Justice* ('The French and their Judicial System'), GIP Mission de Recherche Droit et Justice (France), 1997.

¹⁹ *Les Belges et la Justice* ('The Belgians and their Judicial System'), regular survey by the Conseil supérieur de la Justice (Belgium), 2007.

²⁰ Ibid.

²¹ *La satisfaction des victimes d'infractions concernant la réponse de la justice* ('Crime victims' satisfaction with the judicial response'), Ministry of Justice (France), 2008.

²² Client satisfaction survey for Registry Branch services of the Supreme Court of Canada, 2007.

²³ Notary satisfaction survey, Geneva law courts, 1995 and 2001.

²⁴ France Qualité Publique (2004), *op. cit.*

²⁵ In Ireland, for example, the 'mystery shops' sponsored by the Courts Service of Ireland were carried out in courts in 2007 by a private outside contractor.

²⁶ Cf., in particular, the regular staff and user surveys forming part of the *RechtspraakQ* quality system (Netherlands) and the court users satisfaction survey (*Enquête de satisfaction auprès des usagers de la justice*, 2001, *op. cit.*) in France.

- Interview with a sample group of users to record their experience and compare their viewpoints.

This is admittedly a costly, time-consuming method requiring specialist interviewers, but it is necessary for an overarching quality system (Netherlands). Combining a preliminary qualitative survey with a quantitative survey thus leads to the most detailed and comprehensive study possible of user satisfaction and/or expectations.

2.3.2. QUANTITATIVE SURVEYS

Quantitative surveys measure user satisfaction statistically on the basis of a representative sample.

Various methods may be used:

- **Self-administered questionnaires within the courts**

Example: a questionnaire made available at the court's reception desk or on leaving the hearing (Netherlands (user surveys), Switzerland (Bern), United Kingdom, United States).

This is the cheapest method of obtaining a very good response rate. In the first user surveys in the Netherlands, questionnaires sent out by post or administered by telephone had a response rate of between 10% and 20%. A change in administration method (interviews conducted with users as they leave the hearing) increased the response rate to 70%. However, distribution of the questionnaire immediately after the hearing may also entail a risk of bias in its interpretation.

- Self-administered **postal or Internet** questionnaires

This method is less expensive, but the response rate may be low without a special awareness-raising campaign. The electronic questionnaire, sent by e-mail or put on a dedicated website (Canada, the Netherlands (2009 survey into problems of access to the courts)²⁷ Switzerland (Geneva), the United Kingdom (registry users and jurors) and the United States), selects a specific category, Internet users, which obviously affects representativeness (age, sociocultural level, etc.). But this method of distribution is recommended for direct surveys of professionals, with excellent response rates if appropriate explanations and guarantees are given to the addressees, as in the Netherlands (surveys of professionals) and France (2008 survey of members of the courts).

This method nonetheless entails the use of a data file covered by domestic legislation on personal data protection.

- **Telephone** questionnaires

This method is more time-consuming and entails recourse to a polling agency and/or specialist interviewers to administer the questionnaire by telephone (at least twenty minutes per questionnaire). It is therefore expensive but can be used to construct representative samples and refine analysis and the degree of detail in replies (examples: Austria, Belgium, Finland (2008), France (2001 and 2008 user surveys, 2006 victim survey), Netherlands (initial court-user surveys) and Spain (2008 judicial career survey)).

- Home or in-court **interviews**

This method entails use of a questionnaire and face-to-face interviews. Since it necessitates recruitment of interviewers and recourse to a specialist body, it is more expensive (examples: Austria, France (1997 survey), Germany, the Netherlands (2009 survey of court access problems)²⁸ and Spain (regular survey and 2001 survey)).

2.4. PREPARING THE SURVEY

²⁷ WODC, *Paths to Justice in the Netherlands*, Ministerie van Justitie, 2004, <http://english.wodc.nl/onderzoeksdatabase/geschilbeslechtingdelta.aspx>.

²⁸ Ibid.

2. 4. 1. MANAGEMENT AND ADMINISTRATION

Court staff should already be involved at the preparatory stage by setting up a *steering committee* (see above).

Use of outside bodies such as polling companies (as in Canada, France, Romania and the United Kingdom), external consultants (as in Austria, Canada, Ireland, Spain and Switzerland) or, if they exist, independent bodies responsible for producing performance measurement tools such as satisfaction surveys (as in the Netherlands (Prisma agency) and the United States (National Center for State Courts)), for the administration, or even design, of the questionnaire and processing of the results will make the procedure more professional. This will, however, depend on the resources available to the court. Partnership with university and/or research teams seems the best solution (as in Albania, Finland and Spain).

2. 4. 2. SURVEY TIMING

User availability is a key factor. This will determine whether it is better to send the questionnaire with the summons, make it available at the court's reception desk, as users leave the hearing or outside the court, put it on the court's website or send it by post or e-mail.

In any case, it is essential that the court concerned should inform users beforehand in order that they feel involved in the survey procedure.

2. 4. 3. QUESTIONNAIRE CONTENT: METHODOLOGY

The questionnaire must be accompanied by a preliminary notice indicating the *survey sponsor and aims*. This notice must point out that *anonymity safeguards* will be respected and supply information on the *ethical principles* applying to use of the data provided.

The content of the questionnaire will be largely determined by the area of service or aspects of that service that you wish to evaluate (reception, speed, efficiency, accessibility, etc.). It must uncover user perceptions of the court concerned and thus enable its strengths and weaknesses to be identified in order to review service targets and fine-tune methods of service delivery.

The questionnaire should start with an introductory section of simple questions both to win the user's trust as well as to enable the sponsor to narrow down a representative sample of users (age, gender, position, actual user, occasional user, etc.).

Next, the **main themes of the questionnaire** should be arranged under headings, starting with the general perception of the service and going on to more specific aspects, such as access to information, court facilities or court operation (reception, contact with judges and public prosecutors, etc.). The various themes selected should consist of series of items alternating simple questions with more sensitive questions.

The form of the questionnaire must be such that it can be adapted for all courts in Council of Europe member states. It should usually consist of easily processable *closed questions* or statements (as in the United States), which can be accompanied, if appropriate, by *open-ended questions* for users to convey their opinions on matters that they think important and which might not have been addressed by the survey. However, the number of open-ended questions should be limited in order not to complicate the processing.

The questionnaire must have a *fixed part* containing *key indicators* common to all courts in Europe and easily tailored, where required, to procedural needs. It may also include *adjustable parts* to reflect specific features of different local and judicial cultures and to explore what court managers consider to be crucial problems.

Finally, the **language used** must be clear (short sentences, no ambiguity), neutral (no negative sentences or emotive words) and easily understood by all court users in Council of Europe member states. Translations of the standard questionnaire must therefore be careful to include the most appropriate terms in each national language.

2. 4. 4. QUESTIONNAIRE MEDIUM

The questionnaire may be administered using paper copies or else electronically with electronic kiosks. It can also be produced in an electronic format that is easy to process with a spreadsheet.

2. 4. 5. RESPONSE SCALES

Various response scales are possible. Some scales ask the user to choose an item (questions on the pattern of 'Select from the following replies ...' as used in the satisfaction survey conducted by the Supreme Court of Canada).

Some use ranking of set answers ('Rank the following replies from 1 to ...').

Other scales can be used to obtain simple replies through binary rating ('Satisfied/Dissatisfied'; 'Yes/No') or more detailed user preferences through a longer rating (a 0-to-10 scale on the pattern of the user questionnaires of the Consejo General del Poder Judicial (2001) or a satisfaction scale ranging from 'Very satisfied/Strongly agree' to 'Very dissatisfied/Strongly disagree' as in the response scales for the British and US surveys).

Particularly valuable are surveys such as those conducted in the courts of the canton of Geneva that make it possible to *measure the gap between user expectations and user satisfaction for each item* using a dual assessment (importance and satisfaction).

2. 5. RECORDING AND ANALYSING RESULTS

Generally speaking, most of the surveys studied resorted to outside bodies for analysis of results, reports on the survey and, where applicable, recommendations. It would therefore be desirable for the steering committee to make use of an **outside body**, either public or private, thereby offering increased safeguards of the anonymity of replies and objective analysis of the results.

However, it is essential that the steering committee should also establish **intermediaries/contact persons** in the court (for example, court staff made available for this purpose) to provide methodological assistance for users where necessary. Close involvement of court staff in this process is vital.

Depending on the survey timetable, it is necessary to agree the **frequency** with which responses are to be collected, whether the questionnaires are collected from a box provided at the reception desk or received by post or e-mail. A comparison of satisfaction rates for the time interval over which responses are collected (day, week, month, etc.) can thus be obtained.

Questionnaire responses must therefore be collected regularly and the results then processed using a **spreadsheet** (charts and tables of figures) for reporting purposes. The method of counting must also allow responses to be divided into the different user categories (age, professional seniority, class of court user, etc.). The aim must also be to bring to light the **gap between user expectations and user satisfaction** by taking into account, for each factor evaluated, both the replies relating to satisfaction and the replies relating to importance (level of expectation) according to the rating scales. The priorities in terms of improvements to be made will be determined by the items rated highest in terms of importance and lowest in terms of satisfaction.

2. 6. REPORTING RESULTS AND LEARNING LESSONS

Organisation and communication of feedback are an integral part of the survey process and should come within the framework of a *court plan* and *quality campaign*. This means setting up a *follow-up committee* to disseminate the survey results (in the form of a report presenting both the survey and the results obtained) and learn the lessons, especially by identifying priorities for action.

Communication must take place both in-house (oral presentation, discussion meetings), to involve staff in seeking practical solutions, and with regard to users (thank-you letters, information campaigns, results displayed in the court's reception area, etc.), who are thus informed about, and even involved in, any improvement undertakings.

Ad hoc surveys should not be considered sufficient for this purpose, and the process must be repeated regularly to measure changes in satisfaction levels. Media coverage of the process and the results helps to strengthen and promote the court plan and obtain outside backing to support the first trial.

2. 7. SUPPLEMENTING THE SURVEY BY OTHER METHODS IF NECESSARY

The main survey can also be supplemented by the use of measurement techniques such as satisfaction intervision, mirror surveys or "mystery shopping".

2. 7. 1. 'INTERVISION' OR PEER REVIEW

Based on reciprocity, the peer-review method (or 'intervision') consists in having judges assess each other outside the managerial framework. Imported from the Netherlands, the technique relies on a pair of judges observing each other in the actual course of their work in order to improve professional practice. This is very much part of a comprehensive approach to quality assessment and improvement.

It might, however, be a useful complement to the 'judges' questionnaire, following the example of the Netherlands, where it forms part of the RechtspraakQ quality system. Some French courts have begun to develop this practice over the last ten years.²⁹

2. 7. 2. MIRROR SURVEYS

Mirror surveys consist in getting court staff to assess the level of user satisfaction or encouraging them to look at their own work (examples: 2008 survey by the French Judicial Service Commission; Romanian survey on independence of the judicial system).

This method can be used to compare the satisfaction rate expressed by users with the satisfaction rate as perceived by court staff. It also has the benefit of involving the latter more closely in the evaluation process.

2. 7. 3. 'MYSTERY SHOPPING'

Mystery shopping is a technique that is increasingly being used in activity areas concerned with customer satisfaction and quality development. The 'mystery shopper' is a person sent by a specialist outside firm who poses as a customer in order to measure the standard of service and reception. This person is given specific assessment criteria, which will be sent to the sponsor, often in the form of a questionnaire. Although the practice is still uncommon in the courts, some countries such as Ireland have used it to measure the quality of relations between court staff and users as well as the working environment. Sponsored by the Courts Service of Ireland, these 'mystery shops' carried out within court premises, by telephone and by e-mail have produced positive results regarding reception by court staff and the latter's availability.³⁰

3. TESTING OF PRELIMINARY DRAFT OF QUESTIONNAIRE IN PILOT COURTS

Testing the questionnaire is an essential stage in order to assess its intelligibility and accessibility, user response times, and the relevance of the time interval over which it is administered.

A first version of the draft questionnaire was submitted to GT/EVAL on 18 May 2009. The proposal for a court users questionnaire limited to individuals having had actual contact with the court concerned was approved, together with a questionnaire for lawyers,. It was decided to use the 'Swiss model' employed in Geneva. In this perspective, the experts and the Chair of GT-QUAL met the person responsible for the survey at the Cantonal Court of Geneva in June 2009.

²⁹ The Courts of Roanne, Créteil and Albertville and the Caen Court of Appeal. Based on these pilots, the Legal Service Training College in 2008 produced an Intervision Charter and an observation sheet to clarify the framework and method.

³⁰ Courts Service of Ireland, 2007, *op. cit.*

The draft survey consisted of closed questions supplemented by two open-ended questions. It contained a fixed part concerning elements that seemed essential and allowing comparison between courts in a single state and between courts in several states. To this was added an adjustable section to reflect national and local characteristics.

The second version of the draft survey (cf. Appendix 1), covering all these elements, was presented to representatives of member state pilot courts at their plenary meeting in Strasbourg on 10 September 2009, allowing a tangible discussion of the feasibility and relevance of the proposed approach. The positive response and constructive comments led to the proposal of two new revised versions of the draft user questionnaire to test two approaches: one version (V1) to measure the gap between user expectations and user satisfaction, as in the Geneva surveys, and the other version (V2) to assess through a question the aspects considered most and least important for one single issue.

After these discussions a number of courts in Council of Europe member states agreed to test the preliminary draft of the questionnaire in October 2009 on a sample of users of their services. Lessons were learnt from comments made by these courts before administration of the questionnaire (Court of Veszprem (Hungary) and Court of Turin (Italy)) and from the results obtained by courts having actually administered the questionnaire (Regional Court (TGI) of Marseille (France), Cantonal Court of Novi Travnik (Bosnia and Herzegovina), District Court of Lublin (Poland) and District Court of Prague 1 (Czech Republic)).

3.1. COMMENTS BEFORE ADMINISTRATION OF QUESTIONNAIRE

The Court of Veszprem pointed out that the way in which Question 27 on court budgets was formulated might not be intelligible. It suggested framing the question in terms of satisfaction with court facilities instead. Furthermore, it seems that questions relating to judges' attitudes, professionalism and politeness might encounter difficulties in Hungary.

The Court of Turin commented on the relevance of the terms 'assessment' and 'importance'; it therefore preferred Version 2 of the questionnaire. Further, regarding the theme of access to information, it thought the question ought to be reframed to concentrate on additional information provided by the court that was not provided by counsel. Concerning Questions 16 and 17 on the clarity of the summons and the time between the summons and the hearing, the Court of Turin considered these two questions to be irrelevant, since Italian courts had no control over the scheduling of hearings or the form of the summons. The same applied to Question 24 on opportunities for users to speak at hearings, inasmuch as judges tended to consider that it was usually superfluous for parties to speak at a hearing. Furthermore, this question might be used to voice criticisms of judges linked to the previous questions.

3.2. COMMENTS AFTER THE TEST ON USERS OF THE MARSEILLE REGIONAL COURT

Each version of the questionnaire was tested on 10 users. The observed response time was, on average, 8½ minutes for Version 1 and 11 minutes for Version 2.

Once the methodology had been explained, users did not have any particular problems in understanding the questionnaire. Moreover, they expressed a preference for Version 1, which allowed them to be more specific.

However, there was some criticism of the rating scale used (1-to-6). Since a system with an even number of options did not allow them to select a happy medium, 4 users out of 10 decided to circle more than one figure. In particular, for Question 8 on the cost of access to the court, users found that the correspondence between the figures and the replies 'expensive' and 'inexpensive' was a source of confusion.

Regarding when to administer the questionnaire, it was noted that it was better to approach users while they were waiting for their hearing rather than when they were leaving it.

The relevance of Question 5 for users who were not parties to proceedings was raised. Likewise, some users were unable to complete questions in Part 4 (operation of the court) and Part 5 (relations with judges). More generally, the comments raised the question of the type of user which the questionnaire was targeting.

Finally, it was noted that users had difficulty in citing the three factors to which they attached most importance and the three to which they attached least (Version 2) and that, as a result, the open-ended question that followed was irrelevant and frequently left unanswered. In Version 1, on the other hand, it recovered some of its relevance.

3.3. COMMENTS AFTER THE TEST ON USERS OF PRAGUE 1 DISTRICT COURT

Version 1 of the questionnaire was distributed to 64 users at the court's reception desk during the month of October. Forty-six questionnaires were returned to the box provided for this purpose. Thirty-six replies actually concerned the Prague 1 District Court.³¹

The relevance of the 'juror' reply in Question 3 was questioned, since in the Czech Republic jurors are appointed by the mayor and assist the judge on a permanent basis (two jurors for each judge). This question then posed problems concerning the anonymity of the questionnaire.

It was also suggested that proceedings concerning juveniles should be added to Question 4.

Problems with the comprehension of Question 5 also came to light: users were unsure whether the next two questions were related to it.

Lastly, only a quarter of users made comments for the open-ended question.

The lawyers questionnaire was also tested. Of the 64 questionnaires distributed, 28 were returned, 21 of which related to the District Court of Prague 1.

The question on access to case-law was the only one really to pose any problems, since the court's judgments are not published.

Only half of lawyers replied to the open-ended question.

3.4. COMMENTS AFTER THE TEST ON USERS OF THE NOVI TRAVNIK CANTONAL COURT

Users of the Cantonal Court of Novi Travnik preferred Version 2 of the questionnaire, which they thought simpler to complete, rather than Version 1, where the term 'assessment' seemed ambiguous to them.

3.5. COMMENTS AFTER THE TEST ON USERS OF THE LUBLIN DISTRICT COURT

Seventeen questionnaires were distributed to court users and sixteen questionnaires to lawyers.

This test showed the need to make court staff available for this process in order to provide methodological assistance as well as to encourage users to complete the questionnaire.

The response time for the questionnaire (5 minutes on average) did not seem very long to users, who did not indicate any particular problems in completing it.

The lawyers thought that the most important factor was punctuality of hearings and the least important was signage within the court. As for the users, they attached priority to impartiality and the language used by members of the court, and the factors of least concern were court facilities and accessibility.

Very few users answered the open-ended question.

Lastly, the court felt that the 1-to-10 rating for the lawyers questionnaire was more appropriate than the 1-to-6 rating for the users questionnaire, since it allowed the reply to be more specific.

³¹ The other ten replies related to District Court No. 7, which shares the same building with District Court No. 1.

3.6. LESSONS LEARNT FROM THE TESTS CONDUCTED

On 13 November 2009, in the light of these comments and suggestions as well as those of the plenary meeting of pilot courts, the experts suggested to GT/QUAL a number of amendments to the draft questionnaire, based on Version 1 (dual assessment for each factor), and particularly to the 'Assessment' and 'Importance' headings (Novi Travnik and Turin). Version 1 allows a genuine comparison, for each factor, between user expectations and perceived quality of service delivery (Prague and Marseille). Version 2, which looks simpler but does not take less time to complete than version 1, did not allow the two criteria to be compared and therefore made it impossible to target the aspects of court service to be improved as a priority. With the second version, various factors might be assessed negatively (low level of satisfaction) but might not be of critical significance for users (minor importance). The aim of the questionnaire is to help implement a quality policy in the court using operational factors. In the same vein, the 0-to-6 rating scale for the user and lawyer questionnaires allows a sufficiently detailed assessment whilst making it easier to accommodate both the middle ground and the extremes.

The final version of the draft handbook represents the outcome of this process.

The priority of the CEPEJ, approved in principle when the experts presented the progress report on their work at the plenary meeting on 9 December 2009, is to produce a satisfaction questionnaire for court users, limited to *individuals having had actual contact with the court concerned*, and another questionnaire specifically for *lawyers*.

The survey is designed for a **twofold aim**, which will determine the way in which it is conducted:

- *Internal use by the court* as part of a service delivery plan and/or an initiative to improve quality of service delivery to court users: all staff would be involved in implementing and following up the survey.

- *Comparison of comparable courts* and availability of an overview gradually enabling similar approaches to be developed in each member state, even leading, eventually, to a large-scale survey conducted simultaneously in all member states under the aegis of the CEPEJ.

Regarding the practical details, on grounds of cost and relevance and to avoid creating files containing personal data, the proposed questionnaire could be offered to persons summoned to or visiting the court. In-court assistance from reception staff is advisable, if not essential. Boxes must be provided for the replies, and, if necessary, stamped addressed envelopes for individuals who will not complete the questionnaire immediately, with anonymity still being guaranteed by the receiving body.

The survey is based on closed questions but is supplemented by one open-ended question. It has a fixed part containing elements deemed essential, which it must be possible to adapt to each country's procedural particularities. This information will allow a reasonable standard of processing as well as comparison between courts in the same state and between courts in more than one state. It could be supplemented by an adjustable part to reflect specific local or cultural features and to explore what court managers consider to be crucial problems.

The experts recommend that a simple spreadsheet should be provided under the aegis of the CEPEJ to process the results of the questionnaire (using Open Office, for example). This would make the questionnaire very easy to use and adapt and the results very easy to process, whether in a pooled manner in Strasbourg or on a local basis by the courts.

The users questionnaire and lawyers questionnaire might eventually be supplemented by more specific questionnaires, administered separately, with a view to improving the response of the public judicial service to the needs of particular categories of users, such as jurors, witnesses and victims.

MODEL QUESTIONNAIRE FOR COURT USERS

EVALUATION OF THE FUNCTIONING OF THE COURTHOUSE OF _____

The _____³² has given us the job of obtaining your opinion on the quality of the services provided by the courts of _____.

Your opinions and suggestions are important for improving the quality of the services which the courts should supply to the citizens

***Notice for local survey managers concerning arrangements for distributing and returning the questionnaire. There are several possibilities:.**

1) *If distributed within the court*

Could you kindly answer the questionnaire, then place it in the box provided at the court's reception desk, using a sealed envelope,.

2) *If sent with the court summons*

Could you kindly answer the questionnaire and return it to the address on the postage-paid envelope.

Note: if the questionnaire is made available by electronic mail

You may reply via the Internet at the address given on the document. This site is secure and your anonymity is guaranteed.

Strict confidentiality of your answers is guaranteed. This survey is anonymous.

***Notice for local survey managers. The basic questionnaire made up of 27 set-answer questions and some open-ended questions constitutes a standard format common to all the courts of the Council of Europe's member states. More specific or locally oriented questions can be added in the second section, certain models for them being suggested. It is important to note that a usable survey must comprise a limited number of questions which users can answer quickly.**

Please tick the appropriate boxes:

1. Your age: between 18 and 30 between 31 and 50 between 51 and 65 over 65

2. Have you already been in contact with another court than the court of ... ?

yes no

3. In which capacity are you going to the court of?

one of the parties witness member of a jury

other (e.g. family of one of the parties, requesting information, visitor, ...)

Specify: _____

Note: Please answer *all questions* in the survey *if you are or have been a party* in proceedings but, if you are in another category (witness, juror, other), please only answer those that concern you.

³²Commissioning authority.

4. If yes, in which kind of proceeding?

- civil criminal administrative commercial
 travail other (e.g. minors, guardianship, pensions)
Specify: _____

5. If you were a party, and the decision was delivered, did the court find partially or fully in your favour?

- yes
**Please answer
questions a and b**
- no
**Go on to
question 6**
- other
**Go on to
question 6**

- a. Were you represented by a lawyer? yes no
- b. Did you receive legal aid? yes no
- c. Did you use legal protection insurance? yes no

For each of the questions below, please **evaluate** by circling a number from 0 to 6

- your **LEVEL OF SATISFACTION**
- the **LEVEL OF IMPORTANCE** you attach to the question.

Please circle the appropriate number.

1) General perception of the functioning of justice

- | | LEVEL OF SATISFACTION | IMPORTANCE |
|---|--|---|
| 6. The court's functioning is: | unclear clear
0 1 2 3 4 5 6 | low high
0 1 2 3 4 5 6 |
| 7. Do you think courts deal with a case: | slowly quickly
0 1 2 3 4 5 6 | low high
0 1 2 3 4 5 6 |
| 8. Without taking into account lawyer's fees, the cost for acceding to justice seems: | expensive cheap
0 1 2 3 4 5 6 | low high
0 1 2 3 4 5 6 |
| 9. Do you trust your justice system: | a little completely
0 1 2 3 4 5 6 | low high
0 1 2 3 4 5 6 |

2) Access to information

- | | LEVEL OF SATISFACTION | IMPORTANCE |
|--|--|---|
| 10. In general, finding information about your rights seems: | hard easy
0 1 2 3 4 5 6 | low high
0 1 2 3 4 5 6 |
| 11. Did you find the information provided by the court: | unclear clear
0 1 2 3 4 5 6 | low high
0 1 2 3 4 5 6 |

3) Accessibility and interior of the court of _____ (facilities)

	LEVEL OF SATISFACTION						IMPORTANCE							
12. Coming to the court is:	hard					easy	low						high	
	0	1	2	3	4	5	6	0	1	2	3	4	5	6
13. The signs inside the courthouse are:	bad					good	low						high	
	0	1	2	3	4	5	6	0	1	2	3	4	5	6
14. The waiting conditions are:	bad					good	low						high	
	0	1	2	3	4	5	6	0	1	2	3	4	5	6
15. The courtroom furnishing is:	inadequate					adequate	low						high	
	0	1	2	3	4	5	6	0	1	2	3	4	5	6

4) Functioning of the court of _____

	LEVEL OF SATISFACTION						IMPORTANCE							
16. The court summonses are:	clear					unclear	low						high	
	0	1	2	3	4	5	6	0	1	2	3	4	5	6
17. The time lapse between the court's summons and a hearing is:	unsatisfactory					satisfactory	low						high	
	0	1	2	3	4	5	6	0	1	2	3	4	5	6
18. The punctuality of the hearings and the conditions under which your case was called were:	bad					good	low						high	
	0	1	2	3	4	5	6	0	1	2	3	4	5	6
19. Did you find the attitude and politeness of the non-judge court personnel :	unsatisfactory					satisfactory	low						high	
	0	1	2	3	4	5	6	0	1	2	3	4	5	6
20. Did you find the level of competence of the non-judicial court personnel:	bad					good	low						high	
	0	1	2	3	4	5	6	0	1	2	3	4	5	6

5) The judges and prosecutors in the court of _____

	LEVEL OF SATISFACTION						IMPORTANCE							
21. The attitude and politeness of the judges and prosecutors are:	unsatisfactory					satisfactory	low						high	
	0	1	2	3	4	5	6	0	1	2	3	4	5	6
22. The judge/prosecutor's language is:	unclear					clear	low						high	
	0	1	2	3	4	5	6	0	1	2	3	4	5	6
23. The judges' impartiality in conducting the oral proceedings is:	unsatisfactory					satisfactory	low						high	
	0	1	2	3	4	5	6	0	1	2	3	4	5	6

24. You (or your lawyer) were able to make your submissions at the hearing in sufficient/ insufficient time: **insufficient** **sufficient** **low** **high**
 0 1 2 3 4 5 6 0 1 2 3 4 5 6

25. The court decisions are: **unclear** **clear** **low** **high**
 0 1 2 3 4 5 6 0 1 2 3 4 5 6

26. The timeframe for delivery of a court decision is: **too long** **reasonable** **low** **high**
 0 1 2 3 4 5 6 0 1 2 3 4 5 6

27. After this experience, you consider the material resources available to the courts:
 most inadequate inadequate adequate more than adequate

28. Please do not hesitate to tell us if you have any remarks or observation, or would like to bring a certain aspect of the court to our attention in order to improve the functioning of justice:

QUESTIONNAIRE (continued)

Example of flexible sections which may be added to the basic questionnaire

1. If the court users are foreign³³ or if the country has several official languages³⁴:

- Is _____ (*national language*)
your mother tongue? yes no
- If not, have you been assisted by an interpreter? yes no
- Was the conduct of the oral proceedings
in _____ (*language*) a disability
for you? yes no

2. If the questionnaire is specifically intended for users of court registry services³⁵:

Which court registry services have you used in the course of the past year?
Please tick all answers that fit:

- Information for requesting legal aid
 - Information on forms of legal action
 - Access to documents (e.g. copy of evidence)
 - Information on the court's decisions
 - Practical information on the execution of decisions
 - Other
- Specify: _____

What means of communication have you used to contact the court registry? :

- in person
- post
- telephone
- fax
- email
- online via the court's website

3. Where the court has a specific information service³⁶:

	LEVEL OF SATISFACTION						IMPORTANCE							
You find the information supplied to you by the court's information service:	unclear			clear			low			high				
	0	1	2	3	4	5	6	0	1	2	3	4	5	6

³³ An optional question on ethnic origin or community ties could be proposed by certain countries that usually ask this kind of question in their surveys, as was suggested by the United Kingdom, but it would raise legal and ethical problems in many others.

³⁴ Example inspired by the "Palais de justice de Genève (2008)" survey.

³⁵ Example inspired by the user satisfaction survey of the Canadian Supreme Court (2007).

³⁶ Example inspired by the comments of the Turin court.

QUESTIONNAIRE AIMED AT LAWYERS

EVALUATION OF THE FUNCTIONING OF THE COURTHOUSE OF _____³⁷ BY THE LAWYERS OF THE BAR OF _____

Note to local survey managers. The questionnaire intended for lawyers³⁸ must if possible be e-mailed to all the members of the bar association.

The _____³⁹ has asked us to record your opinion on the quality of service provided by the courts of _____.

Your opinions and suggestions are important to us and will help make the necessary improvements.

**Please answer this questionnaire on our website.
The website is secure and your anonymity is guaranteed.**

Please tick the appropriate boxes:

1. You are a lawyer practising:

- alone within a firm of lawyers

2. For how long have you been a member of the bar of _____? _____ years

For each of the questions below, please **evaluate** by circling a number from 0 to 6

- your **LEVEL OF SATISFACTION** (0 = the worst / 6 = the best)
- the **LEVEL OF IMPORTANCE** you attach to the question (0 = little importance / 6 = high importance).

Please circle the appropriate number.

1) General evaluation of the service provided

The general criteria below relate to all services and courts of _____.

	LEVEL OF SATISFACTION	IMPORTANCE
3. Co-ordination in setting the time of hearings:	0 1 2 3 4 5 6	0 1 2 3 4 5 6
4. Access to the case-law of the courts of the judicial area	0 1 2 3 4 5 6	0 1 2 3 4 5 6
5. Communication between the court and the lawyers:	0 1 2 3 4 5 6	0 1 2 3 4 5 6

³⁷ Questionnaire may be modified to measure satisfaction either generally for the court(s) as a whole or separately for particular services or courts.

³⁸ This means a lawyer as understood by the Council of Europe, a professional who may be briefed by a citizen to represent him or her before the courts.

³⁹ Commissioning authority.

6. Clarity in the organisation and administrative responsibilities:	0 1 2 3 4 5 6	0 1 2 3 4 5 6
7. Quality of the court's website:	0 1 2 3 4 5 6	0 1 2 3 4 5 6
8. Signaling within the courthouse:	0 1 2 3 4 5 6	0 1 2 3 4 5 6

2) Evaluation by court or by service

Please indicate to which service or court your evaluation refers⁴⁰: _____

Please choose only one court or service per page, in particular the one(s) with which you have the most contacts, for example legal aid office, family court, juvenile court, criminal trials service. You may use the appended sheets to give your opinions on other courts or services.

For each of the questions below, please **evaluate** by circling a number from 0 to 6

- your **LEVEL OF SATISFACTION** (0 = the worst / 6 = the best)
- the **LEVEL OF IMPORTANCE** you attach to the question (0 = little importance / 6 = high importance).

Please circle the appropriate number.

2.1) Relations with the court or service:

	LEVEL OF SATISFACTION	IMPORTANCE
9. Judges / prosecutors' politeness and attitude:	0 1 2 3 4 5 6	0 1 2 3 4 5 6
10. Court officers' politeness and attitude:	0 1 2 3 4 5 6	0 1 2 3 4 5 6
11. Judges/prosecutors' level of professionalism:	0 1 2 3 4 5 6	0 1 2 3 4 5 6
12. Court officers' level of professionalism:	0 1 2 3 4 5 6	0 1 2 3 4 5 6
13. Judges/prosecutors' approachability and availability:	0 1 2 3 4 5 6	0 1 2 3 4 5 6
14. Court officers' approachability and availability:	0 1 2 3 4 5 6	0 1 2 3 4 5 6
15. Celerity of responses to your requests:	0 1 2 3 4 5 6	0 1 2 3 4 5 6
16. Quality and reliability of registry's responses:	0 1 2 3 4 5 6	0 1 2 3 4 5 6
17. Computerised management of proceedings:	0 1 2 3 4 5 6	0 1 2 3 4 5 6

⁴⁰ Each country may thus adapt the survey to their specific organisation.

18. Easy and practical file consultation: 0 1 2 3 4 5 6 0 1 2 3 4 5 6
19. Clear responsibilities and and organisation: 0 1 2 3 4 5 6 0 1 2 3 4 5 6
20. Costs / fees of access to justice: 0 1 2 3 4 5 6 0 1 2 3 4 5 6

2.2) Preparation and conduct of hearings:

- | | LEVEL OF SATISFACTION | IMPORTANCE |
|---|-----------------------|---------------|
| 21. Conditions of meeting with the clients: | 0 1 2 3 4 5 6 | 0 1 2 3 4 5 6 |
| 22. Furnishing, equipment of the courtroom: | 0 1 2 3 4 5 6 | 0 1 2 3 4 5 6 |
| 23. Punctuality of hearings: | 0 1 2 3 4 5 6 | 0 1 2 3 4 5 6 |
| 24. Organisation and progression of hearings: | 0 1 2 3 4 5 6 | 0 1 2 3 4 5 6 |
| 25. Impartiality of the judge in conducting hearings: | 0 1 2 3 4 5 6 | 0 1 2 3 4 5 6 |

2.3) Judge's decisions :

- | | LEVEL OF SATISFACTION | IMPORTANCE |
|--------------------------------------|-----------------------|---------------|
| 26. Independence of judges: | 0 1 2 3 4 5 6 | 0 1 2 3 4 5 6 |
| 27. Clear, comprehensible decisions: | 0 1 2 3 4 5 6 | 0 1 2 3 4 5 6 |
| 28. Rapid handling of cases: | 0 1 2 3 4 5 6 | 0 1 2 3 4 5 6 |
| 29. Decisions easy to be enforced: | 0 1 2 3 4 5 6 | 0 1 2 3 4 5 6 |

30. Do you think that, over the last 5 years, the functioning of the court (service):

- has deteriorated is unchanged has improved

31. During this time, do you think that the workload of the courts has increased

- faster than its means in proportion to its means more slowly than its means

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

- most insufficient insufficient sufficient more than sufficient

33. In your opinion, are the court's staff resources:

- most insufficient insufficient sufficient more than sufficient

34. If you had the opportunity, what would you change in order to improve the functioning of the court?

By Daimar Liiv

1. Satisfaction surveys as one of key elements for evaluation of the work of the judicial system

Satisfaction of users of any service providing system is one of the key elements for evaluation of the work of the system. In order to establish realistic and comprehensive view of the quality of the institution and services provided by the institution different evaluation methods can be used. Some evaluation methods are used to collect and analyse objective data like collection and analysis of statistical data and some methods provide more subjective data (surveys, self and expert evaluations etc). When evaluating the quality of services the objective data (statistics) does not describe all relevant features of the object for evaluation enough broadly to plan development measures. Subjective methods of evaluation can provide very wide range of information on different (non-quantitative) features of the service. At the same time the data obtained through surveys is more imprecise and sometimes influenced by very personal attitudes or most current mass-media covered "hot cases-issues". By skilfully combining subjective and objective evaluation methods there is higher possibility that all relevant features of services are evaluated and proper quality and effectiveness assurance instruments and methods chosen.

One of most simple tools to measure the satisfaction of customers and to get information for improving services developed by the business sector is customer satisfaction surveys (CSS). The idea of customer satisfaction surveys is nowadays widely introduced as one important tool for the evaluation of government activities in general (political polls) as well in case of specific public services (social and educational services etc.). These surveys as means for collecting subjective information are widely used together with different systems for evaluation of objective information (statistical data). As the last ones do not cover quality issues very broadly the surveys can provide very broad information on quality issues.

2. Special consideration for designing CSS for judicial system

Designing CSS for evaluating and improving quality of court system and courts it should be taken into account first that the service provided by court is not exactly regular commercial service provided by businesses.

Firstly – the nature of services provided by the courts to the population is not exactly the same as of the services provided by the business organisations to their clients. Court services are heavily related to the execution and implementation of state powers and even if provision of these is strictly limited, designed and controlled by laws, quite often customers do not enter into relationship with service provider in voluntary basis. Courts are directly not in dependence of their clients satisfaction – users of courts can not go to another company and receive the same but higher quality service. In this term courts can be compared with big infrastructure monopolies (power, heating, some communication services etc.) except that their main product – justice – is not so easily quantifiable and measurable. And one more important issue – one of basic concepts of justice and adjudication – impartiality – restricts considerably the possibility of courts and judges to satisfy their every customer's perception of the final result and its quality of services.

Secondly - customers of a court system are not just regular customers in case of simple business service customer satisfaction surveys (CSS). Prosecutors, advocates and experts have their own legally defined roles in the adjudication which is definitely different from the role of simple person (litigant) addressing his/her case to the court. In addition mass-media and sometimes public interest on certain cases forms another "customer class" with another focus point on services. All these different court users, their roles and interests must be separately taken into account when designing CSS for courts and judicial system.

3. Basic types of CSSs related to the court system

In broad term the court related CSSs can be divided into three groups – concentrating on general political (democratic) responsibility, lay person satisfaction and professional actor satisfaction surveys. It should also not be forgotten that satisfaction surveys can be designed for evaluation of satisfaction of the judges and court staff with their own job, institution and management. As the lastly named satisfaction surveys a related mainly to the personnel management issues current paper will not further reflect them.

4. Surveys conducted by non-governmental and non-legal professional actors

One of the specific features of the CSS relating to the functioning of the state powers (incl. judicial system) is that there exists also rather wide number of organisations who substantially make their own CSS in a framework of democratic control over the functioning of state organs⁴¹. These surveys can sometimes provide very valuable non-biased information especially if they are based on strong scientific methodology, have internationally comparative character⁴² or have been done for a long period⁴³.

5. Surveys conducted by professional legal actors

Specific field of outer surveys is surveys conducted by professional legal actors. In US Bar Association(s) surveys are regular and very influential evaluation tool of court and judges quality. In certain states these surveys can play very decisive role for example in re-election of judges or their career. Also not usually so influential and systematic such surveys are conducted in European countries. In addition, in criminal cases surveys conducted by prosecutors office have almost the same relevance to the quality of adjudication. Cooperation in the preparation and discussion of the results of such professional actors CSS should become an integral part of quality system of the judiciary.

6. Regularity of the CSSs

There is no real common practice in regularity of conducting CSS. Generally it should be mentioned that certain basic issues (conclusions) and dynamics coming out from CSSs are more reliable and understandable if there is possible to compare results of regular and similar CSSs which have been conducted at least some times. In this perspective (especially for evaluation of dynamics and influence of measures taken to improve quality) the ideal model can be that certain basic criteria are evaluated continuously through the years and additional questions and special surveys are conducted when there is special reason for research.

As it was also mentioned above – there is usually certain number of outsiders CSSs and there is clear sense for the court system to try if appropriate to participate in formulation of research questions of such surveys at least in case of regular CSSs. It is also useful to discuss and to take into consideration in forming internal policies results of these surveys.

7. CSSs concerning the judicial system as whole and decentralised court conducted surveys

As the tasks of different judicial actors are different the CSSs conducted can be organised centrally by the central judicial administrative office and individual courts to get information relevant for fulfilling respective tasks. As concerning whole judicial system one of important issue for discussion is representativeness of sample of the survey. One of the reasons for this is also that centrally conducted surveys are often substantially more related to the political responsibility (credibility of the system) issues. At the same time they are also very useful if general procedural and legislative changes are planned to rise the quality. Locally (court) conducted CSSs are usually concentrated on evaluation of everyday practices and directed mainly to the users of this court. But it does not mean that there cannot be central coordination and methodological support for organisation of local surveys.

⁴¹ Currently CSS of court visitors and users is conducted by the Corruption Free Estonia. Transparency International plans to conduct special project on courts

⁴² Transparency International plans to conduct special project on courts.

⁴³ For example Democracy Barometer Survey in Estonia have measured trust into different state organs starting from 1992 and includes court system

Quite often as for example Swedish and Finnish pilot projects show the appropriate unit for coordination of quality issues is appellate district.

8. Content of CSS

The short analysis of some existing CSS indicates that the substance and main questions of CSSs can be divided into two wide categories:

- Perception of the system comfortability, general understandability and trust
- Professional quality of processing and deciding the case

Taking into account potential target groups it is rather visible that first line of questions can and must be directed to gain more reliable results mainly to the non-professional users and second to the legal professionals. Some overlapping of questions is of course unavoidable and can give also very relevant information (for example views of professional and non-professional actors on length of proceedings and substance and clarity of decisions can differ rather substantially sometimes).

9. Questions related to the system comfortability, general understandability and trust

Most surveys directed at non-professional users of court system cover the issues of location and accessibility of court buildings and their comfort, professionalism and customer orientation of court staff, general perception on atmosphere of court business, understandability and impartiality of actions of judge and general satisfaction with them (fair trial and length of proceedings) and also the issues of general trust into judicial system and its functioning.

10. Questions related to the professional quality of processing and deciding the case

Most surveys directed at the professional users of the court system cover issues related to the professional conduct and activities and decisions of a judge. The substance of these questions can be rather different and depends on main challenges and problems respective judicial system facing. One block of these questions is always related to the design of timeframes, others usually to the cooperation and respect between judge and parties, effectiveness of communication, clarity of documents, orders and decisions and quite often also to the issues related to the possible compromise formation in broad terms. Usually professional users surveys additionally asks for proposals for rising the quality of professional activities of a judge. Because of professional players can more objectively compare quality of different judges then lay litigants it is also proper to ask from them grading of judges on different basis.

11. Methodology of conducting surveys

There is large variety of possible ways for organising CSS starting from simple yes-no questionnaires and ending with focus group and personal interviews. Usually the CSSs for professionals are substantially deeper with more open and descriptive answers and involve more qualitative methods of interviewing. Depending on the main purpose of the CSSs and its main target group the representativeness issues of the sample should be discussed separately. In initial phase of preparing the CSS it is advisable to ask professional advice of sociologists or professional (public opinion etc) research firms. In case of professional actors also the issue of confidentiality of replies should be discussed.

New horizons for conducting surveys and especially with legal professionals are opened thanks to the development of internet and computerisation of offices and communication. Finnish experience in their Rovaniemi Quality Benchmark project proved high value of creation and use of specially designed electronic environment for receiving replies and analysing them in a very short time. It also helped essentially to avoid low answering rates as simple programming sentence sent polite automatic recall for the recipient who did not answer timely.

12. Use of conclusions of surveys

The CSS has little value if its results are not properly used. As main reason for CSS is to improve quality of services its results should be linked to the quality system. Prof. Dr. Joachim von Bragen suggests based on German experience that main work on quality issues should be done at the single court level. Swedish experience in Court of Appeal of Western Sweden and Rovaniemi suggests to communicate the results of CSSs properly to the staff and judges and to discuss with them all appropriate measures to be taken as a result of such analysis.

APPENDIX 2: CHECKLIST FOR PROMOTING THE QUALITY OF JUSTICE AND THE COURTS (EXTRACTS)

adopted by the CEPEJ at its 11th plenary meeting
(Strasbourg, 2 – 3 July 2008) –CEPEJ(2008)2

<i>The main pillars of the functioning of justice</i>	S	R	C	J	n.a
III.3. Physical and virtual access					
1. Are courts located so that they are effectively accessible?					
2. Is there a provision to hold hearings in other locations away from the main seat of the court?					
3. Are reception staff properly trained to take the stress of persons summoned into account?					
4. Has the court drafted a special charter to improve the reception of visitors?					
5. Do people with disabilities or elderly people have easy access to: reserved parking spaces? access ramps into buildings?					
6. If necessary, is there a possibility that someone may accompany them to the courtrooms?					
7. Are the waiting and hearing rooms properly equipped and of a reasonable standard?					
8. Are there rooms in the court where the lawyers can meet with their clients?					
9. Are the waiting rooms organised so that the opposite parties do not have to wait together?					
10. Are there clear signs for visitors entering court buildings?					
11. Is there a policy for the use of ADR?					
12. Are mediators easy accessible to resolve certain disputes?					

<i>The main pillars of the functioning of justice</i>	S	R	C	J	n.a
III.6. Legitimacy and public trust					
1. Is there an annual report presented to citizens on the quality and functioning of the judicial system?					
2. Is this report debated in parliament?					
3. Is there a regular evaluation of the public trust in the judiciary?					
4. Is there a regular public report on the functioning (court performance) and quality of the court?					
5. Are special enquiry committees established to conduct studies on the difficulties of the functioning of the judiciary? Is the work of these committees public?					
6. Does a court users' charter presenting their rights and duties exist?					
7. Do parties have the possibility of receiving, at any given moment, information about the stage their proceedings have reached? o directly (through the reception of information or Internet)? o indirectly through their legal counsel (i.e. lawyer or legal representative)?					
8. Is information on the system of disciplinary measures and sanctions imposed at the judiciary available to the general public and the court users' and are figures made public?					
9. Do citizens play a consultative role in discussing the priorities of the judicial system (financing, priority given to certain disputes, etc.)?					
10. Are associations whose social role relates to the judicial system (victims, consumers, etc) able to play a particular role in improving the functioning of justice?					
11. Are there regular exchanges of views on the functioning and quality of the courts at local level (public debates, meetings with associations), reception of school children, etc.) ?					
12. Does the court have a special officer trained in dealing with the press?					
13. Are any relevant documents of consensus which are the result of consultations between court judges and other legal professionals setting out rules of conduct or organisational arrangements agreed by all published?					
14. Are there open days organised for citizens to visit the courts?					

<i>The main pillars of the functioning of justice</i>	S	R	C	J	n.a
III.7. Evaluation					
1. Is there an assessment/evaluation system for measuring a (potential) loss of public trust in the judiciary?					
2. Is a potential risk of loss of public trust in the judiciary taken into account in the court policies (relationship with the media, communication management by the judges/prosecutors, etc.)?					
3. Have the relevant users been identified (users include litigants, lawyers, public prosecutors, probation and after-care service, interpreters, the Child Protection Board, experts, etc).					
4. Is the court users' satisfaction periodically evaluated?					
5. Are the evaluation results of the users' satisfaction surveys made public?					
6. Is progress on this subject monitored on the basis of the results of such assessments (the topics on which the user could be questioned could be for example : treatment by the judge and the latter's behaviour, the court's infrastructure and services, delay before the trial, impression of legal certainty and readability of the decision)? Are these made use of to improve on the functioning of the courts?					

4.6 Assessment of the satisfaction of users

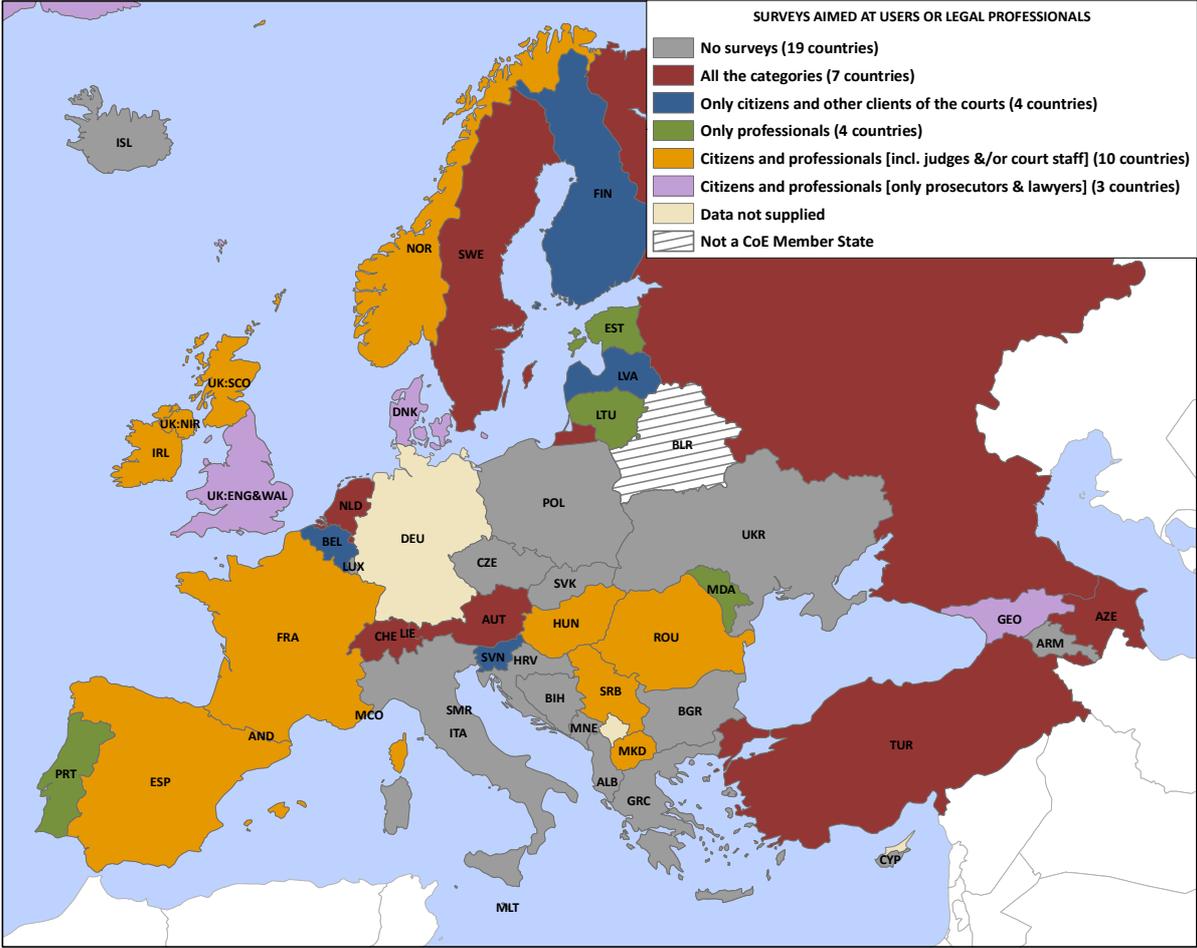
Information on court users' and court personnel (judges and staff) satisfaction levels and on levels of public trust in the courts are important tools of the quality policy of judicial systems. Within the framework of the CEPEJ's working group on the quality of justice a report and a model questionnaire and its subsequent guide of methodology have been prepared by Jean-Paul Jean and H  l  ne Jorry⁴⁴. The use of these documents has been tested by the CEPEJ with its Network of pilot courts before being provided to the member states for their courts in 2011.

Surveys to measure the level of satisfaction are conducted with people who have actually had contact with a court (litigants, lawyers, other legal professionals - legal experts, interpreters, representatives of government agencies, etc.), and directly involved in the procedure (e.g. parties). General surveys of opinion which measure only general representations of justice at a given time are not feasible. This also applies to satisfaction surveys conducted among court staff (judges and non judge court) or the public prosecution system (prosecutors or non prosecutor staff).

28 countries have indicated that they use such surveys aimed at court users or legal professionals. In 19 countries this is not the case (see next table). Data have not varied between 2006 and 2008 but it is expected that the situation evolves when the tools designed by the CEPEJ are provided to the member states. Small states do not often organise satisfaction surveys (**Andorra, Cyprus, Monaco**) this may be due to greater proximity between court users, professionals and the courts.

⁴⁴ CEPEJ(2010)1 and CEPEJ(2010)2.

Figure 4.10 Surveys conducted among users or legal professionals to measure public confidence and/or satisfaction (Q41)



Andorra, Malta, Monaco and San Marino: no surveys.

It may be noted that 8 states or entities (**Austria, Azerbaijan, the Netherlands, Russian Federation, Sweden, Switzerland and Turkey**) have indicated that they organise surveys at all levels (users of the courts, professionals, citizens). This demonstrates their efforts to ensure that the service of justice is consistent with expectations of users and those who work there daily.

2 states organise surveys only for prosecutors and lawyers on the one hand, and citizens on the other (**Denmark, Georgia**). **UK-England and Wales** selects respondents on a random basis at different exits of court buildings (with the exclusion of judges and magistrates) - prosecutors, lawyers and other visitors to the building will be included but not specifically targeted.

When it comes to surveys referring to users of justice, the distinction made in the questionnaire to question 41 between "surveys of citizens / visitors of the courts" and "surveys of other court users" does not seem always obvious. The users' satisfaction seems to be still paramount in **Belgium, Latvia and Slovenia**, where surveys refer to the citizens/visitors of the courts, and in **Finland** where investigations refer to both the citizens/visitors to the courts as well as 'other court users'. For these states, the professionals of the courts are not involved in the investigations and only the users and citizens are questioned.

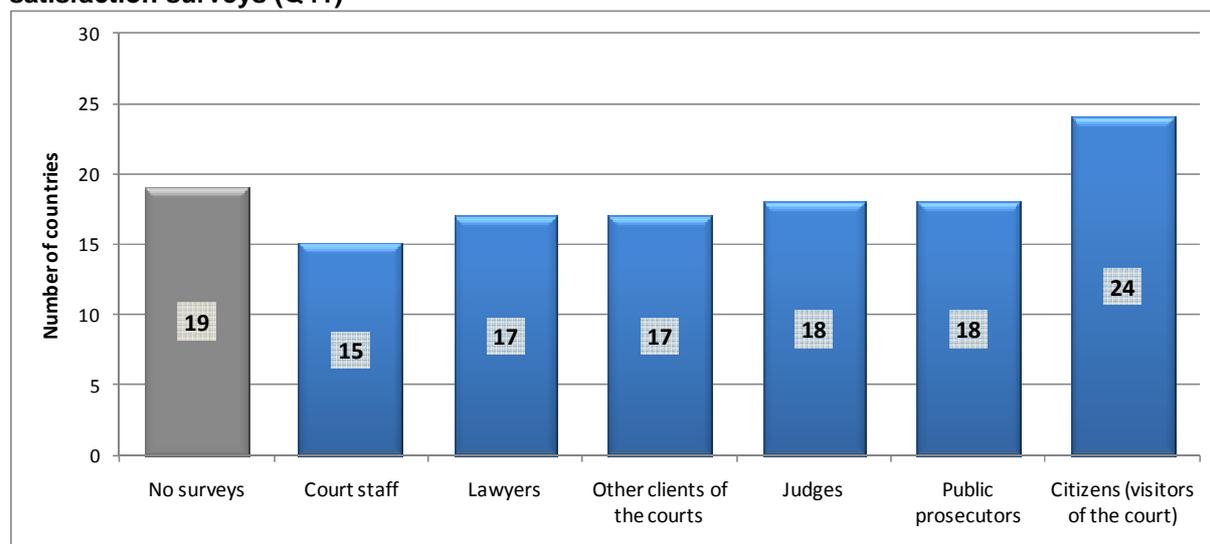
On the contrary, only the justice professionals are surveyed in four states, although the professionals surveyed vary from country to country: **Estonia** (court staff only), **Lithuania** (court staff and prosecutors), **Moldova** (judges, prosecutors and lawyers) and **Portugal** (judges, court staff, prosecutors and lawyers).

The largest category of those who organise surveys are the states or entities that conduct surveys not only towards the court users (the public) but also among professionals who are "attached" to the court

(judges, court personnel) and those who may not be, such as lawyers and prosecutors. These professionals involved in the surveys vary from state to state: **France, Norway and Serbia** (judges and prosecutors), **Romania and Hungary** (all professionals), **Ireland** (court staff), **Spain and UK-Scotland** (judges and lawyers), **"the former Yugoslav Republic of Macedonia"** (judges and court staff), **UK-Northern Ireland** (court staff, prosecutors and lawyers).

For detailed distribution of the categories aimed by the surveys in each country, see Table 23.1 in Appendix.

Figure 4.11 Target groups of legal professionals or users of the courts concerned by the satisfaction surveys (Q41)



In the table above, a balance can be found between the different groups of professionals or users affected by satisfaction surveys. Logically, citizens and court users are the most consulted. The group the least consulted is the court personnel. This table gives no indication of the frequency of surveys, thus a state may appear in the table having completed only one survey occasionally in the same category as other states who have conducted frequent surveys on a regular basis.

In the following table, the frequency and the level of surveys are presented. Only the countries conducting the survey are counted in the table (28 states). Out of them, 15 states or entities always conduct surveys at a regular interval at the national level and 11 conduct surveys on a regular interval at a court level. Most of the countries that use surveys conduct them occasionally at a national level (18 states) or a court level (13 states).

Austria, Azerbaijan, Belgium, Denmark, France, the Russian Federation, Slovenia, Spain, and Turkey are conducting at the same time surveys both in a systematic and occasional manner.

Austria, Denmark, the Netherlands, the Russian Federation, Spain, "the former Yugoslav Republic of Macedonia" and **UK-England and Wales** conduct surveys both on a national level and at the court level. **France** and **Slovenia** as well, but only occasionally and only on a court level basis.

Table 4.12 Frequency and level of the satisfaction surveys (Q42)

BIBLIOGRAPHY

BOOKS

- Emmanuel BREEN (dir.), *Evaluer la justice*, coll. Droit et Justice, Paris : PUF, 2002, 304 p.
- Marie-Luce CAVROIS, Hubert DALLE, Jean-Paul JEAN (dir.), *La qualité de la justice*, coll. Perspectives sur la Justice, Paris : La documentation Française, 2002, 269 p.
- CEPEJ, *Rapport sur les systèmes judiciaires européens (données 2006)*, mars 2008.
- CEPEJ, *La qualité des décisions de justice*, Etudes de la CEPEJ, n°4 (actes du colloque de Poitiers, 8-9 mars 2007).
- M. FABRI, J.-P. JEAN, Ph. LANGBROEK, H. PAULIAT (dir.), *L'administration de la justice et l'évaluation de sa qualité*, LGDJ, Paris, 2005, 449 p.
- G. JEANNOT, *Les usagers du service public*, coll. Que sais-je ? Paris : PUF, 1998.
- FRANCE QUALITE PUBLIQUE, *La satisfaction des usagers/clients/citoyens du service public*, Paris : La documentation Française, 2004, 104 p.
- José Juan TOHARIA, *Opinión pública y justicia. La imagen de la justicia en la sociedad española*, Madrid : Consejo General del Poder Judicial, 2001, 171 p.
- V. A. ZEITHALM, A. PARASURAMAN, L. L. BERRY, *Delivering Quality Service : Balancing Customer Perceptions and Expectations*, NY : The Free Press, 1990.

ARTICLES

- CEPEJ, « La justice au service des citoyens : comment améliorer son fonctionnement pour les usagers », session d'étude, 2 décembre 2003.
- Olivia DUFOUR, « Les avocats dressent l'état des lieux du fonctionnement des tribunaux en France », *Les Petites affiches*, 8 juin 2001, n°114, pp. 3-4.
- R. GAILLARD, « Les citoyens au cœur du service public », *RFAP*, 1996, 80, pp. 695-699.
- Valérie GRUSENMEYER, « Opinions, images et attentes des Français à l'égard des maisons de justice et du droit de la conciliation », *Droit et Cultures*, N° hors série, mars 2001, pp. 97-115.
- Elisabeth GUIGOU, « Justice, restaurer la confiance », in Philippe MECHET, Olivier DUHAMEL, *L'Etat de l'opinion*, Seuil, 1998, 261 p., pp. 85-101.
- Antonio Manuel HESPANHA (ed.), « Feelings of Justice in the Chinese Community of Macau: An Inquiry », *China Journal*, 2004, n°52, p. 204.
- Jean-Paul JEAN, « Au nom du peuple français ? La justice face aux attentes de citoyens usagers », in Daniel SOULEZ-LARIVIERE, Hubert DALLE, *Notre Justice*, Robert Laffont éd., 2002, 444 p., pp. 103-118.
- J.G. VAN ERP, E. NIEMIJER, M.J. TER VOERT, R.F. MEIJER, *Geschildprocedures en rechtspraak in cijfers 2005*, WODC Ministerie van Justitie, 2007, <http://www.wodc.nl/onderzoeksdatabase/periodieke-informatievoorziening-rechtspraak-en-buitengerechtelijke-geschilbeslechting-2006.aspx>
- Philippe WARIN, « La performance publique : attentes des usagers et réponses des ministères », *Politique et Management Public*, 1999, 17, 2, pp. 147-163.
- Sabadie WILLIAM, « Le droit des usagers à la justice et à la qualité du service public », XVèmes Journées Nationales des IAE, Université de Lyon, 2000.

DRAFTS, SURVEYS

Satisfaction surveys of court users

ALBANIA

- Enquête sur la satisfaction des usagers des tribunaux, Mission de l'OSCE/ Institut de recherche sur les systèmes judiciaires (Conseil national de la recherche italien), 2009

AUSTRIA

- Ministère de la Justice, *Image der Justiz in Österreich*, 2006, www.bka.gv.at/.

BULGARIA

- Sondage *La culture juridique en Bulgarie*, Centre national d'étude de l'opinion publique et Société de droit européen, 1999
Enquête *Développement de la justice en Bulgarie*, Société de droit européen, mai-juin 2002

FINLAND

- *How to assess quality in the Courts. Quality Benchmarks for Adjudication are a means for the improvement of the activity of the courts*, The Quality Project of the Courts in the Jurisdiction of the Court of Appeal in Rovaniemi, Finland, accessible depuis : <http://www.oikeus.fi/uploads/6teqtx.pdf>.
- Vaula Haavisto, *Asiakkaana oikeudenkäynnissä. Raportti Joensuun käräjäoikeuden tutkimus – ja kehittämishankkeesta*, Verve Consulting, 2007, 151 p.
- Marjukka Litmala (ed.), *Law and the citizen 2004*, National Research Institute of Legal Policy, 2004.

FRANCE

- Conseil supérieur de la magistrature, *Les Français et leur justice : restaurer la confiance*, Rapport annuel 2007, pp. 83-184.
- Ministère de la Justice, Enquêtes de victimation, 2006-2008, <http://www.justice.gouv.fr/index.php?rubrique=10047&ssrubrique=10049&article=18491> ; En particulier, cf. *La satisfaction des victimes d'infractions concernant la réponse de la justice*, enquête 2008, 47 p., http://www.justice.gouv.fr/art_pix/1_1_1_stat_satisfvict_20091105.pdf
- Ministère de la Justice, GIP Mission de Recherche Droit et Justice, Institut Louis Harris, *Enquête de satisfaction auprès des usagers de la justice*, Paris : La documentation Française, mai 2001, 24 p., **Error! Hyperlink reference not valid..**
- Enquête sur les MJD : motifs de satisfaction, image et attentes auprès de leurs utilisateurs, CSA / ministère de la Justice, mars 2001.
- Enquête au sein des barreaux de France sur le fonctionnement de la justice, Conférence des Bâtonniers, 2001.
- Jugements et attentes des Français, GIP Mission de Recherche Droit et Justice, 1997.

IRELAND

- Irish Courts Service/Milward Brown, « Mystery Shopping », 2007;

NETHERLANDS

- Committee for the Evaluation of the Modernisation of the Dutch Judiciary, *Judiciary is quality*, Ministry of Justice, Décembre 2006, 45 p.
- WODC, *Paths to Justice in the Netherlands*, Ministerie van Justitie, 2004, <http://english.wodc.nl/onderzoeksdatabase/geschilbeslechtingdelta.aspx>

ROMANIA

- Transparency International Romania (ed.), *The magistrates' perception of the independence of the judiciary system*, 2008, <http://www.transparency.org.ro>.

SPAIN

- « Encuesta a usuarios de la administración de la justicia », baromètre annuel du Consejo General del Poder Judicial sur l'image de la justice en Espagne (<http://www.poderjudicial.es/>)
- « Encuestas a la carrera judicial sobre la conciliación de la vida familiar » 2008, <http://www.poderjudicial.es/eversuite/GetDoc?DBName=dPortal&UniqueKeyValue=57833&Download=false&ShowPath=false>.
- « Encuesta a la carrera Judicial Formación Continua », 2008, <http://www.poderjudicial.es/eversuite/GetDoc?DBName=dPortal&UniqueKeyValue=54552&Download=false&ShowPath=false>.
- « Encuesta a la carrera judicial : retrasos procesales y temas a mejorar », 2008, <http://www.poderjudicial.es/eversuite/GetDoc?DBName=dPortal&UniqueKeyValue=54552&Download=false&ShowPath=false>.
- « Encuesta a la carrera judicial, diagnóstico y sugerencias », 2008, <http://www.poderjudicial.es/eversuite/GetDoc?DBName=dPortal&UniqueKeyValue=52732&Download=false&ShowPath=false>.

- « Encuesta a todos los jueves o magistrados en servicio activo », avril 2006 (grande enquête de satisfaction auprès des juges et magistrats)
- « Encuesta a los abogados habitualmente litigantes en Tribunales », 2005 (enquête de satisfaction auprès des avocats)

SWITZERLAND

- Enquêtes de satisfaction des usagers du palais de justice de Genève
<http://www.geneve.ch/tribunaux/pouvoir-judiciaire/vie-judiciaire/enquetes/welcome.html>
 - *Enquêtes auprès des avocats et justiciables genevois (novembre 2007)*
 Rapport du groupe de travail (mai 2008) : <http://www.geneve.ch/tribunaux/pouvoir-judiciaire/vie-judiciaire/enquetes/rapport07/welcome.html>
 Résultats complets : http://www.geneve.ch/tribunaux/pouvoir-judiciaire/vie-judiciaire/enquetes/rapport07/engPJ2007_resultats_avocats.pdf (avocats),
http://www.geneve.ch/tribunaux/pouvoir-judiciaire/vie-judiciaire/enquetes/rapport07/engPJ2007_resultats_justiciables.pdf (justiciables)
 - *Enquêtes auprès des avocats, notaires et justiciables genevois (oct-nov. 2001)*
 Rapport du groupe de travail (avril 2002) : <http://www.geneve.ch/tribunaux/pouvoir-judiciaire/vie-judiciaire/enquetes/rapport02/welcome.html>
 Résultats complets :
http://www.geneve.ch/tribunaux/doc/engPJ2001_resultats_avocats.pdf (avocats),
http://www.geneve.ch/tribunaux/doc/engPJ2001_resultats_notaires.pdf (notaires),
http://www.geneve.ch/tribunaux/doc/engPJ2001_resultats_justiciables.pdf (justiciables)
 - *Enquêtes auprès des justiciables (1997)*
http://www.geneve.ch/tribunaux/doc/enquete_97_98.pdf
 - *Enquêtes auprès des avocats et notaires (1995)*
http://www.geneve.ch/tribunaux/doc/enquete_95_96.pdf
- Enquête de satisfaction des usagers du palais de justice de Berne (baptisée « BEJUBE »), principalement axée sur les rapports humains, l'atmosphère, la clarté du langage et la durée des procédures (ne traite pas de la qualité des décisions rendues)
 Link in German: http://www.jgk.be.ch/site/fr/og_news_20010504_bejube_d.pdf

UNITED KINGDOM

- Her Majesty's Courts Service court user surveys 2006-2009, <http://www.justice.gov.uk/publications/hmcsusersurvey.htm>.

CANADA

- Enquête sur la satisfaction des usagers de la Direction générale du greffe de la Cour suprême canadienne, 2007, <http://www.scc-csc.gc.ca/satisfaction/sum-som-fra.asp>

UNITED STATES OF AMERICA

- National Center for State Courts, CourTools "Access and Fairness", http://www.ncsconline.org/D_Research/CourTools/Images/courtools_measure1.pdf
- National Center for State Courts, CourTools "Court Employee Satisfaction", http://www.ncsconline.org/D_Research/CourTools/Images/courtools_measure9.pdf.