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*The aim of the CEPEJ is to contribute to improving the quality of justice and the efficiency of its functioning in the 47 Member States of the Council of Europe.*

## Editorial



With the publication last October of its new evaluation report on European judicial systems, the CEPEJ fully complied with its role as reference body for the efficiency and quality of justice.

The first indicators presented in this report, as well as the on-going activity of the CEPEJ's working group aimed at elaborating pragmatic and scientifically relevant tools for the assessment and the management of case flows and backlogs, should enable the CEPEJ to deepen even further its analysis of courts performance.

Such an analysis can only be conducted taking into account the reality of courtrooms. For this reason the CEPEJ attaches the utmost importance to its cooperation with the Network of pilot courts it set up. Such cooperation is indispensable to allow the CEPEJ to receive feedback on the day to day functioning of courts and to dispose of a real forum to test the relevance of the measures it prepares. The plenary meeting of this Network, which took place recently in Catania (Italy) at the invitation of the Catania Court of Appeal, enabled the CEPEJ to define a work programme in which I have great expectations for the continuation of our work.

Justice is above first and foremost a service to citizens. This is why the tasks of the CEPEJ cannot be limited to the mere concept of efficiency but must also aim at promoting a better quality of justice. This is the philosophy of the "Checklist for promoting the quality of justice and of courts" recently adopted by the CEPEJ, as well as of the ongoing work for assessing the satisfaction of the users of the judicial system and for studying the possibility to introduce contracts between judges and the parties in the framework of some proceedings.

To improve justice is an ongoing challenge. The CEPEJ must contribute to cope with this permanent challenge.

**Fausto de Santis**  
President of the CEPEJ

## 2008 Crystal Scales of Justice: a quick, simple and free mediation for small claims



*On the occasion of the European Day of Civil Justice, the Council of Europe and the European Commission, during a ceremony at the Catania Court of Appeal (Italy), disclosed the identity of the "Crystal Scales of Justice" award winner in this European competition intended to further innovative methods applied in a court with a view to improving the quality and efficiency of judicial service.*

*The winning project is an initiative by "Her Majesty's Courts Service" (United Kingdom), offering litigants a quick, simple and free mediation for small claims. Each case is assessed on the facts and the mediator encourages openminded discussions with the disputing parties to arrive at a range of possible settlement outcomes, which are not exclusively financial.*

The majority of parties with small claims (those valued under £5,000) have no legal representation, with the result that most cases go on to a hearing before a judge. Small claims hearings represented some 74% of all hearings in the county courts of England and Wales in 2007. Since it can cost as little as £25 to issue a small claim in the courts, it is unrealistic to expect small claims users to pay for mediation.

Nevertheless, there is evidence that many of these disputes could be settled prior to a hearing. This would be a good result for the parties, but also for Her Majesty's Courts Service (HMCS), as the cost of processing defended small claims cases is not fully recovered through fees ([more...](#))

**James Rustidge**  
Mediator, "Her Majesty's Courts Service"

**File: Report on European judicial systems - 2008 Edition**

## Comparing countries which are comparable

The CEPEJ's 2008 study takes in 45 Council of Europe member states. Collation of quantitative data from countries with varying demographic, economic and judicial characteristics is an involved



process, concerning which numerous methodological clarifications are given throughout the report. Data on all respondent states are thus set out in common tables, but indications are given to account for peculiarities and limitations regarding certain countries. It rests with each state, using the basic tool which we offer, to compare its national data with that of countries which it deems comparable, and to draw appropriate inferences for improving the quality and efficiency of its judicial system. ([more...](#))

**Jean-Paul Jean**

President of the Group on evaluation  
Public Prosecutor to the Paris Court of Appeal

## What's measured, that's what really matters: the calculated Clearance Rate and Disposition Time



Nowadays, the states spend more time, attention and money on the performance measurement and evaluation in the public sector than ever before. The results-based management (or the performance management) is the talk of the day at all levels of the public sector: local, regional, national, and even supranational. However, evaluation studies show that many attempts at introducing the results-based management are still unsuccessful. Nevertheless, the need to measure the output, outcomes, and evaluation activities remain an important element in statements by politicians and administrators focused on improving government's performance. ([more...](#))

**Adis Hodžić**

Head of Budget and Statistics Department  
High Judicial and Prosecutorial Council of Bosnia and Herzegovina

## European judicial systems: towards efficiency and quality



In October 2008 the second evaluation report on European judicial systems was published. Compared with the 2006 report more detailed information is presented concerning the composition and functioning of judicial systems. Moreover, general trends with respect to improvements made in the area of court performance and changes in the structure of legal systems are identified too. ([more...](#))

**Pim Albers**

Special advisor to the CEPEJ

## Analysis and processing of statistical data



The report on the evaluation of the judicial systems of the Council of Europe's 47 member States is based on an evaluation scheme devised to ensure maximum homogeneity and comparability of the data at European level. The scheme's 170 questions: quantitative, qualitative, matrix-based questions, open questions – generate a database providing a wealth of information and opening the way for a multitude of analyses. ([more...](#))

**Marta Zimolag**

Statistician

## Exploitation of the report of the CEPEJ: call for projects



On 8 October 2008, the CEPEJ published its report on "European judicial systems – Edition 2008" and decided to pursue the analysis of the facts and figures thus presented, to understand the functioning of justice systems, define common indicators to evaluate the functioning of justice systems, identify main trends and difficulties and orient the public policies of justice towards more quality and efficiency. In making its unique database available for use to researchers wishing to benefit from

its official scientific support, the CEPEJ invites the European scientific community to work on 3 specific studies. ([more...](#))

► [More information...](#)

## On-going activities: what's new?

### Evaluation of judicial systems



The report "European judicial systems – Edition 2008" was published on 8 October and presented to the press, after having been "welcomed" by the Committee of Ministers of the Council of Europe. In-depth studies will be carried out from this report on "court organisation and judicial maps in Europe", on "single judge and panel of judges", on "the role of lawyers in judicial proceedings" and on "the organisation of

court clerk offices". A new evaluation cycle will result in a new report in 2010.

▶ [More information...](#)

## Timeframes of proceedings



The SATURN Centre has worked with the Network of pilot courts to design "SATURN guidelines for judicial time management", adopted by the 12th plenary meeting of the CEPEJ. The SATURN Centre will evolve towards a European observatory of judicial proceedings.

▶ [More information...](#)

## Quality of Justice

Within the framework of the CEPEJ-GT-QUAL a report on quality systems is being prepared by European researchers headed by Philip Langbroek (Netherlands). The CEPEJ-GT-QUAL is also drafting a handbook for organising court users' satisfaction surveys and is studying the possibility to set up contracts between judges and the parties for some judicial proceedings.

▶ [More information...](#)

## "Crystal Scales of Justice" Award



The 3rd "Crystal scales of justice" were awarded on 24 October in Catania to Her Majesty's Court Service (United Kingdom) for an initiative offering litigants a quick, simple and free mediation for small claims. Special mentions were given by the Jury to the Paris Bar Association (Solidarity bus), the court of Milano (computerised civil lawsuit service) and the Ministry of Justice of Turkey (National judiciary informatics system). The "Crystal scales of justice" will be awarded in 2009 to criminal law

initiatives.

▶ [More information...](#)

## Network of Pilot Courts



The 3rd plenary meeting of the CEPEJ Network of pilot courts was held on 24 October in Catania (Italy). The pilot courts adopted operational conclusions for contributing to the implementation of the CEPEJ activity programme.

▶ [More information...](#)

## Publications

Two publications from "CEPEJ Studies" were issued in September 2008:



▶ **CEPEJ Studies No8**  
*Enforcement of court decisions in Europe*

▶ **CEPEJ Studies No9**  
*Access to justice in Europe*

## To be published...

One publication from "CEPEJ Studies" will be issued in January 2009:

▶ **CEPEJ Studies No10**  
*Administration and management of judicial systems in Europe*

To book those publications, please send us an e-mail at the following address:

[cepej@coe.int](mailto:cepej@coe.int).

## Upcoming events

▶ **26/01/09**  
13th meeting of the CEPEJ Bureau  
*Paris, France*

▶ **29-30/01/09**  
1st meeting of the Working Group on the execution of judicial decisions  
*Strasbourg, France*

▶ **12-13/03/09**  
12th meeting of the Working Group on evaluation of judicial systems  
*Strasbourg, France*

▶ **2-3/04/09**  
5th meeting of the Steering Group of the SATURN Centre for judicial time management  
*Strasbourg, France*

## Readers corner

You wish to react to an article published in this issue or to suggest us topics to be approached, please send us your suggestions by e-mail to the following address:

[cepej@coe.int](mailto:cepej@coe.int).