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REPORT
ON THE EXPERT MEETING AIMED TO ASSIST
THE COURT OF CLERMONT-FERRAND
(FRANCE), IN APPLYING THE METHODOLOGY
FOR CONDUCTING SATISFACTION SURVEYS
AMONG COURT USERS DEVELOPED WITHIN
THE FRAMEWORK OF THE ACTIVITY OF THE
EUROPEAN COMMISSION FOR THE EFFICIENCY
OF JUSTICE (CEPEJ)
(CLERMONT-FERRAND, 5 APRIL 2012)

The meeting started on April 5, 2012, at 9h30 a.m. in the premises of the *Tribunal de Grande Instance* of Clermont-Ferrand. During the day, I made presentations on the topics related to the subject of the coaching activity, also answering several questions raised by the participants in the meetings. During this event the President of the Court, Mr. Jean-Luc Stoesslé, the Chief Attorney of the same Court, Mr. Pierre Sennes and the Vice President of the Juvenile Court, Ms. Danielle Anthony, took the floor. Working documents were distributed to the participants prior to the opening of the meeting.

After a brief introduction of myself as judge of the Court of Turin and Deputy Secretary of the International Association of Judges, I spent few words about my role as member of the “Groupe de pilotage” of the CEPEJ SATURN Centre of the Council of Europe, over the past years.

In this regard I made the participants known that: *(a)* The “Customer Satisfaction Survey in Turin Courts” belongs to the cooperative activities that the Turin First Instance Court (*Tribunale di Torino*) carried out in its capacity as a member of the di Pilot Courts Network of the *CEPEJ* (*Commission Européenne pour l’efficacité de la justice/European Commission for the Efficiency of Justice*) of the Council of Europe. *(b)* The initiative draws its origin from the activities of the Working Group on the quality of justice of the *CEPEJ* (*CEPEJ-GT-QUAL*). This panel (also on the basis of previous experiences realized at the Court of Geneva) has recently edited a Report on “Conducting Satisfaction Surveys of Court Users in Council of Europe Member States.” *(c)* That handbook, available on the Council of Europe’s web site, together with other documents which have been drafted by the same organ, contains as well a “Model Questionnaire for Court Users,” which can be used, with the appropriate adjustments, in each and every Judicial Office willing to test the level of satisfaction of people who, for any possible reason, contact such bodies. *(d)* Setting up criteria and directives for the realization of surveys of this kind lies within the fundamental scope of the *CEPEJ*, that are the improvement of the efficiency and functioning of justice in member

States, and the development of the implementation of the instruments adopted by the Council of Europe to this end. The idea of running a satisfaction survey in Italy aimed at Court users was founded upon the above mentioned guidelines prepared by the Quality Working Group of the *CEPEJ*. (e) In order to carry out these different tasks, the *CEPEJ* prepares benchmarks, collects and analyses data, defines instruments of measure and means of evaluation, adopts documents (reports, advices, guidelines, action plans, etc.), develops contacts with qualified personalities, non-governmental organisations, research institutes and information centres, organises hearings, promotes networks of legal professionals. (f) Amongst the working groups of *CEPEJ*, besides the already mentioned panel on the themes of the quality of justice, has also to be mentioned the *Groupe de Pilotage* of the “Centre for judicial time management (SATURN Centre – Study and Analysis of judicial Time Use Research Network).” The SATURN Centre is instructed to collect information necessary for the knowledge of judicial timeframes in the member States and detailed enough to enable member states to implement policies aiming to prevent violations of the right to a fair trial within a reasonable time protected by Article 6 of the European Convention on Human Rights. (g) *CEPEJ* set up a Network of Pilot-courts from European States to support its activities through a better understanding of the day to day functioning of courts and to highlight best practices which could be presented to policy makers in European States in order to improve the efficiency of judicial systems.

After those premises, I made the participants known about the main characteristics of the Italian judicial system with specific reference to the organisation of the Court of Turin, thus providing them with the knowledge prodromal to understand the results of the questionnaire.

In regard to the questionnaire, I firstly pointed out that the idea of running a satisfaction survey in Italy aimed at Court users was founded upon the above mentioned guidelines prepared by the Quality Working Group of the *CEPEJ*. The concrete input came at the end of 2010 by the Director-General of Statistics of the Italian Department of Justice, who invited the two Italian members of the Network of Pilot Courts, which to say the First Instance Court of Turin and the Appeals Court of Catania, to run a survey on the degree of customer satisfaction; the initiative was also extended to the Appeal Court of Turin, whose President Dr. Mario Barbuto (former President of the local First Instance Court) is the author of the “Strasbourg Programme” which, in the year 2001, had constituted the first concrete experiment of case management in Italy. The questionnaire adopted in Turin was based on the “Model Questionnaire for Court Users” drafted by the *CEPEJ-GT-QUAL*. No customer satisfaction survey was conducted using another questionnaire prepared by the aforementioned group, namely that aimed to professionals. Therefore the questionnaire adopted in Turin was not addressed to judges, lawyers, trainee lawyers, Court clerks and other employees of the justice administration system. It was decided instead to focus on parties, witnesses, jurors, relatives of parties or witnesses, Court’s or party’s experts, interpreters. The reason of such decision is that practitioners like judges, prosecutors, magistrates, lawyers and employees of the administration of justice already dispose of institutions (associations, bar and professional organisations, trade unions, etc.) which may bring to the outside world impressions, needs and “moods” of such professionals of justice.

After this brief introduction about the process that led to the adoption of the questionnaire, I strongly remarked that the success the questionnaire was able to get in Turin must be attributed to the fact that the survey was conducted with the decisive help by students attending the local Faculty of Law. Their task was to interview personally the users which were found on the premises of the courthouse. The reason why we decided to hire students instead of delivering the questionnaire in the hand to the users, is that users would otherwise have ignored the questionnaire because filling it in might take too long. This was the secret of the success of the questionnaire. As regards the object and target of the survey, I explained that the working group was first asked to choose in which judicial offices customer satisfaction should have been made. For this purpose the panel decided to choose the First Instance Court and the Appeals Court of Turin, having regard to both civil and penal sectors. Prosecution offices before said Courts were excluded, as well as, for logistical reasons, the Juvenile Court, the Offices of the Justice of the Peace and the four Detached Sections

(i.e.: sections pertaining to other cities situated within the boundaries of Turin district) of the First Instance Court. This was expressed in question No. 1 of the questionnaire (Q.1).

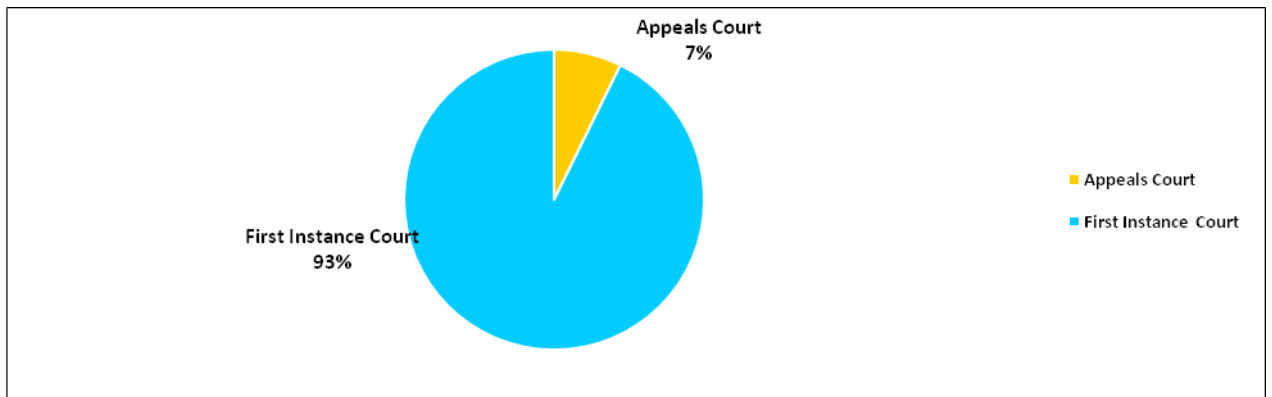


Diagram 1 - Courts serving interviewees.

I explained that the results shown by Diagram 1, indicate that 93% of the interviewed people were served by the Court of First Instance (*Tribunale*), whereas the remaining 7% to the Appeals Court (*Corte d'Appello*). I made clear that these percentages roughly reflect the existing ratio between the total number of cases lodged with the First Instance Courts of the District and cases pending before the Appeals Court.

Then I presented Diagram 2 which shows that a high number of people visiting the Turin Palace of justice were in the category of parties in a lawsuit. In particular I pointed out that the figure referred to the relatives of a party and to the spectators, whose two percentages reach a total figure of 20%, was surprisingly high.

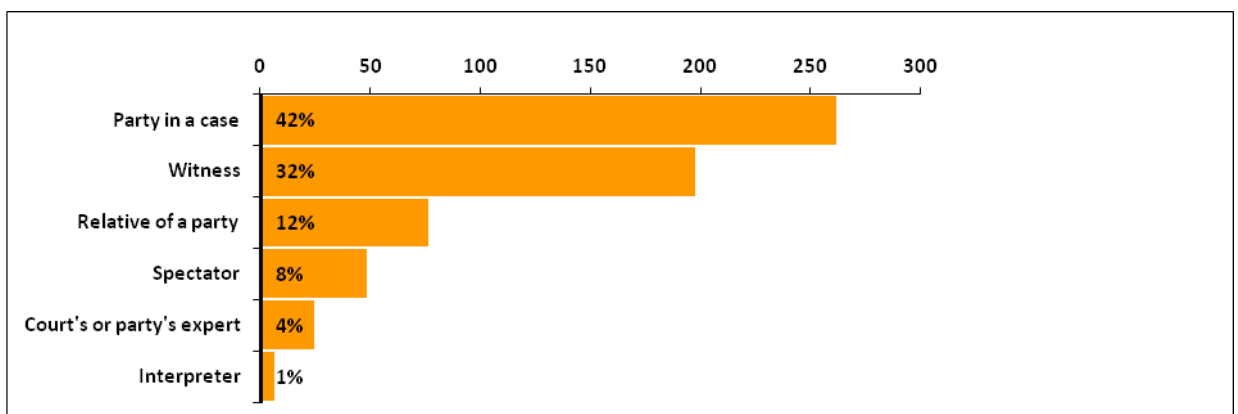


Diagram 2 - Data breakdown by various categories of users.

After that I moved to explain Diagram 3 concerning the information gathered by customers prior to visiting our Court. Data gathered from the answers to the survey shows that the overwhelming majority of customers either did not try to get information by phone, email or on the Web Site, or they said they did not need to gather information. In this regard, I thought it was useful to point out that, out of the 14% of the customers who tried to get information, the vast majority (80%) succeeded in their quest.

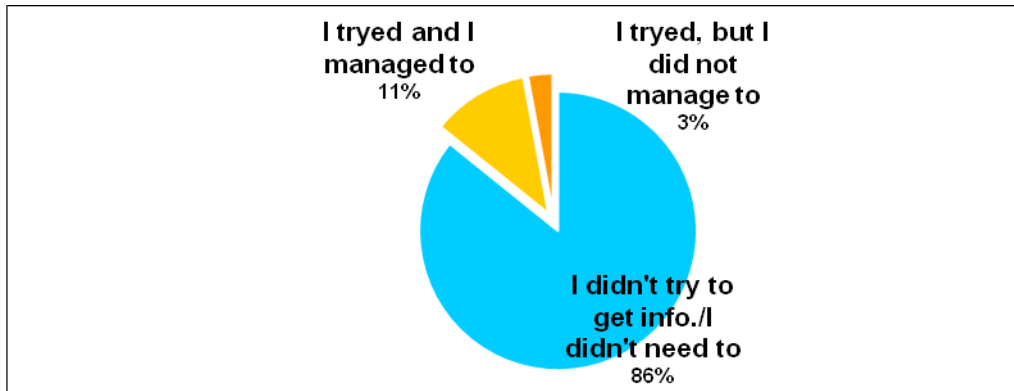


Diagram 1 – Information gathered by customers prior to visiting a Court.

I subsequently provided participants with other notions about the division of categories of procedures. Diagram 4 was the illustration. According to the data, there was a preponderant involvement of interviewed people in penal procedures, whereas in civil procedures those areas of law prevailing were (in decreasing order) family law, torts, enforcement matters and labour cases.

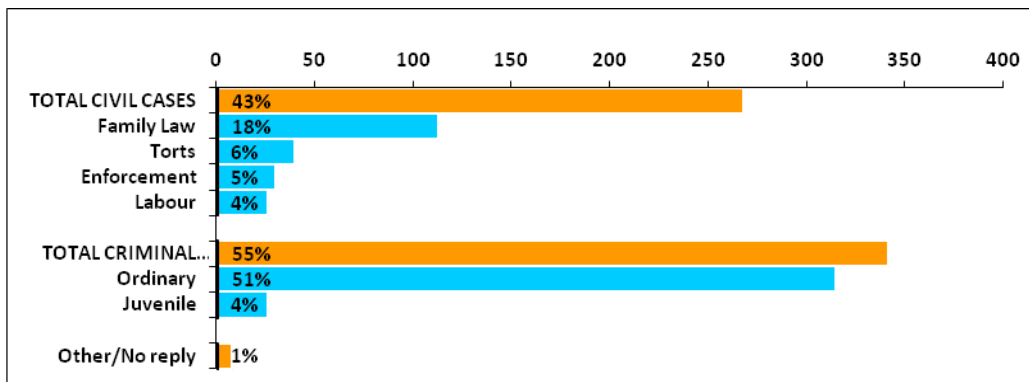


Diagram 4 - Breakdown categories of procedures involved.

I stressed that a further element allowing a better knowledge of users' needs concerns the number of times interviewed users have visited Turin judicial offices. According to Diagram 5, the total number of those people who visited such offices more than once exceeds by far the figure of those people who were visiting Turin judicial offices for their first time. Quite remarkable were data concerning people who had been visiting the palace of justice five or more times (27%): this seems to show the existence of a category of "frequent visitors" of judicial offices.

Once exhausted the part relating to the object of the survey, I took charge of the one aimed to know to overall impact and the importance given by users to various items of provided services. In particular, after having run out what is meant with "Overall impact", I presented Diagram 6 which shown that the sum of those people who declared themselves very much satisfied and of those who declared themselves enough satisfied reaches the threshold of 50%, while the total number of people who declare themselves less than (or not at all) satisfied is less than one third of the total. I remarked that obviously a lot still remains to be done, as is made clear, in particular, by the empirical data portrayed in Diagram 8d.

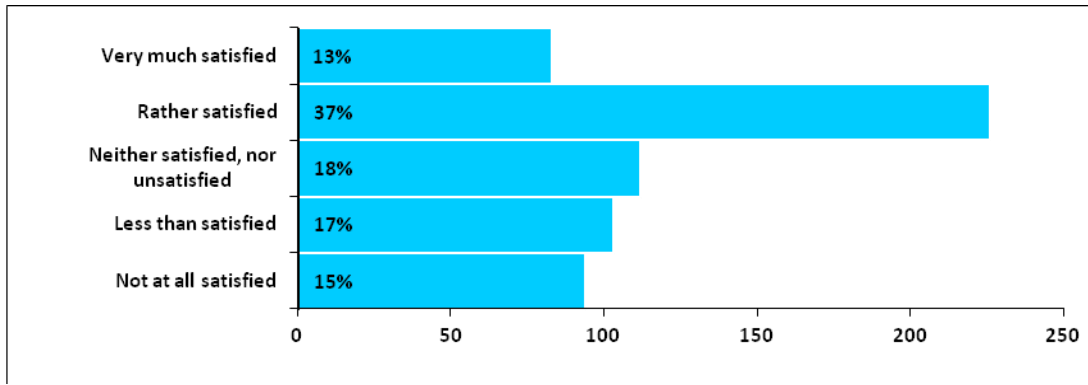


Diagram 8 - General impression customers get about services provided by Turin judicial offices

I stood on Diagram 7 to explain the importance and the encouraging results that may be provided. In particular I remarked that amongst all the elements which appear essential for the customers' judgment, one of the most relevant is the competence of judges (35%). Users declared to prefer such item, although slightly, to the fairness of judgment (31%). Data on the duration of procedures (18%) are found rather distanced; finally, the weight accorded to kindness/politeness of judges and of the staff was almost insignificant (12%), as well as the comfort of judicial premises (5%). I finally put forward that such information allows us to adequately assess and "calibrate" data emerging from Diagrams 8b, 8c and 8d.

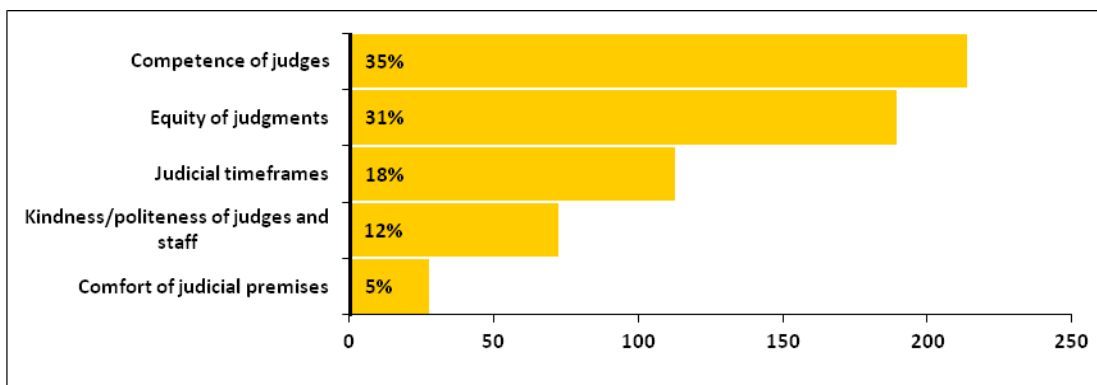


Diagram 7 – Importance given to various elements of services offered

With reference to Diagram 7 and Diagram 8a, I showed that they are the only questions in the survey that deals with measuring the level of importance attributed by users to the services offered by the Court. All others refer only to the level of satisfaction perceived. The reason for this choice resided in not wanting to create confusion between the two, keeping them separate from each other so well. However, in order to take into account some aspects related to the level of importance, it was decided to ask some questions about what level of importance attributed by users to the competence of judges, the equity of judgments and so on.

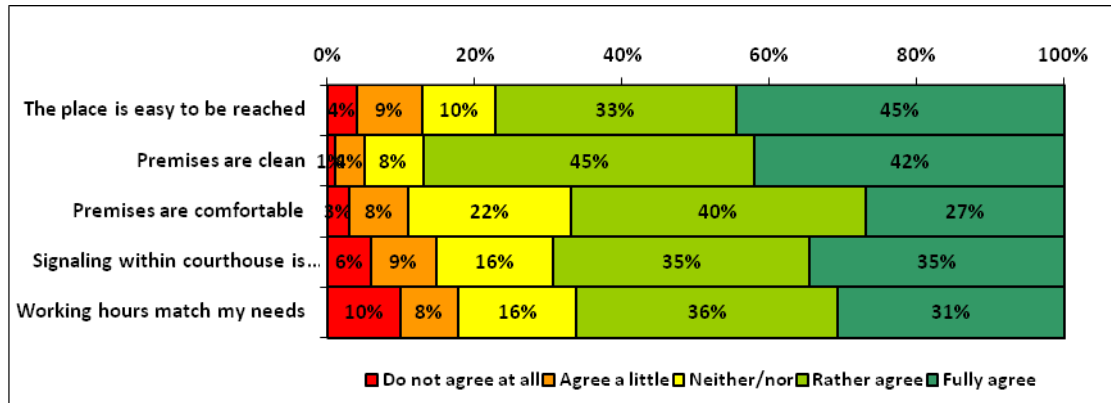


Diagram 2a – Assessing the logistics: premises and working hours

As I said during the meeting, the overall judgment on the above mentioned results on evidence concerning logistical aspects of Turin’s Justice Palace, and to the services supplied there, appears more than gratifying.

After having exhausted all the aspects related to the overall impact and the importance given by users to various items of provided services, I moved on to consider the outcome of the survey with particular regard to staff, judges, timeframes and costs of justice. In this regard, I briefly explained the results shown in the Diagram 8a, 8b, 8c, 8d focusing in particular on the last one. More specifically I pointed out that 8d is the only diagram that provides alarming evidence on the current state of the system. Customers’ assessment about reasonableness of judicial timeframes is merciless: actually, the level of dissatisfaction reaches 75%, against 13% of those who declared themselves rather or fully in agreement with the assertion that the reasonable duration of the procedures is concretely assured. Such an outcome is astonishing, in the light of the positive results of the “Strasbourg Programme” (that allowed the Turin First Instance Court to achieve far better results than those of the other Italian courts). However, such a shortcoming can be at least in part mitigated by the fact that the level of importance that customers attach to the reasonable duration of process appears remarkably inferior to the one attributed to the competence of judges (as I pointed out while analysing the outcome shown in Diagram 8c). However I was careful to explain that the negative results shown by the graph in question, may be justified in the light of the fact that the survey also comprises criminal trials, and that whereas the whole civil process is managed by the Court, the criminal trial is managed by two different offices: the Public Prosecutor’s Office in the first place and the Court in the second place. Therefore we have also to take into account possible delays in the Public Prosecution Office. I also illustrated another point of weakness shown by the graph, namely the one concerning the punctuality of hearings (46% of people declared themselves unsatisfied, against 39% who declared themselves satisfied). But I warned the French colleagues that this outcome could be explained with regard to the fact that the majority of interviewed people were involved in penal proceedings, and for such hearings (unlike civil hearings) no system of staggering is in use.

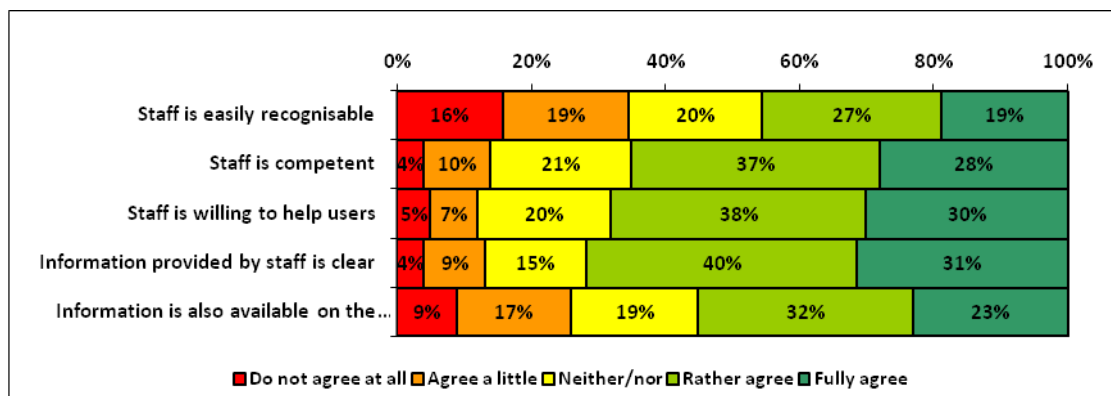


Diagram 8b – Assessing the staff

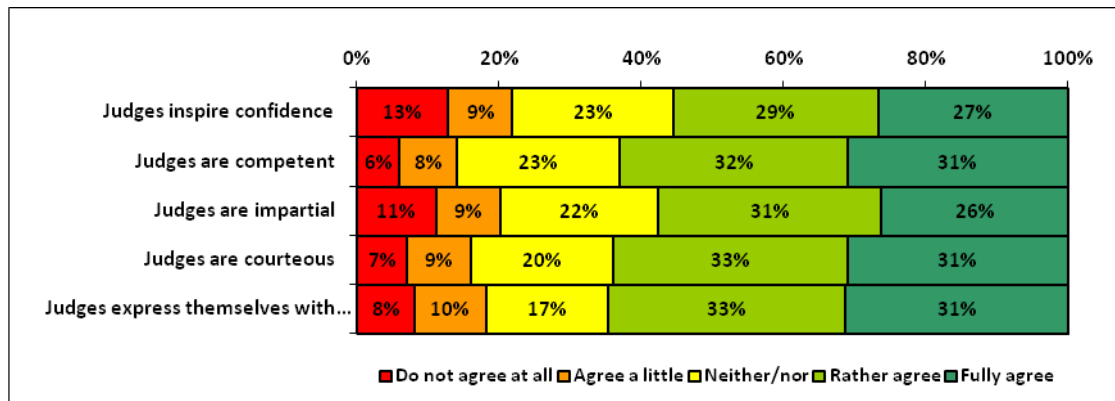


Diagram 8c – Assessing the judges

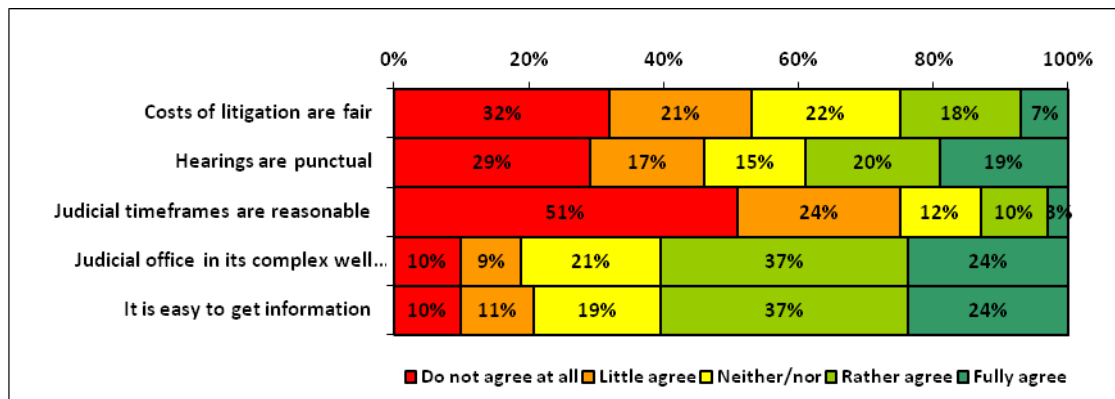


Diagram 8d - Assessing timeframes and cost of justice

At this stage of the meeting, I felt it necessary to open a parenthesis to explain what is the “Strasbourg Programme.” In particular, I pointed out that the “Strasbourg Programme” has to be considered the first experiment of case management tested in Italy, aiming at obtaining a significant reduction of judicial backlogs and the acceleration of the treatment of civil cases. As already mentioned above, the initiative was born in the year 2001 from an idea of the then President of the (First Instance) Court of Turin, Mr. Mario Barbuto (currently President of the local Court of Appeals) and continued during these last ten years first by Mr. Barbuto and since the end of 2009 by the new President, Mr. Luciano Panzani. The Programme was started first of all through a monitoring activity of the whole backlog. Then the President drafted a circular letter containing several provisions and suggestions for Judges (the so-called “Decalogue”), with the aim of reaching the goal of a relevant shortening of judicial timeframes. Starting from the assumption that proceedings lasting for longer than three years could be considered as in violation of the “reasonable time” requirement of Article 6 of the European Convention on Human Rights, in the light of the case-law of the European Court of Human Rights, the Presidency of the Court of Turin activated since 2001 a periodical census—to be renewed every six months—of all cases pending before said Court. Following this survey, all cases had to be classified according to the period of time they had been lasting (cases pending for longer than one year, for longer than two years, three years, and so on). Having done this short overview on the meaning and the aim of the aforementioned programme, I focused more in deep on the comparison between the rules of the “Decalogue” and the “Saturn Guidelines for Judicial Time Management”. In particular I benefited of great attention the comparison between Article 16 of the “Decalogue” (which runs as follows: “Judges should make use of the powers of Article 210 C.P.C. [‘Order to parties of the case or to third parties to provide evidence’] only when it is clear what are the documents or the objects to be shown, in order to take evidence [omissis]) and Article 1 (A) Part. V of the “Saturn Guidelines for

Judicial Time Management” (which runs as follows: “The judge should have sufficient powers to actively manage the proceedings”).

Finally, returning to the satisfaction survey among Court’s users, I concluded my presentation by showing the figure 1 and carrying out some observations on what is to be found from the questionnaire and how it can be helpful in improving the service offered to users.

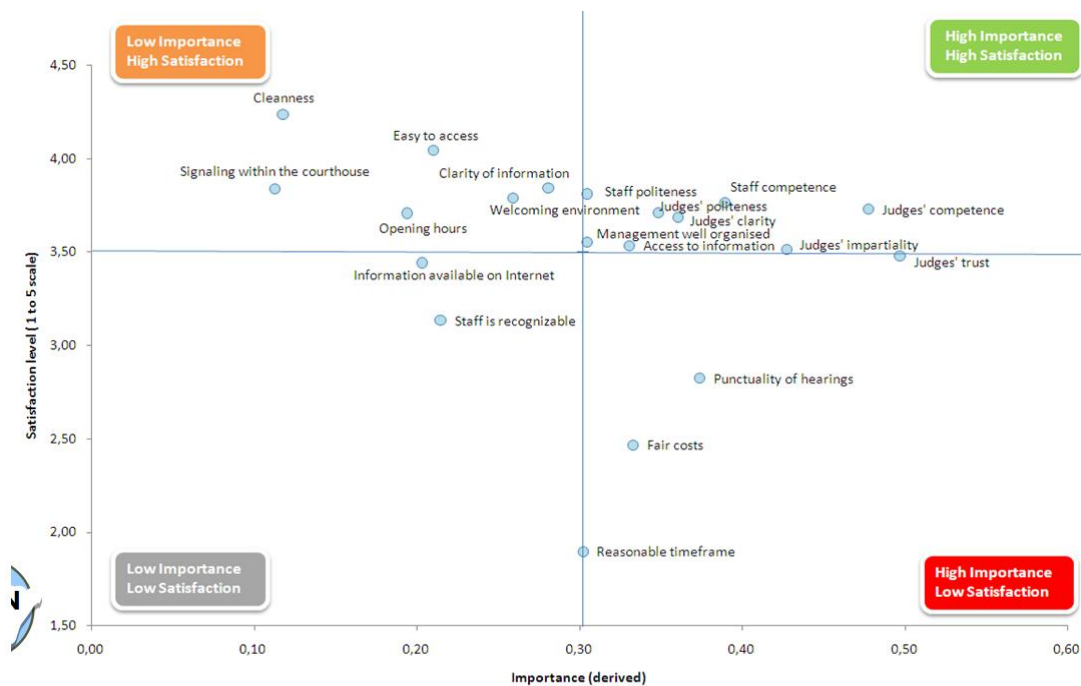


Figure 1 - Satisfaction vs. Importance Diagram

In later steps of the meeting, I presented the questions that were addressed to users to measure their satisfaction. In particular I dwelt on the following questions addressed to interviewed people:

- In which Judicial Office have you gone?
- In what capacity have you been in contact with that Office?
- Before coming here did you try to obtain information useful to your needs by phone, email, or on the website? For what type of process/ procedure you went today at the Court Office?
- Over the past year how often have you been visiting that Office?
- Given your personal experience with this Court Office, are you satisfied with the overall service offered?
- Which of the following elements of quality value is the most important for you?
- How do you perceive the functioning of justice in the light of the service offered by our Court?

Regarding the last question, I have presented the model scheme that interviewers (students) had to fill in on the base of the answer given by the interviewed user. Hard and digital copies were given to the President of the Court.

During the entire course of the meeting, I wanted to reserve ample time for questions. In particular the participants were interested to know more about the following topics:

- With reference to Diagram 1 of the questionnaire, I was asked to explain how we had determined the number of people necessary to ensure the fruitfulness of the survey (in Turin’s case 618). In this regard, I replied that the sample was calculated by the DG of Statistics. I also provided

French colleagues with the document (in Italian) prepared by statistical experts explaining why a sample of about 620 people was considered as an optimal one for the enquiry into the Turin Court. After a short discussion on this topic it was agreed that, taking into account the population of the district of the Court in Clermont-Ferrand, a total number of about 200 people could be appropriate.

- With reference to Diagram 8 b, it was asked whether in the Italian system the Non-judge staff is required by law to wear a uniform. I responded negatively.

- As regards the questionnaire in general, it was agreed that it does not contain questions about what citizens think of the legal system, rather than just investigating the functioning of that particular Court (since very often it is the obstacles posed by the law that produce a disservice rather than the activities, more or less good, of the judge). Participants in the meeting were well aware that this questionnaire has a different purpose: it wants to explore what citizens think about the inner workings of that particular court, regardless of external factors, such as just the obstacles posed by the law. Actually, whereas judges of the Court have to a certain extent the possibility to improve their performances, they have no say at all on possible legal reforms.

- I was asked as well to explain the reasons why we decided in Turin not to involve lawyers in our questionnaire. I explained that we had involved them by getting the local Bar in the committee which presided over the organisation of the works; however, we had decided (at least for this first experiment) to focus on people not directly involved in the legal professions, for organisational reasons, but also because Italian lawyers already dispose of different means to express their satisfaction (or dissatisfaction) about the system, in general, and courts, in particular. This does not exclude, of course, that in next editions of the survey also lawyers can be part of the targeted categories of users.

- I was also asked to provide some information on differences between the model questionnaire adopted in Turin's Court as compared to the model suggested by the CEPEJ. I explained that the two model questionnaires are very similar; however, in Turin we had tried to do it simpler, by regrouping questions dealing with importance given to different items in only one question, instead of "doubling" each and any possible questions on both aspects of merits of the question and of degree of importance of the item.

- I have also to point out that Mr. Stoesslé showed a great interest in the activities of the CEPEJ. He added he would like his Court to join the Network of Pilot Courts, adding that this Court could represent a type of judicial office which is intermediate, in size, between the two French Courts already represented in the Network. I assured him that I would contact the CEPEJ Secretariat in order to get this Court involved in the *Réseau*.

I have to thank President of the Court, Mr. Stoesslé, the Chief Attorney, Mr. Sennes and Vice President of Juvenile Court, Ms. Anthony, who participated in the meetings, for their kindness, for the warm reception and for their readiness and openness in discussing issues of common interest.

The expert



Giacomo OBERTO