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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

The Committee of Ministers of the Council of Europe expects the CEPEJ to continue to innovate, to think about issues of judicial systems in a pragmatic way, rooted in the realities of the functioning of courts on a daily basis, to produce practical tools serving justice professionals. It is in this spirit that the CEPEJ has adopted its new medium term activity programme: continuing the regular process for evaluating the functioning of justice in the member states, establishing a genuine European Observatory of judicial timeframes, promoting quality of justice – in particular by attempting to assess European court users' satisfaction.

Measuring court performance is part of all of these concerns. How to develop processes and instruments to give concrete reality to intentions which are widely shared (improving the efficiency of the system) but which remain too often vague, and doing so without limiting the fundamental principle of judicial independence ? It is with caution but being fully resolved that the CEPEJ has initiated a work on measuring court performance: listening to professionals, studying practices of each other, relying on its network of pilot courts, working in the laboratories that are its working groups. This is the methodology that our Commission intends to follow to move forward in this necessary debate which it wishes, as usual, to be turned not to the theoretical debate but to practice.

Fausto de Santis
President of the CEPEJ

File: Measuring performance of judicial systems and Courts

General introduction: justice as a public service



What is a public service ? What has justice in common with any other public service, what are its specificities ? The expectations of the court users have changed, they ask the courts to be performant and to take decisions in a reasonable time. Cultural differences about management and measurement have to be respected.

The debate on public service of justice is extremely sensitive, even more in France where the notion of public service results from a long historical legacy from the State. In Europe, to the concept of "French public service", answers the "service of general economic interest", what the service of justice cannot be.

The specific nature of justice is real and we must therefore distinguish the functions of justice that are common to all ordinary public service, from those who make up the essence of judicial power and maintain judicial independence. This distinction is important because certain public service functions can be delegated without problem to private operators, while others can absolutely not ([More](#)).

Jean-Paul JEAN
Prosecutor, Court of Appeal of Paris
Associated Professor at the Law faculty of
Poitiers, France
Chairman of the CEPEJ-GT-EVAL

Note : The documents conserved their original oral form as presented during the 14th CEPEJ plenary meeting on 9 and 10 December 2009 in Strasbourg.

How to measure court performance while safeguarding the fundamental principles of justice ?

The principle of independence : what are its relations to the measurement of court performance ? What have responsibility and responsible management to do with it ? Why it is important that judges participate in the Organisation, the diffusion and the use of the results ?



Today's debate cannot consist in examining the legitimacy of systems for measuring the performance of judges with regard to all the principles of fundamental justice. Argue that judges must work effectively while respecting the principles as those contained in Article 6 of the European Convention of Human Rights seems to increase the flatness. In criminal cases, for example, one can hardly see how the judge might be satisfied with a lesser degree of personal conviction to enhance his own performance, the search for truth requires an investment of time, whose relevance cannot meet with only quantitative criteria. How can one argue that the office of judge is detached from all the constraints on public activities, as close as they are the heart of the notion of state ([More](#)).

François PAYCHERE

Judge at the Court of justice of the Geneva canton, Switzerland
Chairman of the CEPEJ-GT-QUAL

Is there a relationship between court size and court performance ?



Discussing the optimum court system always raises the question if there is a relationship between court size and court performance: Are smaller courts inefficient or delivering the court-services close to the people's needs ? Are bigger courts serving as highly specialized units or working like inflexible dinosaurs ? Austrian findings on length of procedures trimming the court system combined with the use of CEPEJ's benchmarks might give some answers... ([More](#))

Georg STAWA

Public Prosecutor, Directorate for Central Administration and Coordination,
Federal Ministry of Justice, Austria,
Member of the CEPEJ-GT-EVAL

Is it possible to measure court performance? The lessons from the evaluation system in the Netherlands



The Modernization law of 2002 is a success : the courts are more productive and the users are more satisfied. But, why the judges do they complain ? The speaker delivers interesting insights to the experiences made with the modernization law in the Netherlands. ([More](#))

Frans van der DOELEN

Programme Manager, Department of the Justice System
Ministry of Justice, The Netherlands
Member of the CEPEJ-GT-EVAL

New management policies in the courts of the Russian Federation

The Odintsovo City Court, the most important court of the region which handles over 30'000 cases a year, introduced in August 2008 as a pilot a computer program called Justice (Pravosudie) to manage the automatic assignment of cases and their following. It allows to produce easily analyses of the situation: movement of the cases and of persons, charge of work of the judges. Thanks to internet, most information is accessible to the public. ([More](#))

Vyacheslav PANTELEEV

President of the Odintsovo City Court of the Moscow Region

Towards CEPEJ's indicators of court performance? Presentation of preliminary works

Court Performance: Why and what to measure? Based on the need to measure court-performance the decision what exactly to measure in daily judicial life without interfering judicial independence triggered the work of CEPEJ the last two years.

Let's have a look on indicators regarding workload, time-frames and quality of courts! ([More](#))

Georg STAWA

Public Prosecutor, Directorate for Central Administration and Coordination
Federal Ministry of Justice, Austria
Member of the CEPEJ-GT-EVAL

Ongoing activities: what's new?

Evaluation of judicial systems



The experts from CEPEJ-GT-EVAL work on the preparation of the 2010 Edition of the Report evaluating European judicial systems, from the processing of 2008 data provided by the States, realised by the scientific expert, Natalia Delgrande. The national correspondents responsible for data collection will meet in Strasbourg with the experts on 5 May 2010 to assess the progress of work. The report should be discussed by the CEPEJ at its 15th plenary meeting (30 June-1 July) and published at the end of September 2010.

▶ [More information](#)

Timeframes of proceedings



The SATURN Centre for judicial time management continues to develop tools to establish a permanent European Observatory of judicial timeframes, based on the CEPEJ Network of Pilot courts. From the results of tests being made in pilot courts, the SATURN Centre refines methods for calculating and collecting statistical data regarding the length of procedures and court case flow management. These methods will be gradually extended to a representative sample of courts in each member state.

▶ [More information...](#)

Quality of Justice

Three important documents will be finalised at the 7th meeting of the CEPEJ-GT-QUAL in Strasbourg on 29 and 30 March:

- A study: Quality management for courts in a comparative perspective, prepared under the guidance of expert Philip LANGBROEK;
- A handbook for policy makers and courts to organise court user satisfaction surveys, prepared by the experts Jean-Paul JEAN and Hélène JORRY; satisfaction surveys following the instructions in this handbook will soon be tested by the pilot courts;
- A report on the Contractualisation of judicial process between judges and the parties, prepared under the guidance of the scientific expert Julien LHUILLIER.

▶ [More information...](#)

Execution of court decisions



The guidelines for a better implementation of the existing Council of Europe's Recommendation on enforcement, adopted by the European Commission for the Efficiency of Justice (CEPEJ) in December 2009, were officially presented on 18 January in the UK by Mr John Stacey, Vice President of the CEPEJ and Head of International Development for Court Administration at Her Majesty's Court Service and Mr John Marston, Chairman of the CEPEJ working group on Enforcement and Former Chairman of the High Court Enforcement Officers's Association in England and Wales. The presentation took place at the Ministry of Justice in London and it will be featured in a major publication, Credit Today ([complete news](#)).

▶ [More information...](#)

Network of Pilot Courts



The Network will meet in Geneva on 13 April 2010, invited in the framework of the Swiss Chairmanship of the Committee of Ministers of the Council of Europe. It will assess, with CEPEJ members and experts, the collection of statistical data on judicial time management and the implementation of satisfaction surveys of court users (see above).

▶ [More information...](#)

European Day for Civil Justice (EDCJ) and the "Crystal Scales of Justice"



The CEPEJ Secretariat went to the European Commission on 26 January 2010 to co-ordinate, with the services of DG-JLS, the preparation of the next European Day of Justice (October 25) and the prize: "Crystal Scales of Justice" .

The Crystal Scales of Justice will be awarded, after deliberation of a Jury composed of 10 eminent European legal professionals, to the best innovative practices contributing to improve the quality of the functioning of the justice system. This year, for the first time, files to be submitted by applicants will concern both the criminal and civil fields.

Call for applications has been launched by the Council of Europe and the European Commission on 11 March 2010. Applications must be submitted by 30 June 2010.

Contacts

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▶ [More information...](#)



Concerning the European Day of Justice, information concerning events which will be held at the initiative of courts in the Council of Europe member states will be published on the CEPEJ website as from September 2010. Information from member States concerning the events may already be transmitted to the CEPEJ Secretariat (annette.sattel@coe.int).

▶ [More information...](#)

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.

Forthcoming events

- [7th CEPEJ-GT-QUAL meeting \(Strasbourg\)](#) 29 - 30 March 2010
- [7th SATURN Steering group meeting \(Geneva\)](#) 12 - 14 April 2010
- [5th meeting of the Network of Pilot Courts \(Geneva\)](#) 13 April 2010
- [4th meeting of the National Correspondents \(Strasbourg\)](#) 5 May 2010
- [15th CEPEJ-GT-EVAL meeting \(Strasbourg\)](#) 6 - 7 May 2010