

Road map on dissemination of CEPEJ efficiency and quality measurement tools in all courts of Azerbaijan

Strengthening the Efficiency and Quality of the Judicial System in Azerbaijan

May 2020

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Funded
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The Road map has been developed within the framework of the Council of Europe and the European Union Joint Project “Strengthening the efficiency and quality of the judicial system in Azerbaijan” under Partnership for Good Governance II (PGG II). The views and opinions expressed in this document are those of the authors and do not necessarily reflect the official policy of the Council of Europe and the European Union.

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1. List of abbreviations

| | |
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| | |
| Action | Process of dissemination of statistical data collection and reporting, time and quality management tools at the national level |
| CoE CEPEJ | Council of Europe European Commission for the Efficiency of Justice |
| Final Report 2017 | Final Report on the Implementation of selected CEPEJ Tools in Pilot Courts of the Republic of Azerbaijan – March 2017 |
| Implementation Guide | Guide for the Implementation of selected CEPEJ Tools in the Courts of the Republic of Azerbaijan (2nd edition) |
| ICMS | Integrated Case Management System |
| JLC | Judicial Legal Council |
| KPI | Key Performance Indicators |
| MoJ | Ministry of Justice |
| PMO | Project Management Office |
| Project 2015-2017 First phase | Project “Support to Increased Efficiency of Courts, Improved Training of Judges and Judicial Self-governance in Azerbaijan” |
| Sub-working Group on JTM | The Sub – working Group – Time management |
| TOR | Terms of Reference |

2. Introduction

The present Road map includes a detailed Plan of Action with implementation methodology, expected outcomes and outputs to support efforts of Azerbaijani judiciary to increase trust in the justice system, support independence and efficiency of justice.

The Road map contains steps for dissemination of relevant CEPEJ tools on nation-wide timeframes, efficiency and quality measurement tools. The present document represents the follow-up after the first phase project “Support to increased efficiency of courts, improved training of judges and judicial self-governance in Azerbaijan”¹, which was implemented

1 Final report of the implementation of selected CEPEJ tools in pilot courts of the Republic of Azerbaijan CEPEJ-COOP (2017) 2, March 2017

Guide for the implementation of selected CEPEJ tools in the courts of the Republic of Azerbaijan CEPEJ-COOP (2017) 4, March 2017

between March 2015 and April 2017. The Project was performed by the authorities from the justice sector of Azerbaijan and CEPEJ.

The objective of the Project (first phase) implemented between 2015 and 2017 was to support better efficiency of courts and improved quality of judicial services in Azerbaijan. The means for attaining this objective were based on optimisation of court management through the implementation of CEPEJ tools in pilot courts, analysis of their results and formulation of proposals for dissemination of the best practices to the national level. One component of the Project was dedicated to strengthening the efficiency of courts and improving the quality of judicial services through the implementation of CEPEJ tools in pilot courts, analysis of their results and formulation of proposals for dissemination of the most relevant tools at the national level. Five pilot courts participated in the previous Project (Yasamal District Court, Sheki Appellate Court, Sumgayit Appellate Court, Oghuz District Court, Sumgayit Administrative-Economic Court).

As part of the project, a team of CEPEJ experts visited the five pilot courts designated jointly by the Judicial Legal Council and the Ministry of Justice of the Republic of Azerbaijan, and conducted an in-depth evaluation of their efficiency, time and quality management, explaining and applying the specific methodology and tools promoted by the CEPEJ. Based on on-site meetings and based on statistical information provided by pilot courts, Ministry of Justice and CEPEJ coaching reports for every single pilot court were drafted analyzing the performance, quality and possible interventions derived from the CEPEJ performance indicators implemented in the reports.

The final report (CEPEJ- COOP (2017)2) in relation to the activities implemented until March 2017 focused on providing the conclusions and recommendations on:

- **Judicial statistics**

Encouraging the usage of CEPEJ methodology for collection, analysis and reporting of the relevant statistic indicators for the objectives of court management, decision – making and development of judicial policy was recommended. In this regard the necessity to improve human resources and providing the respective training was stressed. The publication of the performance reports on the web sites of all courts of Azerbaijan was encouraged (continuing the good practices from the pilot courts).

Another aspect mentioned in the framework of the recommendations was introduction of indicators and functionalities aligned to the CEPEJ tools in the ICMS.

- **Time management**

The necessity to take preventive measures, monitoring of the capacities within the individual courts and proactive court management encouraged by the Ministry of Justice and the Judicial Legal Council was stressed. Although the workload of national courts was constantly raising, the court system of Azerbaijan had an excellent record regarding the timeliness of court procedure, efforts should have been taken to maintain it. The certain flexibility in organizing the court and providing the supports to judges was recognized as necessary (as measures to support judges with bigger number of cases).

It was proposed to further disseminate the experience of the CEPEJ pilot courts in developing, setting and monitoring targets for all courts of Azerbaijan, proposing “unified” targets. This was recognized as particularly relevant for promoting the concept of reasonable time.

- **Quality management**

The importance of satisfaction surveys as a tool in order to evaluate the quality of services and encourage changes in courts was stressed. The necessity to conduct surveys in all courts regularly was recommended. Satisfaction surveys were seen as an instrument to facilitate the dialogue with the court users and the general public.

- **Public accountability and communication (general recommendations and best practice)**

With the objective to improve the communication policies it was suggested to adopt decisions on the publication of a report on the activity of the court (including efficiency and quality indicators), appoint a unit or person responsible for the institutional transparency and public relations, discuss the activity reports within the court (and with target audience after the approval), use the Internet to inform public and stakeholders.

Follow – up after the first phase of the project (2015 – 2017)

In October 2019 CEPEJ expert team hold a mission to Azerbaijan, Baku to update the current *status quo* after the first phase project and in order to highlight the priorities and obtain the background information for the development of this Road map. Representatives of the five pilot courts (Baku City Yasamal District Court, Shaki Appeal Court, Sumgayit Appeal Court, Oghuz District Court, Sumgayit Administrative-Economic Court) represented at the first phase of the project were met.

The results of the project implemented between 2015 - 2017 were highly appreciated both, by representatives of the pilot courts and CEPEJ expert team. It has been noted by the experts' team with respect and pleasure, that the objectives of the project have been duly implemented: the presentations given by the representatives of the pilot courts showed that recommended CEPEJ tools are used on daily basis. The positive experience by introducing satisfaction surveys (for court users, judges and lawyers) was mentioned. On the basis of their finding a number of new solutions were introduced, developing the court services and supporting the judges daily work (for example signs in order to support the court users in finding the court room, clarified number of court staff per judge, training needs).

The significance of the second phase of the project was also stressed by the Ministry of Justice, presenting the Presidential decree on increasing the efficiency of justice, adopted in 2019.

It has been noted that the second phase of the project has to be focused on further dissemination of the CEPEJ tools in all courts of Azerbaijan. Work has to be continued in order to introduce the use of judicial statistics as a tool to evaluate and improve the performance of courts, plan court resources and manage workload at all courts. CEPEJ instruments on time management have to be presented, carefully developed, piloted under special attention of independence of justice, quality management introduced, and public accountability strengthened by means of communication.

CoE/EU PGG Annual Plan of Action (2019 – 2021)

With the reference to the next steps and according to the CoE/EU PGG Annual Plan of Action 2019-2021 the CoE will continue supporting the efforts of Azerbaijan to increase trust in the justice system (judiciary, prosecution and penitentiary), to improve relevant legislative and institutional frameworks in accordance with European standards, to facilitate implementation of existing legislative and normative acts for a functional independence and accountability of the justice system and to improve enforcement of the national courts decisions as well as the execution of the ECtHR judgments. Thus, the present Road map

details the objectives of CoE/EU PGG Annual Plan of Action for 2019 – 2021 and should be read in line with mentioned document.

It is recognized that the workload of judges in Azerbaijan remains high and further efforts are needed to disseminate the practices presented by CoE CEPEJ at 2015 - 2017 throughout Azerbaijan.

The objectives for the next period in the context of independence and efficiency of justice are the following:

- The efficiency and quality of judicial services should be further improved through the application of the methodology and tools developed by the CEPEJ on judicial time management and quality of justice. The quality of judicial statistics should be further improved.
- The training methodology and curricula for judges (initial and in-service) of the Justice Academy are further improved in line with European standards and good practice.
- The CEPEJ tools and guidelines on efficiency and quality of justice are integrated in the programmes for initial and continuous training of judges and court managers/staff.

The implementation of key judicial reforms should be supported through essential measures strengthening the independence, impartiality, efficiency and accountability of the judiciary, and with a special focus on the track record by agreeing on a set of key indicators.

The attention should be devoted to:

- Strengthened awareness and knowledge on the tools for public access to juridical statistics, based on the concept of CEPEJ -STAT database, when the CEPEJ – STAT concept should be implemented at the national level.
- Skills and know – how on judicial statistics collection and analysis for policy - making and managerial purposes. *Inter alia*, the objective is to ensure that the decisions of the MoJ/JLC as regards to distribution of resources refer to objective data in the context of courts workload, efficiency and quality.
- Modern management methods and tools applied by Azerbaijani courts in view of better efficiency and user satisfaction, including training activities for the staff (with focus on the high level of satisfaction by the trainees with the training) and regular evaluation of court performance.

The Roadmap should be read as whole. Authors tried to avoid duplications and overlaps. The Chapter 3 Basic Principles should be read as a guidance throughout the entire document.

Steps defined in 4.2.2.2. Setting targets are logical to be applicable also for the implementation of time management. Close cooperation among working groups concerning statistics and time management on all levels of the organisation will contribute to better results and quality of deliverables.

The Roadmap should be thoroughly discussed by the Azerbaijani judiciary. It should not be read as a list of commandments but as a tool to facilitate set of actions which should be performed in order to introduce important CEPEJ tools. It is based on CEPEJ expertise on one hand and authors' practical experiences gained through national and international corresponding implementations.

3. Basic Principles

Some basic principles are to be recognized as important and followed during the implementation of Action according to this Road map.

3.1. Accountability

Synergies between the actions of different actors involved in the implementation of this Road map are important and to be coordinated to ensure the accountability of the actions taken. The mentioned could be successfully carried out by establishing the proposed governance schema.

While conducting and coordinating the discussions within the established governance schema it is important to keep the balance between the engagement of MoJ and judiciary. It should be stressed, that the important changes shall be driven and promoted by the judiciary itself ensuring respect as regards the principle of independence of the corps of judges. CEPEJ instruments and tools in the context of the judicial timeframes and quality management are planned to be introduced and piloted during the implementation of this Road map in court of Azerbaijan. Especially the introduction of timeframes will need thorough discussions within the corps of judges and should be developed among them in closed circle without direct influence of the MoJ to keep independence of judiciary.

Another aspect to be mentioned is synergy with the other initiatives taken by the corps of judges, MoJ, JLC outside this action that shall be also ensured. The action presented in the mentioned Road map should contribute extensively to the broader efforts of Azerbaijan to strengthen judicial sector, enhance its capacity and contribution to the effective and qualitative judicial procedure and to the development of the other policies. The action shall also provide the possibility to enhance the indicators in relation of the Azerbaijan judiciary assessed at the international level.

3.2. Use of information technology

In order to start the discussion with the courts on monitoring and analysing the judicial statistics and setting the judicial timeframes to facilitate the effective time management the implementation and unified usage of ICMS is essential. The CEPEJ team was informed that the roll-out of the ICMS in other courts of Azerbaijan will continue in 2020. It is the priority of the MoJ. Training in this regard is planned to consider the calendar of the implementation of ICMS. Particular and very serious attention has to be paid to the issues related to the quality of data according the responsibility of court inspection and local court managers. The court staff must understand the importance of the correct registration of a case and the registration of correct procedural steps in order to ensure the qualitative data for the reporting system.

The implementation of ICMS in its full extent and in all courts is an essential precondition, especially with the objective that based on the lessons learned by pilot courts, the CEPEJ indicators (KPIs) might be fully embedded into IT solutions. Usage of business intelligence tools for the objectives of this Road map should be emphasized, as well as necessity to evaluate the introduction of other IT tools, including artificial intelligence solutions with the objective to harmonise workload among the courts and facilitate efficient court management.

3.3. Communication, transparency and use of Internet

The communication plan shall be developed for the objectives of the present Road map as part of the broader communication strategy for the Azerbaijan judicial system. Transparency and proper communication are at the heart of action proposed and should be ensured from the very beginning of the implementation of the activities. The communication at both levels: internally – within the judicial community as well as external communication, informing court users and society, shall be ensured. The issues related to external communication shall be discussed and planned by the Steering committee.

Ensuring openness with regards to the court activity, plans and results will contribute to higher public trust.

Extensive information is available for court users online through the single court portal. The portal is continued to be used as the main communication channel. Also, other channels selected and approved by the project management can be used. The Internet is to be used extensively to inform operatively, efficiently and in a non-discriminatory manner the public and the stakeholders (parties, lawyers, etc.) on the activities. It is necessary to ensure the continuation of the provided information by showing the objectives of the planned action and informing about the results. In case of satisfaction survey, it is essential to provide the link in between the finding analysed and plans for the improvements, action to be taken.

3.4. Flexibility and sustainability of the results

Ability to cope with changing external factors (for example circumstances leaving significant impact on the workload of the court in the short period) shall be considered during the implementation of the Road map. The project Steering committee shall be eligible to adjust plans and priorities considering changing circumstances and environment leaving impact on the functioning of the judiciary.

Sustainability of the results shall be ensured by training and strengthening of the capacities. The Justice Academy plays the crucial role in implementation of an action foreseen. Thus, the action shall be accompanied by number of trainings on the basis of pilot courts' experiences at the first phase, on CEPEJ standards in general, as well as, ToT programmes and additional training curricula shall be developed and implemented (also after the implementation of the present action).

4. Road map

4.1. Leadership and self – governance

The good practices and knowledge of the five pilot courts involved in the 2015 – 2017 Project is essential for further dissemination and implementation of the selected CEPEJ tools and to be extensively used in implementation of the activities foreseen in this Road map and of its objectives within the judicial community. The support and leadership of the representatives of the pilot courts and the MoJ is crucial to ensure the success of the second phase. Cooperation with the Justice Academy is important in order to reach the objectives of the second phase, introducing the training and developing the curricula on court management.

The efficient organisation, which will enable smooth implementation of an Action shall be

established, involving the key stakeholders. Considering mentioned it is proposed to establish the governance structure for the objectives of the present Road map.

The Action will start with the Kick-off meeting where the Head of the Steering Committee will present the goal of an Action and the Head of the Working Group will present the action plan with milestones.

In order to implement the comprehensive nationwide system of statistical reporting, time and quality management corresponding organisational structure with Steering Committee, Working Group and several sub-working groups should be established. All organisational entities have their heads. Good communication among all organisational entities must be provided. The Steering committee performs regular (e.g. monthly) meetings where the Progress of the Action is checked through the pre-defined milestones and appropriate or needed organisational interventions are taken. Meetings of the Working group and Sub-working groups are on more frequent pace according to the dynamic of the Action.

The organisation is established only for the life-cycle of the Action and will be terminated after the successful dissemination. Some of the entities will transform to the corresponding organisational structure in order to ensure sustainability of the activity within the Azerbaijani judiciary (e.f. it can be expected that sub-working group for analyses will be transformed to special organisational unit within the MoJ or JLC).

The Project Management Office (hereinafter: PMO) provides the administrative support to the Action. In order to assure smooth implementation of the Action the organisational act defining organisational rules of communication can be drafted by the PMO and adopted by the Steering Committee. The existing project management structure and organisational documentation (e.g. WB) could be used.

The most important roles in the organisational schema have Supporter and the Head of the Working group.

Representatives (presidents, judges, court managers, analysts, registrars) will be invited in organisational structure in order to bridge the first phase and activities on dissemination. Their intervention represents indispensable contribution to the success of the Action.

4.1.1. Description of the proposed organisational structure

4.1.1.1. Steering Committee

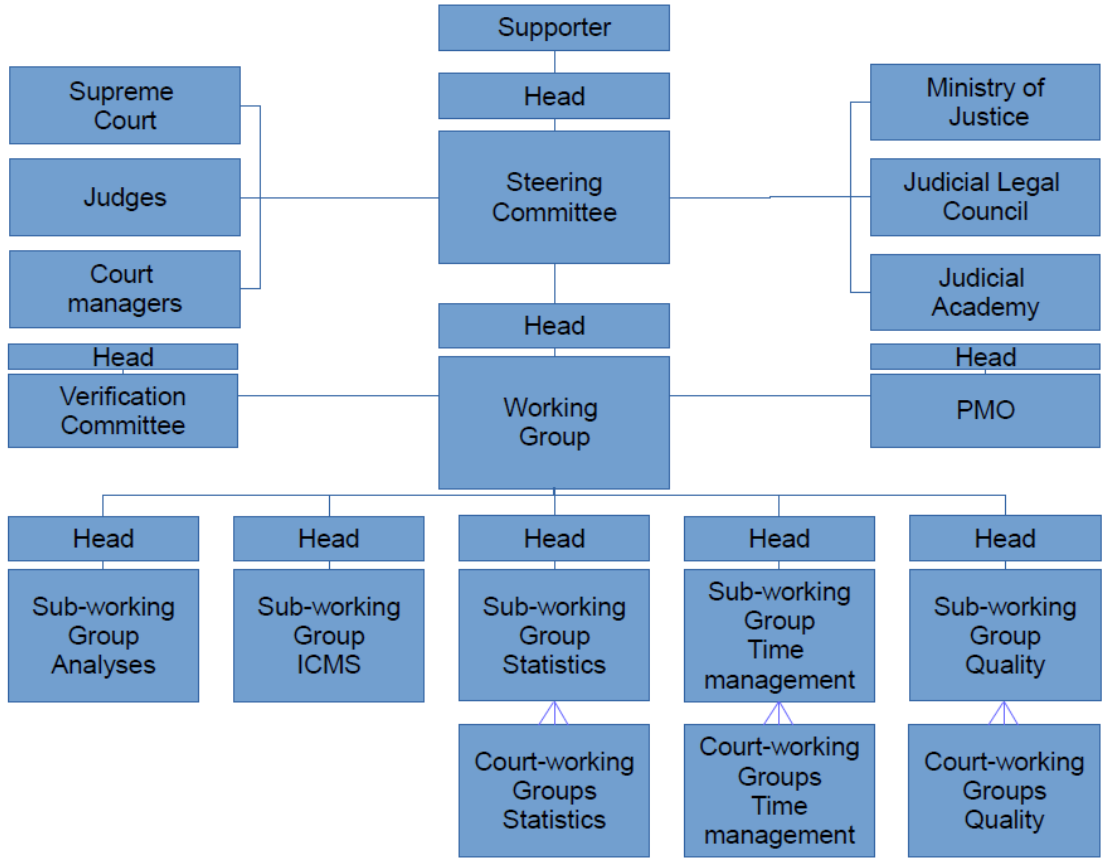
The Steering committee accepts all important deliverables (e.g. nominate the working group and sub-working groups and verification committee, action plan, specifications of the dashboards and different reports) and monitors the progress of the implementation of the Action according to the time plan proposed by the working group. Representatives from different stakeholders (Supreme Court, judges, court managers, JLC, MoJ, Justice Academy) should be nominated to the Steering committee in order to represent different beneficiaries' interest.

4.1.1.1.1. Supporter

Supporter has an important influence and high reputation among different communities and

access to important decision makers. In order to provide full commitment and acceptance of the Action nomination of respectful higher- ranking judge who will act as supporter of the project promoting and defending the Project within the judicial community will be nominated.

Organisation



4.1.1.2. Working Group

The working group is composed of heads of sub-working groups. It is an operational body, which has a daily overview to the progress of the Action. Heads of individual sub-working groups report on the progress and on meeting the action plan.

4.1.1.2.1. Head of the Working Group

Head of the working group is one of the key success factors of the Action responsible for the entire implementation of the Action. Organisational skills with good expertise in the entire domain of the judiciary. The profile of the head should cover good knowledge in analytics, court management, judicial administration, business process, case management. Working group has Verification Committee advisory as advisory body responsible for substantive coherence of deliverables proposed by sub-working groups. It functions also as a filter in the

process of acceptance of proposals for individual statistical reports elaborated by individual stakeholders.

4.1.1.3. Sub-working groups

In order to provide sufficient substantive input during the Action different sub-working groups are introduced. It is within the beneficiary's competence to determine the number and TOR of the sub-working groups.

4.1.1.3.1. Sub-working Group – Analyses

The Sub-working Group – Analyses provides different analyses based on available predefined reports and ad-hoc reports for different stakeholders on the national level. It has also an important role in the field of quality assurance as it has daily contact with delivered reports.

4.1.1.3.2. Sub-working Group – ICMS

The Sub-working Group – ICMS provides all necessary preconditions for the efficient reporting. Most of all needed information are stored in the ICMS. Beneficiary will decide in which way the information will be provided. It is important that statistical reports drafted during the Project 2015-2017 are ensured and some additional KPIs, identified during the Project 2015-2017 are ensured.² It is strongly recommended that ad-hoc statistics are also available.

4.1.1.3.3. Sub-working Group – Statistics

The Sub-working Group – Statistics provides specifications for different pre-defined reports on the national level in line with requests and proposals verified by the Verification Committee.

4.1.1.3.4. Sub – working Group – Time management

The Sub – working Group – Time management (hereinafter “Sub-working Group on JTM”) provides the coordination of the activities related to the establishment of time, monitoring frames and further assessment of time frames (for more detailed TOR please see 4.2.2.1).

4.1.1.3.5. Sub – working Group – Quality

The Sub – working Group – Quality provides the coordination of activities related to quality of the judicial procedure. Coordinates the process of satisfaction surveys.

² Final Report 2017, p. 7

4.1.1.3.6. Working groups in each court

At the level of each court a court working group (hereinafter “CWG”) shall be established. The CWG can be created within the Courts’ existing organizational structure. The President of the Court can define the size and composition of CWG in consultation with judges and court staff.

It is important to involve in the CWG persons whose work is closely related to the substance (statistics, time management, quality). Thus, the CWG shall consist of judges, court staff, including IT staff. Other stakeholders and users of the justice system should also be involved. The size of the CWG shall not be big (to ensure flexibility and efficiency) and shall depend on the size of the court.

Court working Groups – Statistics

The Court working Groups – Statistics provide the assistance to the court president in coordination of activities related to statistical reporting and analyses adapted to the individual court.

Court working Groups – Time management

The Court working Groups – Time management provide the assistance to the court presidents in coordination of activities related to time management.

Court working Groups – Quality

The Court working Groups – Quality provide the assistance to the court presidents in coordination of activities related to the quality monitoring and the implementation of satisfaction surveys.

4.2. CEPEJ efficiency measurement tools

CEPEJ drafted two key documents regarding efficiency measurement tools:

1. CEPEJ Guidelines on Judicial Statistics (GOJUST), December 2008, CEPEJ(2008)11
2. Revised Saturn Guidelines for Judicial Time Management (3rd Revision), December 2018, CEPEJ(2018)20R

The corresponding roadmap shall be read together with these two documents. Guidelines and principles set in both documents should be considered. Regarding Guidelines on judicial statistics general and specific principles should be considered. In addition, European Uniform Guidelines for monitoring of Judicial Timeframes (EUGMONT) together with Tables 1, 2, 3 defined during the Pilot project in pilot courts represents a standard which should be followed during the implementation of statistical reporting on the level of the entire Azerbaijani judiciary.³

Regarding Guidelines for judicial time management among more than sixty guidelines which are identified in the Revised Saturn Guidelines set of 16 guidelines for planning and collection of data, court managers, crisis management and for judges were selected during the Pilot Project. The SATURN Centre has selected them as the starting point. They are

³ Guide for the Implementation of selected CEPEJ Tools in the Courts of the Republic of Azerbaijan (2nd edition), Appendix 1: Example of tables with statistical data for the assessment of courts’ efficiency

labelled: "SATURN priorities" in the Document CEPEJ(2015)18: Implementing the SATURN Time Management Tools in Courts – A Guide (Updated version, adopted at the 26th plenary meeting of the CEPEJ, Strasbourg, 10 and 11 December 2015).⁴ Examples of practices in various European countries can be found in the separate document SATURN Guidelines for Judicial Time Management - Comments and Implementation examples (CEPEJ-SATURN (2015)2).⁵

4.2.1. Statistics

The Final report on the Implementation of selected CEPEJ Tools in Pilot Courts of the Republic of Azerbaijan, March 2017, CEPEJ-COOP(2017)2⁶ (hereinafter “the Final report 2017”), which was drafted as a part of the Project “Support to Increased Efficiency of Courts, Improved Training of Judges and Judicial Self-governance in Azerbaijan” (hereinafter “the Project 2015-2017”) delivered several recommendations regarding statistics:

1. Implementing the CEPEJ methodology of statistical data collection and reporting in all courts
2. Publishing of the statistical reports made in line with the CEPEJ methodology on courts' websites
3. Dissemination of the Project's results and the CEPEJ methodology at national level
4. Improving human resources for the collection, analysis and reporting of statistical data
5. Improvements needed to the ICMS implemented in Azerbaijan

The main tool, which shall be used together with the Roadmap during the dissemination of statistics is the Final report Guide for the Implementation of selected CEPEJ Tools in the Courts of the Republic of Azerbaijan (2nd edition) (hereinafter “the Implementation Guide”), which is an Appendix to the Final report 2017. The main purpose of the Implementation Guide was definition of necessary steps and activities in order to facilitate the implementation of the agreed recommendations, defined through the Project's Court Coaching Reports concerning implementation of the CEPEJ tools including also dissemination of statistical reporting.

The aim of the Roadmap regarding dissemination of statistical data collection and reporting is to specify needed activities in order to perform efficient implementation of statistics, which were identified, specified and used by all pilot courts during the Project 2015-2017. Needed activities are observed through the time frame (please see 4.5. Action plan).

The system of statistical reporting covered through the corresponding Roadmap is understood as set of activities, actions and deliverables, which will facilitate nationwide implementation of collection, reporting, analyses and also support definition of policies, priorities, measures and monitoring on different levels of the judiciary. All statistical reports

⁴ https://www.coe.int/t/dghl/cooperation/cepej/quality/default_en.asp

⁵ <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlobGet&InstranetImage=2864950&SecMode=1&DocId=2342700&Usage=2>

⁶ <https://www.coe.int/en/web/cepej/cooperation-programmes/partnership-for-good-governance-azerbaijan>

should be justified through concrete needs and expectations of different internal or external and professional or lay communities. Set of activities, actions and deliverables should be read together with the content concerning the time management. Steps specified in 4.2.2.2. Setting targets are fully applicable also for dissemination of statistics.

4.2.1.1. Standardised statistics and KPIs (Table 1, 2, 3)

The purpose of the Activity is to identify the set of Reports, which will have to be implemented during the Action.

Based on the Final Report 2017 set of standardised statistics and KPIs is expected to be identified by the Sub-working Group – Statistics and proposed to the Steering Committee for adoption (Milestone 1).

In order to enable the comprehensive and sustainable evaluation of the performance of Azerbaijani courts, the following tables (statistical reports) were specified and drafted by the CEPEJ team in cooperation with the pilot courts:⁷

- Table 1: General information concerning the court
- Table 2: Workflow information per case type
- Table 3: Structure of the caseload

In addition, the following tables were generated based on data collected through the above-mentioned tables:

- Generated Table 1: New, Solved, Pending Cases, Disposition Times, Clearance Rates
- Generated Table 2: Analytical Information and Indicators on the use of resources and efficiency
- Generated Table 3: Appeal Ratios, Quashed or Modified Decisions Ratios

Besides the workflow and the structure of the caseload, the following key performance indicators were calculated based on figures provided by the pilot courts:

- Clearance Rate (CR)
- Disposition Time (DT)
- Age of Pending Cases (APC)
- Case Per Judge (CPJ)
- Case Per Staff (CPS)
- Staff Per Judge (SPJ)
- Cost Per Case (CPC)
- Appeal Ratios (AR and QMD)

Tables 1, 2 and 3, Generated tables 1, 2 and 3 and set of KPIs represents the minimal set of reporting, which should be covered through the Action.

⁷ The Implementation Guide, Appendix 1: Example of tables with statistical data for the assessment of courts' efficiency

4.2.1.2. ICT support – inventory

The purpose of the Activity is to analyse the level of ICMS's maturity for the nationwide dissemination of the reporting system.

Two perspectives will be considered and analysed in this regard:

- the availability of needed data in the ICMS
- the coverage of Azerbaijani courts with the ICMS

Throughout all phases of collecting of statistics and drafting of courts' efficiency reports, concrete and very practical experiences regarding the use of the ICMS and its improvement will emerge. These practical information might be relevant for improving the ICMS and also for an eventual future implementation of the Data Warehouse concept. For this reason, maintaining regular communication with the ICMS team will be important.⁸

4.2.1.2.1. Case Management System

The Project 2015-2017 assessed that the ICMS provides a solid base for implementing judicial statistics in line with CEPEJ standards. It appeared that all the needed data were registered on the level of individual cases, with all necessary metadata providing information regarding the duration of the procedure, case types, types of decisions and legal remedies.⁹

Further analyses will be performed (together with Sub-working Group – Statistics) in order to identify if all data are available in the ICMS in order to deliver statistical reports in line with CEPEJ recommendations.

Second more sensitive part of the Activity is the level of roll-out of the system on all Azerbaijani courts. The ICMS roll-out process is time and money consuming activity, which cannot be performed in a short period of time. It is tied to many other preconditions (e.g. tender procedures, loans, court premises), which all have influence on the roll-out process. The final goal – nationwide dissemination – might be seriously jeopardised if the ICMS would not be rolled out in foreseen time.

In order to provide basic data manual data entry might be needed if final deadline would not be met. The development of straightforward intranet modules for collecting statistics will be examined.

4.2.1.2.2. Manual data entry

A special form for manually kept statistics might be needed and developed in case of the absence of the ICMS. Manual data entry is an "emergency exit" (Plan B) as it means duplication of work on the level of individual court which do not use the ICMS on one hand and additional development, maintaining and use of technical resources on the other.

Specific basic controls shall be built in the tables in order to avoid errors and mistakes. When the data are entered, a double-check by the reporting units should be performed and final

8 The Implementation Guide, p.9

9 The Final Report 2017, p.11

validation and approval of data should be conducted.

The Working group shall perform special cost benefit analyses in order to evaluate the eligibility of the development of intranet modules. The proposal shall be approved by the Steering committee.

4.2.1.2.3. Data warehouse

The final concept, which should be followed in order to establish the quality state of the art reporting system, is Business Intelligence based on Data warehouse. The ICMS will be the primary source for the data warehouse. The system used for manual collection of data (see above) will be integrated for the courts, which do not use the ICMS.

The availability and interoperability with other (non-judicial) information systems (e.g. State budget, Human Resource Records) will be analysed in order to obtain data needed for reporting the efficiency KPIs.

Granulation of data will enable drilling to the level of the case number. Additional final validation of data will be applied for both automatically (through the ICMS) and/or manually generated statistics.

4.2.1.3. Training

The purpose of the Activity is to empower different levels of the judicial administration with sufficient knowledge and expertise in order to perform its tasks in best quality manner.

Training for different groups of beneficiaries will be provided by Justice Academy. Training curricula will be drafted by the Sub-working Groups for Analyses and Statistics depending on the beneficiaries' needs. Curricula will be drafted in line with Justice Academy's standards and instructions and approved by the competent body. The Steering Committee will express its opinion on proposed curricula.

Different groups of beneficiaries are identified:

- presidents
- court managers
- analysts
- data entry personnel (for manual collection of data)
- administrators

Train-the-trainer courses will be performed by the Justice Academy in addition. Trainers will be selected primary from the pilot courts, which have sufficient knowledge and experiences regarding collecting, reporting and analysing business reports. Representatives from different beneficiary groups (e.g. presidents, court managers, analysts) will be selected as trainers in order to facilitate the peer to peer level of communication. The usage of e-learning modules will be explored (e.g. for data entry personnel).

4.2.1.4. Publication

The purpose of the Activity is to establish appropriate means for communication and provide statistical reports to all levels of internal and external communities increasing the transparency and communication with court users and the public.

Different levels of publication (internet, intranet) for different groups of beneficiaries (e.g. court presidents, court managers, analysts, MoJ, lay community) will be implemented. Already implemented systems and concepts (e.g. CEPEJ-STAT) will be considered in this regard.¹⁰

Internet will be implemented for publication of different standardised statistical reports. Special internet page will be established in order to publish corresponding reports. Tables 1, 2 and 3 will be implemented in the first phase of the Action.

Intranet will be implemented for publication of dashboards and different standardised reports. Dashboards will be primary dedicated to the court management (presidents, court managers) while reports will be mostly used by analysts).

Subscription will be implemented in order to provide different reports on timeframes set by the beneficiary in advance.

Special awareness campaign will be launched in order to promote the usage of the reports among different communities.

4.2.1.5. Analyses

The purpose of the Activity is to establish appropriate organisational structure and empower qualified specialists with sufficient knowledge and expertise in order to perform analyses in best quality manner.

The mission of the organisational structure is to provide quality and sustainable assistance to the court management on the level of individual court and agile professional judicial administration on the level of the nationwide system. Special office for analyses and judicial management development on higher level of the judicial system (e.g. Judicial Legal Council, MoJ).

Based on continuous analytical process appropriate organisational and managerial interventions will be investigated. Based on performed analyses concrete priorities might be set and specific measures might be taken in order to improve the performance in the particular field of the action on the level of individual courts, groups of court or nationwide.

The Sub-working Group – Analyses will be responsible to analyse reports and propose concrete actions (e.g. on the level of the judiciary, legal fields or individual courts).

4.2.2. Judicial time management

The effective judicial time management shall support the reasonable time concept in line with the case law of the European Court of Human Rights.

Development (setting) of judicial **timeframes as concrete targets to measure** to what extent each court, and, in general the administration of justice, pursues the timeliness of

¹⁰ <https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems>

case processing is a significant step towards effective judicial time management and implementing the principle of fair trial within a reasonable time, stated by Art. 6 of ECHR.

Timeframes are managerial tool, which can be set by central authorities (e.g. the Judicial Legal Council, the Supreme Court, the Ministry of Justice, the Parliament) and/or by each court. They should not be confused with procedural deadlines of time limits, which refer to single cases.

The CEPEJ Plenary meeting adopted on 7 December 2016 the implementation Guide “Towards European Timeframes for Judicial Proceedings”¹¹, which proposes indicative timeframes for civil, criminal and administrative cases. At the same time, it stresses that: “Timeframes should be set not only for three major areas (civil, criminal, and administrative), but they should progressively be set for the different “case categories” dealt with by the court. Timeframes should be tailored to each case category (e.g. family matters, bankruptcy, labour etc.), and local circumstances, depending on procedural issues, resource available, and legal environment”.

These proposed indicative timeframes are described in the Implementation Guide. It provides description of steps to be taken to define the appropriate timeframes and set realistic targets.¹²

The setting of targets at court level is not common practice in the courts of Azerbaijan. During the meetings between pilot courts and the CEPEJ expert team, the use of targets was discussed. The CEPEJ experts recommended to the pilot courts to start using targets as measurable indicators for goals they set for themselves. The use of targets has been described in the Implementation Guide to facilitate further dissemination in the court system of Azerbaijan. All the pilot courts undertook efforts to set targets and monitor compliance with them.¹³

The representatives of the 5 pilot courts of Azerbaijan agreed to extract data from the available statistics in view of establishing average lengths of the proceedings by category of cases. Upon these findings the courts will be able to set targets and develop action protocols regarding cases that exceed the formal timeframes in Azeri law.¹⁴

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

In order to define timeframes and set targets, the court management should proceed in a step-by-step manner. This Roadmap provides detailed description of activities to be taken by each court to implement the steps recommended by the Implementation Guide. It also proposes the organizational structure to be established to implement the same activities at the national level.

11 CEPEJ(2016)5 - http://www.coe.int/t/dghl/cooperation/cepej/Delais/default_en.asp

12 Guide for the implementation of selected CEPEJ tools in the courts of the Republic of Azerbaijan <https://rm.coe.int/european-commission-for-the-efficiency-of-justice-cepej-guide-for-the-/1680787a28>

13 Final Report on the Implementation of Selected CEPEJ Tools in Pilot Courts of the Republic of Azerbaijan, p. 14-15 <https://rm.coe.int/european-commission-for-the-efficiency-of-justice-cepej-final-report-o/1680787a29>

14 Implementation Guide, p.6

4.2.2.1. Organisation

In order to implement all activities designed to define Timeframes, and set, monitor and revise targets at the level of each court, as well as nationwide, the following organizational structure is proposed (please refer to 4.1.1):

Working groups in each court

At the level of each court a court working group (hereinafter “CWG”) shall be established. The CWG can be created within the Courts’ existing organizational structure. The President of the Court can define the size and composition of CWG in consultation with judges and court staff.

It is important to involve in the CWG persons whose work is closely related to the substance (statistics, time management). Thus, the CWG shall consist of judges, court staff, including IT staff. Other stakeholders and users of the justice system should also be involved. The size of the CWG shall not be big (to ensure flexibility and efficiency) and shall depend on the size of the court.

The Sub-working Group on Judicial Time Management at national level

The Sub-working Group on Judicial Time Management (hereinafter “Sub-working Group on JTM”) shall be established under the general structure of the Working Group and Steering Committee proposed above under 4.1 Leadership and Self-governance (see 4.1.1 Description of the proposed organisational structure).

The Sub-working Group on JTM shall communicate with court presidents and cooperate with CWGs on a permanent basis.

The tasks of the Sub-working Group on JTM shall be to collect and analyse information received from CWGs and elaborate general recommendations on judicial time management for the entire court system. It shall also set common case categories and targets at national level as well as coordinate the process of their revision and monitoring.

The aforementioned tasks can also be done by any of the Sub-working Groups on Analysis or Statistics. However, the separate sub-working group would be more efficient as it will ensure not only the collection and analysis of the information and drafting general recommendations but also coordination of future activities designed to set and monitor targets at the level of each court and at the national level.

As proposed by the Implementation Guide, the targets shall be set both at national level and by each court. To fulfil this task a kick-off meeting shall be conducted in participation of the presidents of all courts, where the task of setting targets shall be explained and establishing of CWGs recommended.

Defining case categories

The first task of CWGs should be to define case categories (see 4.2.2.2 Setting Targets, Step 1).

To establish the CWG and elaborate case categories a court meeting in participation of judges and court staff shall be conducted by the President of the Court.

After establishment the CWG it should proceed as follows: a) prepare the first draft of case categories; b) check if the case management system is able to extract quite easily the data

divided into the proposed different case categories; c) further discuss with the stakeholders and reach a consensus on the case categories.

It is recommended that courts consult among themselves on the choice of case categories. Using the common case categories throughout all courts in the country will make it easier to compare and learn from each other. At the same time, it will help to promote a similar approach by the central authorities (the Ministry of Justice, the Judicial Legal Council, the Supreme Court).

The Sub-working Group on JTM shall define common (national) list of case categories at the national level after it receives list of case categories from each court. Each court can add to the national list of common case categories any number of additional case categories it finds relevant for itself.

Once the case categories are defined, the working group should try to collect, separately for each category, the approved statistical indicators (see 4.2.2.2. Setting Targets, Step 2).

Setting Timeframes and targets

Timeframes/targets shall be set separately by the CWGs since they are specific for each court and case category.

The same or different timeframes should be applied for each instance of the whole judicial process (first, appeal, Supreme Court instance).

The Sub-working Group on JTM can also set timeframes at regional or national level if this is considered applicable. All authorities responsible for the administration of justice have to cooperate in the process of setting targets.

Monitoring and revision of timeframes and targets

The target must not only be measurable, it should actually be measured. It is important to have an initial measurement at the time the target is set. It should be monitored or periodically measured from that day on. The monitoring and possible corrective action shall be taken by CWGs.

The experience of the pilot courts in developing, setting and monitoring targets should be applied by all courts of Azerbaijan.

The courts shall monitor their compliance with the targets at least once a year.

The ICMS should enable an automatic monitoring of the targets set nationally or at the level of courts.

Timeframes/targets shall be revised annually.

4.2.2.2. Setting targets

Step 1 – Definition of court case categories

Goal: Definition of court case categories

Method: Meeting with judges and court personnel, creation of CWG

Product: Tables

Be it at national, regional or court level, before timeframes are adopted it will be necessary to decide on the case categories to which these targets shall refer.

Based on the ICMS capability, each Court shall define a consistent number of case categories dealt with by the Court. Case categories should not be too detailed, but they shall consolidate large families of cases (e.g. family, labour, property). Case categories shall be consistent with the number and type of cases dealt with by each Court.

The case categories should be set with the collaboration of all the court staff and should take into consideration the organisational setting of the court (e.g. divisions, chambers, judges' specializations, etc.).

As a general rule, the starting date of each case should be the day in which the case has been filed to court, while cases can be defined disposed or resolved, when the court has taken a "final decision", which means that the case is terminated.

Therefore, criminal cases are not supposed to take into consideration the investigative or "pre-court" phase, but they consider the case when it is filed to court. However, it should be known that the case law of the European Court of Human Rights includes the investigative phase in the assessment of the length of judicial proceedings.

In civil cases, case categories for the Timeframes setting should exclude in the counting all the non-contentious (non-litigious) matters (e.g. "payment or injunctive orders", guardianship etc.), which usually follow a particular procedure with very different time of disposition.

Data should be easily collectable for the identified case categories, otherwise case categories should be changed, or, much more difficult in a short time, the case management system improved.

The establishment of case categories, considering the above-mentioned factors, shall take place with the organisation of court meetings among judges and court personnel, coordinated by the President of the Court. At this meeting the CWG shall be established (see 4.1.1 Description of the proposed organisational structure).

The CWG should proceed as follows: a) prepare the first draft of case categories; b) check if the case management system is able to extract quite easily the data divided into the proposed different case categories; c) further discuss with the stakeholders and reach a consensus on the case categories.

The result are three tables, for civil, administrative and criminal proceedings, with the case categories defined by each court.

The sample tables below provide examples of civil and criminal law case categories defined by one of the CEPEJ pilot courts.

Table #1. Civil Case Categories in the Court (sample)

| Case category | | | | | Tot. | Notes |
|---|--|--|--|--|------|--------------------------------------|
| | | | | | | To be used to explain sub-categories |
| All civil proceedings | | | | | | |
| | | | | | | |
| | | | | | | |
| Matrimonial property law | | | | | | |
| | | | | | | |
| | | | | | | |
| Family law without matrimonial property law | | | | | | |

| Case category | | | | | | Notes |
|---|--|--|--|--|------|--------------------------------------|
| | | | | | Tot. | To be used to explain sub-categories |
| | | | | | | |
| | | | | | | |
| Inheritance cases | | | | | | |
| | | | | | | |
| Obligation law (compensation for damage) | | | | | | |
| | | | | | | |
| Labour law | | | | | | |
| | | | | | | |
| Property law | | | | | | |
| | | | | | | |
| Other category within contentious matters | | | | | | |
| | | | | | | |
| Enforcement on immovable assets | | | | | | |
| | | | | | | |

Table #2. Criminal Case Categories in the Court (sample)

| Case category | | | | | | Notes |
|-------------------------------------|--|--|--|--|------|--------------------------------------|
| | | | | | Tot. | To be used to explain sub-categories |
| All criminal cases | | | | | | |
| | | | | | | |
| Criminal order | | | | | | |
| | | | | | | |
| Criminal proceedings - Other | | | | | | |
| | | | | | | |
| Motion to indict and private charge | | | | | | |
| | | | | | | |

| Case category | | | | | | Notes |
|------------------------------|--|--|--|--|------|--------------------------------------|
| | | | | | Tot. | To be used to explain sub-categories |
| | | | | | | |
| Indictment | | | | | | |
| | | | | | | |
| Council regarding indictment | | | | | | |
| | | | | | | |

Similar table can be drafted for Administrative case categories.

Step 2 – Data collection for case categories

Goal: Data collection for case categories

Methods: Data collection by CWG and court meetings

Product: Tables

Once the case categories are defined, the CWG should try to collect, separately for each category, the following statistical indicators:

Number of pending, incoming, resolved cases, and age of resolved cases (average length from filing to disposition) for each case category and for (if possible) **three previous years** (i.e. 2019, 2018, 2017) or at least one year.

This collection of data makes it possible to check whether the data can be easily collected pursuant to case categories and then if the case categories have to be amended, considering their consistency. For example, some case categories may have an excessive number of cases and could be further divided, or they could be too small, therefore they may be merged.

Once the data is collected, the CWG shall proceed with the amendments, if needed, of the case categories.

Step 2a – Calculation and dissemination of Clearance Rate, Turnover Ratio, Forecast Disposition Time

Goal: Calculation and dissemination of Clearance Rate, Turnover Ratio, Forecast Disposition Time

Methods: Data collection by CWG and court meetings

Product: Tables

Collected data allows calculating of three CEPEJ indicators such as:

Clearance rate is the ratio between the Resolved cases and the Incoming cases in a certain period (e.g. 1.1.2019-31.12.2019) expressed in percentage:

$$\text{Resolved cases} / \text{Incoming Cases} * 100$$

It is intuitive that a higher clearance rate means that the court has resolved in that period

more cases than new filed cases.

Case Turnover Ratio is the ratio between the Resolved cases in a certain period (e.g. 1.1.2019-31.12.2019) and the Pending cases at a certain date (e.g. 31.12.2019):

$$\text{Resolved cases} / \text{Pending cases}$$

This indicator is an adaptation of the “inventory turnover ratio” used in business administration. It “measures” the rate at which pending cases are supposed to be solved. It is intuitive that a higher ratio is better for the court.

Forecast/Calculated Disposition Time - the Case Turnover Ratio can also be read through the Forecast/Calculated Disposition Time indicators, which is a forecast of the number of days that would be needed to clean up the pending cases considering the actual rate of disposition of the court, and without any new filing. In other words, this indicator is the same Case Turnover Ratio indicator but expressed in days:

$$365 / \text{Case Turnover Ratio}$$

It is worth mentioning that any of these indicators take into consideration the age of pending cases, but they give a first general idea of court performance, along with the average duration of resolved cases. These indicators can be helpful if data are collected, analysed and disseminated for at least three years in a row.

The sample tables below provide examples of data collection according to civil and criminal law case categories by one of the CEPEJ pilot courts.

Table #3. Civil Cases 2019 Clearance Rate - Case Turnover Ratio - Forecast Disposition Time (sample)

| Case category | Clearance rate (%) | Case turnover ratio | Forecast Disposition Time (days) | Notes |
|---|--------------------|---------------------|----------------------------------|-------|
| All civil proceedings | 174% | 2,92 | 125 | |
| Matrimonial property law | 111% | 0,81 | 452 | |
| Family law without matrimonial property law | 80% | 0,85 | 429 | |
| Inheritance cases | 108% | 0,59 | 618 | |
| Obligation law (compensation for damage) | 146% | 1,03 | 353 | |
| Labour law | 173% | 1,45 | 251 | |
| Property law | 77% | 0,76 | 482 | |
| Other category within contentious matters | 102% | 0,84 | 433 | |
| Enforcement on immovable assets | 89% | 0,89 | 411 | |

Table #4. Criminal Cases 2019 Clearance Rate - Case Turnover Ratio - Forecast Disposition Time (sample)

| Case category | Clearance rate (%) | Case turnover ratio | Forecast Disposition Time (days) | Notes |
|-------------------------------------|--------------------|---------------------|----------------------------------|-------|
| All criminal proceedings | 159% | 1,20 | 305 | |
| Criminal order | 95% | 0,88 | 414 | |
| Criminal proceedings - Other | 66% | 4,11 | 89 | |
| Motion to indict and private charge | 212% | 0,86 | 426 | |
| Indictment | 142% | 0,91 | 400 | |
| Council regarding indictment | 86% | 2,56 | 142 | |

Step 2b – Data sharing and awareness on the age of pending cases

Goal: Data sharing and awareness on the age of pending cases

Method: Collection and dissemination of data on age of pending cases, meetings.

Product: Tables

The **age of Pending cases** is a fundamental indicator to know how the court is functioning, and then establish Timeframes, calculate the Backlogs, put in place actions to improve case processing.

For each case category, data on pending cases should be collected for different “age periods”.

The sample tables below demonstrate age of pending cases pursuant to civil and criminal law case categories, prepared by one other CEPEJ pilot courts.

Table #5. Age of Pending Civil Cases of the Court - date 31.12.2019 (sample)

| Case category | < 1 year | 1 - 2 years | 2 - 3 years | > 3 years | Tot. | Notes To be used to explain numbers and/or particular circumstances |
|---|------------------------------|------------------------------|------------------------------|------------------------------|------|--|
| | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | | |
| All civil proceedings | 1671 | 1241 | 1145 | 618 | 4675 | |
| | 36% | 27% | 24% | 13% | 100% | |
| Matrimonial property law | 11 | 17 | 7 | 17 | 52 | |
| | 21% | 33% | 13% | 33% | 100% | |
| Family law without matrimonial property law | 305 | 65 | 21 | 9 | 400 | |
| | 76% | 16% | 5% | 2% | 100% | |
| Inheritance cases | 13 | 9 | 7 | 15 | 44 | |
| | 30% | 20% | 16% | 34% | 100% | |
| Obligation law (compensation for damage, | 893 | 819 | 723 | 295 | 2730 | |
| | 33% | 30% | 26% | 11% | 100% | |

| | | | | | | |
|---|-----|-----|-----|-----|------|--|
| Labour law | 104 | 30 | 48 | 47 | 229 | |
| | 45% | 13% | 21% | 21% | 100% | |
| Property law | 108 | 64 | 42 | 82 | 296 | |
| | 36% | 22% | 14% | 28% | 100% | |
| Other category within contentious matters | 82 | 55 | 29 | 63 | 229 | |
| | 36% | 24% | 13% | 28% | 100% | |

| | | | | | | |
|---------------------------------|-----|-----|-----|-----|------|--|
| Enforcement on immovable assets | 155 | 91 | 268 | 90 | 604 | |
| | 26% | 15% | 44% | 15% | 100% | |

Table #6. Age Pending Criminal Cases of the Court - date 31.12.2019 (sample)

| Case category | < 1 year | 1 - 2 years | 2 - 3 years | > 3 years | Tot. | Notes To be used to explain numbers and/or particular circumstances |
|-------------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------|--|
| | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | | |
| All criminal cases | 434 | 221 | 117 | 116 | 888 | |
| | 49% | 25% | 13% | 13% | 100% | |
| Criminal order | 143 | 64 | 12 | 1 | 220 | |
| | 65% | 29% | 5% | 0% | 100% | |
| Criminal proceedings - Other | 17 | 1 | 0 | 0 | 18 | |
| | 94% | 6% | 0% | 0% | 100% | |
| Motion to indict and private charge | 12 | 13 | 6 | 53 | 84 | |
| | 14% | 15% | 7% | 63% | 100% | |
| Indictment | 141 | 139 | 98 | 62 | 440 | |
| | 32% | 32% | 22% | 14% | 100% | |
| Council regarding indictment | 121 | 4 | 1 | 0 | 126 | |
| | 96% | 3% | 1% | 0% | 100% | |

The similar table shall be drafted for the administrative law case categories.

The similar tables should be compiled for at least 3 years (for example: 2019-2018-2017) to observe trends. Then, if the 3 tables for the 3 previous years have been filled in, it would be possible to draft a table with the average number and percentages of pending cases in the last three years, always in the 4 time periods considered.

Average pending cases in 3 years = sum pending cases in 2019-2018-2017 / 3

Tables should always be separate on civil, criminal and administrative proceedings, and should be calculated for each case category.

Table #7. Average Pending Cases in 3 years (2017-2018-2019) in the Court (sample)

| Case category | < 1 year | 1 - 2 years | 2 - 3 years | > 3 years | Tot. Average in years ³ | Notes |
|---------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------------|---|
| | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | | To be used to explain numbers and/or particular circumstances |
| Case category | 2017+18+19/3 | 2013+14+15/3 | 2013+14+15/3 | 2013+14+15/3 | | |
| | | | | | | |
| | | | | | | |
| | 2013+14+15/3 | 2013+14+15/3 | 2013+14+15/3 | 2013+14+15/3 | | |
| | | | | | | |
| | | | | | | |
| | 2013+14+15/3 | 2013+14+15/3 | 2013+14+15/3 | 2013+14+15/3 | | |
| | | | | | | |
| | | | | | | |

Along with the tables above, a list of pending “very old cases” at a certain date (e.g. 31.12. 2019) should be produced to have a better idea of the cases of the outstanding pending cases in the court. It is envisaged to have lists of pending cases older than 3, 5, 10, 15 years. These cases should have the maximum attention, a priority to be resolved as soon as possible. Specific actions should be undertaken by the President of the Court together with judges, to address each of them with particular care and resolution.

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

Goal: Setting Timeframes
Method: Court meetings
Product: Tables

Once the average pending cases have been calculated for the last 3 years, it is needed to set up realistic and feasible Timeframes for the court.

If the average of the last three years is not available, the Timeframes will be set based only on the last year’s data.

A Timeframe is a period of time within which a certain number or percentage of cases have to be resolved.

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

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

The **SATURN Centre for judicial time management** developed a Guide entitled “Towards European Timeframes for Judicial Proceedings” including practical advice on how to possibly set timeframes and targets. This Guide provides for the first set of recommended

timeframes which are supposed to be applied to the three large “families” of cases (civil, administrative and criminal) (see Table #8).

Table #8. Set of recommended timeframes for civil, administrative and criminal cases

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

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

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

In a brief practical exercise realized with representatives of 5 pilot courts from Azerbaijan (which did not involve the otherwise necessary analysis of statistical data on the actual age of resolved cases within the last year, for example), the CEPEJ experts learned that, in the opinion of national judges and court staff, the following timeframes may be viewed as appropriate, having in mind the peculiarities of Azerbaijani courts’ functioning and of the national legislation. It is noticeable that often is proposed only one set of timeframes (A) as well as higher percentages as targets – respectively a smaller buffer zone – which reflects a much stricter view on judicial timeframes and delays (see Tables #9-10).

Tables ##9-10: Summary tables of tentative timeframes for the first instance and appellate courts, as proposed by representatives of pilot courts from Azerbaijan

| PERCENTAGE OF CASES DISPOSED IN FIRST INSTANCE COURTS | | | | | | |
|---|----------|----------|----------------|-----------|----------|----------|
| | CIVIL | | ADMINISTRATIVE | | CRIMINAL | |
| | 80% | 98% | 95% | 99% | 80% | 98% |
| TIMEFRAMES LEVEL A | 3 months | 8 months | 12 months | 18 months | 3 months | 6 months |
| | | | ECONOMIC | | | |
| | | | 95% | 99% | | |
| TIMEFRAMES LEVEL A | | | 3 months | 4 months | | |

| PERCENTAGE OF CASES DISPOSED IN APPELLATE COURTS | | | | | | |
|--|--|--|--|--|--|--|
| | | | | | | |

| | CIVIL | | ADMINISTRATIVE | | CRIMINAL | |
|---------------------------|----------|-----------|----------------|-----------|----------|----------|
| | 90% | 98% | 95% | 98% | 85% | 98% |
| TIMEFRAMES LEVEL A | 6 months | 12 months | 12 months | 18 months | 6 months | 9 months |

However, the aim of this particular Step 3 is to set Timeframes not only for civil, criminal and administrative law cases in general, but for each case category within aforementioned fields.

The table below demonstrates, as an example, the Timeframes set by one of the CEPEJ pilot courts for each case category in civil law cases (see Table #11).

Table #11. Timeframes 2019 Civil Cases of the Court (sample)

| Case category | < 1 year | 1 - 2 years | 2 - 3 years | > 3 years | Tot. | Notes To be used to explain numbers and/or particular circumstances |
|---|------------------------------|------------------------------|------------------------------|------------------------------|------|--|
| | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | | |
| All civil proceedings | 1671 | 1241 | 1145 | 618 | 4675 | |
| | 36% | 27% | 24% | 13% | 100% | |
| Timeframe | 50% | 20% | 25% | 5% | 100% | |
| Matrimonial property law | 11 | 17 | 7 | 17 | 52 | |
| | 21% | 33% | 13% | 33% | 100% | |
| Timeframe | 30% | 40% | 20% | 10% | 100% | |
| Family law without matrimonial property law | 305 | 65 | 21 | 9 | 400 | |
| | 76% | 16% | 5% | 2% | 100% | |
| Timeframe | 75% | 15% | 5% | 5% | 100% | |
| Inheritance cases | 13 | 9 | 7 | 15 | 44 | |
| | 30% | 20% | 16% | 34% | 100% | |
| Timeframe | 40% | 35% | 15% | 10% | 100% | |
| Obligation law (compensation for damage, | 893 | 819 | 723 | 295 | 2730 | |
| | 33% | 30% | 26% | 11% | 100% | |
| Timeframe | 40% | 30% | 25% | 5% | 100% | |
| Labour law | 104 | 30 | 48 | 47 | 229 | |
| | 45% | 13% | 21% | 21% | 100% | |
| Timeframe | 40% | 35% | 15% | 10% | 100% | |
| Property law | 108 | 64 | 42 | 82 | 296 | |
| | 36% | 22% | 14% | 28% | 100% | |
| Timeframe | 40% | 35% | 15% | 10% | 100% | |
| Other category within contentious matters | 82 | 55 | 29 | 63 | 229 | |
| | 36% | 24% | 13% | 28% | 100% | |
| Timeframe | 40% | 35% | 15% | 10% | 100% | |

| Case category | < 1 year | 1 - 2 years | 2 - 3 years | > 3 years | Tot. | Notes |
|---------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------|-------|
| | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | | |
| Enforcement on immovable assets | 155 | 91 | 268 | 90 | 604 | |
| | 26% | 15% | 44% | 15% | 100% | |
| Timeframe | 30% | 20% | 40% | 10% | 100% | |

As the example shows, judges of the Court have decided that, based on the data collected and analysed, as far as the civil cases are concerned, 95% of civil cases should be resolved within 36 months, 70% of these cases should be resolved in 24 months, and 50% in 12 months.

The 5% over the 36 months period has been taken as a “buffer zone”, having into consideration that some particularly complex cases (no more than 5% of the total pending cases) may need some extra time. Finally, the specific Timeframes have been established for each case category, according to the data collected and the reasonable expectations for the year to come.

Based on the data collected, similar exercise shall be performed by CWGs in each court to establish realistic Timeframes for various case categories in civil, criminal and administrative law. Timeframes established for civil, criminal and administrative cases may defer from each other.

The setting of Timeframes by CWG should be done through the collaboration of all the court staff, in order to build and to share a common vision and a common objective to be achieved. The setting of realistic Timeframes should take into consideration the actual situation of the court, the average length of judicial proceedings, the age of the pending cases, the trends in court filings, the resources available, the expectation of the local legal community and court users.

The Timeframes set for each case category should be formalized through a Circular note by the Court’s President, and then disseminated to the Court’s judges, staff and other stakeholders (i.e. lawyers, parties, etc.). They need to know the Court’s efforts to fight delays, as well as they should have a legitimate expectation in the definition of court proceedings.

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

Step 4 – Deploying actions to pursue the Timeframes

Goal: Deploy actions to pursue the Timeframes

Method: Meetings

Product: List of actions to undertake

Based on the data collected and the setting of Timeframes, the court should decide what particular and realistic actions have to be taken in order to pursue the established Timeframes.

These actions have to take into consideration the specific context within which each court operates, however some possible actions have been considered useful based on the CEPEJ experience.

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

Each court should deploy at least some of these actions, which should be shared among all the court stakeholders, and then formalized in an official Circular note issued by the President of the Court.

In particular, there is no possibility to improve the length of judicial proceedings if there is not a strong commitment by the President of the Court and the whole Court personnel towards the accomplishment of the Timeframes. The setting of Timeframes is just the initial step towards a tenacious positive tension to decrease the length of judicial proceedings without any prejudice to the quality of decisions.

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

Reasons for postponements should be tracked and discusses checked by the Court's President and by the judges.

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

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

Step 4a – Monitoring and reporting Timeframes, Clearance rate, Case turnover ratio, Forecast disposition time

Goal: Monitoring and reporting Timeframes, Clearance rate, Case turnover ratio, Forecast disposition time.

Method: Collection of data by CWG and meetings.

Product: Table and reports.

As soon as possible after 31 December of each year, data on the age of pending cases should be collected and analysed considering the Timeframes set. Ideally, data could be collected as often as possible (i.e. every 3-4-6 months) to monitor the court functioning over the year and not just at the end of the year.

Data on incoming and resolved cases should also be collected to calculate the clearance rate, the case turnover ratio, the forecast disposition time and duration of the procedure (age of solved cases). These indicators are particularly important when more years in a row are compared to observe trends in the court functioning.

The data monitored should be the basis for a report to be used for discussion among all court personnel to improve the pace of litigation and, more in general, the quality of court work. Meetings among court staff should take place regularly, possibly every time a report is released.

The same tables as above should be used to check if the timeframes have or not have been accomplished and then calculating the Backlog, which is the number or percentage of pending cases not resolved within an established Timeframe.

The negative number measure the percentage of cases that have not accomplished the Timeframes, the positive number means that the Timeframe has been accomplished. If there is a Backlog, the court should take further actions to improve the court functioning.

The sample tables below demonstrate results of monitoring of Timeframes by one of the CEPEJ pilot courts.

Table #12. Monitoring Timeframes: Pending Civil Cases of the Court - date 31.12.2019 (sample)

| Case category | < 1 year | 1 - 2 years | 2 - 3 years | > 3 years | Tot. | Notes |
|--------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------|---|
| | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | | To be used to explain numbers and/or particular circumstances |
| All civil proceedings | 1671 | 1241 | 1145 | 618 | 4675 | |
| | 36% | 27% | 24% | 13% | 100% | |
| Timeframe | 50% | 20% | 25% | 5% | 100% | |
| Backlog | -14% | -8% | -8% | -8% | | |
| Matrimonial property law | 11 | 17 | 7 | 17 | 52 | |
| | 21% | 33% | 13% | 33% | 100% | |
| Timeframe | 30% | 40% | 20% | 10% | 100% | |

| Case category | < 1 year | 1 - 2 years | 2 - 3 years | > 3 years | Tot. | Notes |
|---|------------------------------|------------------------------|------------------------------|------------------------------|------|---|
| | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | | To be used to explain numbers and/or particular circumstances |
| Backlog | -9% | -16% | -23% | -23% | | |
| Family law without matrimonial property law | 305 | 65 | 21 | 9 | 400 | |
| | 76% | 16% | 5% | 2% | 100% | |
| Timeframe | 75% | 15% | 5% | 5% | 100% | |
| Backlog | 1% | 3% | 3% | 3% | | |
| Inheritance cases | 13 | 9 | 7 | 15 | 44 | |
| | 30% | 20% | 16% | 34% | 100% | |
| Timeframe | 40% | 35% | 15% | 10% | 100% | |
| Backlog | -10% | -25% | -24% | -24% | | |
| Obligation law (compensation for damage, | 893 | 819 | 723 | 295 | 2730 | |
| | 33% | 30% | 26% | 11% | 100% | |
| Timeframe | 40% | 30% | 25% | 5% | 100% | |
| Backlog | -7% | -7% | -6% | -6% | | |
| Labour law | 104 | 30 | 48 | 47 | 229 | |
| | 45% | 13% | 21% | 21% | 100% | |
| Timeframe | 40% | 35% | 15% | 10% | 100% | |
| Backlog | 5% | -16% | -11% | -11% | | |
| Property law | 108 | 64 | 42 | 82 | 296 | |
| | 36% | 22% | 14% | 28% | 100% | |
| Timeframe | 40% | 35% | 15% | 10% | 100% | |
| Backlog | -4% | -17% | -18% | -18% | | |
| Other category within contentious matters | 82 | 55 | 29 | 63 | 229 | |
| | 36% | 24% | 13% | 28% | 100% | |
| Timeframe | 40% | 35% | 15% | 10% | 100% | |
| Backlog | -4% | -15% | -18% | -18% | | |
| Enforcement on immovable assets | 155 | 91 | 268 | 90 | 604 | |
| | 26% | 15% | 44% | 15% | 100% | |
| Timeframe | 30% | 20% | 40% | 10% | 100% | |
| Backlog | -4% | 21% | -5% | -5% | | |

Table #13. Monitoring Timeframes: Pending Criminal Cases of the Court - date 31.12.2019 (sample)

| Case category | < 1 year | 1 - 2 years | 2 - 3 years | > 3 years | Notes |
|---------------|----------|-------------|-------------|-----------|-------|
|---------------|----------|-------------|-------------|-----------|-------|

| | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | Abs. Number and % of pending | | To be used to explain numbers and/or particular circumstances |
|-------------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------|---|
| All criminal cases | 453 | 229 | 123 | 141 | 946 | |
| | 48% | 24% | 13% | 15% | 100% | |
| Timeframe | 50% | 30% | 10% | 10% | 100% | |
| Backlog | -2% | -8% | -5% | -5% | | |
| Criminal order | 143 | 64 | 12 | 1 | 220 | |
| | 65% | 29% | 5% | 0% | 100% | |
| Timeframe | 30% | 40% | 20% | 10% | 100% | |
| Backlog | 35% | 24% | 10% | 10% | | |
| Criminal proceedings - Other | 17 | 1 | 0 | 0 | 18 | |
| | 94% | 6% | 0% | 0% | 100% | |
| Timeframe | 75% | 15% | 5% | 5% | 100% | |
| Backlog | 19% | 10% | 5% | 5% | | |
| Motion to indict and private charge | 12 | 13 | 6 | 53 | 84 | |
| | 14% | 15% | 7% | 63% | 100% | |
| Timeframe | 40% | 35% | 15% | 10% | 100% | |
| Backlog | -26% | -45% | -53% | -53% | | |
| Indictment | 141 | 139 | 98 | 62 | 440 | |
| | 32% | 32% | 22% | 14% | 100% | |
| Timeframe | 40% | 30% | 25% | 5% | 100% | |
| Backlog | -8% | -6% | -9% | -9% | | |
| Council regarding indictment | 121 | 4 | 1 | 0 | 126 | |
| | 96% | 3% | 1% | 0% | 100% | |
| Timeframe | 40% | 35% | 15% | 10% | 100% | |
| Backlog | 56% | 24% | 10% | 10% | | |

Similar tables should be produced for civil, criminal and administrative cases by each court for each year and then compared.

Table #14. Civil Cases 2019 Clearance Rate - Case Turnover Ratio - Forecast Disposition Time (sample)

| Case category | Clearance rate(%) | Case turnover ratio | Forecast Disposition Time (days) | Average duration of resolved proceedings |
|---|-------------------|---------------------|----------------------------------|--|
| All civil proceedings | 174% | 2,92 | 125 | 693 |
| Matrimonial property law | 111% | 0,81 | 452 | 293 |
| Family law without matrimonial property law | 80% | 0,85 | 429 | 1380 |
| Inheritance cases | 108% | 0,59 | 618 | 729 |

| | | | | |
|---|------|------|-----|-----|
| Obligation law (compensation for damage) | 146% | 1,03 | 353 | 898 |
| Labour law | 173% | 1,45 | 251 | 901 |
| Property law | 77% | 0,76 | 482 | 720 |
| Other category within contentious matters | 102% | 0,84 | 433 | 219 |
| Enforcement on immovable assets | 89% | 0,89 | 411 | 410 |

All the pilot courts of Azerbaijan undertook efforts to set targets and monitor the compliance with them.¹⁵ For example, Sheki Appellate Court set for itself two types of targets which were approved by the Court President. Firstly, the court's focus is on the Clearance Rate, which dropped in 2016. Respectively a long-term target is set for the court to respect a CR of 100 +/- 2%. Furthermore, the court set the targeted timeframes for a few categories of cases and reflected the results of their monitoring in the annual court's performance report for 2016.

Another example is Sumgayit Appellate Court, which monitored the age of its pending/solved cases and provisionally set timeframes for the 3 main categories of cases (civil, criminal and administrative). The monitoring of compliance with these targets at the end of 2016 showed that the court is dealing very well with administrative cases (reaching the "A" target for both 75% and 95% of cases), but should undertake further steps to improve the duration of examination of criminal cases (as some 10% of cases were pending for longer than 12 months).

Sumgayit Administrative-Economic Court also set timeframes for the two main categories of cases (economic and administrative). Monitoring the compliance with these timeframes (by the age of pending cases) shows that there is a need to improve the duration of examination of economic cases. Namely, 15.6 % of cases were pending for longer than 12 months.

Oghuz District Court also needs to improve the duration of examination of criminal cases. The monitoring of compliance with the adopted targets at the end of 2016 shows that 10% of criminal cases were pending for longer than 12 months.¹⁶

Step 4b – Setting Timeframes every year

Goal: Setting Timeframes every year.

Method: Data analysis by CWG and meetings.

Product: Table.

Once the Timeframes have been monitored at the beginning of the year, new Timeframes should be established based on the procedure described in the previous steps.

If the Timeframes are accomplished, the Court should set new ones in order to constantly improve the pace of litigation.

If the Timeframes are not accomplished, the President of the Court and the whole court personnel should analyse the reasons of that, and immediately undertake prompt measures to try to accomplish the set Timeframes.

If something unexpected has occurred, it should be explained.

¹⁵Final Report on the Implementation of Selected CEPEJ Tools in Pilot Courts of the Republic of Azerbaijan, p. 14 <https://rm.coe.int/european-commission-for-the-efficiency-of-justice-cepej-final-report-o/1680787a29>

¹⁶Final Report on the Implementation of Selected CEPEJ Tools in Pilot Courts of the Republic of Azerbaijan, p. 15 <https://rm.coe.int/european-commission-for-the-efficiency-of-justice-cepej-final-report-o/1680787a29>

If the Timeframes set ended to be unrealistic, a new process of Timeframes setting should be carried out.

The setting of timeframes is not a *once for all* event, but it should be a continuous process built through consensus and shared objectives among the Court personnel and the stakeholders.

4.2.2.3. Training

The purpose of the Activity is to empower different levels of the judicial administration with sufficient knowledge and expertise in order to perform its tasks in relation to setting and monitoring targets.

To achieve this goal specialized trainings and workshops shall be conducted in areas of court management, statistical data analysis, target setting and court performance evaluation.

Different groups of beneficiaries include:

- Court presidents
- CWG members
- Court managers
- Judges
- Analysts
- Data entry personnel (for manual collection of data)
- Administrators

The Justice Academy of Azerbaijan has already started the implementation of such trainings as part of its curricula for training of judges and court staff. It should continue and further fine-tune its training methods and resources. Performance indicators and related statistical tools shall be introduced in the curricula and methods of performance evaluation shall be integrated. Workshops shall be conducted on how to correctly interpret the efficiency indicators, how to perform quality analysis and how to identify appropriate measures in order to improve the performance of the courts. CEPEJ tools shall also be integrated in the training materials.

Training curricula may be drafted by the Sub-working Groups on JTM, Analysis and Statistics, depending on the beneficiaries' needs. Curricula shall be drafted in line with Justice Academy's standards and instructions and approved by the competent body. The Steering Committee shall express its opinion on proposed curricula.

A pool of selected trainers of Justice Academy shall be coached to deliver such trainings and workshops. Train-the-trainer courses shall be performed for such trainers by the Academy.

Trainers shall be selected primarily from the pilot courts, which have sufficient knowledge and experience regarding collecting, reporting and analysing court reports. Representatives from different beneficiary groups (e.g. presidents, court managers, analysts) shall be selected as trainers in order to facilitate the peer to peer level of communication. The use of e-learning modules shall be explored (e.g. for data entry personnel).

4.2.2.4. ICT support

The monitoring of Timeframes should be conducted through an integral and well- defined system of collection of information, which simplifies the submission and processing of data.

Such a system should be able to promptly provide both the detailed statistical data on the length of proceedings at the general level and identify individual instances at the origin of excessive and unreasonable length.

4.2.2.4.1. Case Management System

In order to evaluate and improve the performance of courts, the ICMS provides a solid base for implementing judicial statistics and monitoring Timeframes. The ICMS should enable an automatic monitoring of the targets set nationally and at the level of courts. Further analysis shall be performed (together with Sub-working Group – Statistics) to identify if all data are available in the ICMS in order to deliver statistical reports and monitor Timeframes.

Second more sensitive part of the Activity is the level of roll-out of the system in all Azerbaijani courts (see 4.2.1.2.1 Case Management System). In order to provide basic data manual data entry might be needed if final deadline would not be met. The development of straightforward intranet modules for collecting statistics shall be examined.

4.2.2.4.2. Manual data entry

A special form for manually kept statistics might be needed and developed in case of the absence of the ICMS. Manual data entry is an “emergency exit” (Plan B) as it means duplication of work on the level of individual court which do not use the ICMS on one hand and additional development, maintaining and use of technical resources on the other.

Specific basic controls shall be built in the tables in order to avoid errors and mistakes. When the data are entered, a double-check by the reporting units should be performed and final validation and approval of data should be conducted.

The Working group shall perform special cost-benefit analyses in order to evaluate the eligibility of the development of intranet modules. The proposal shall be approved by the Steering committee.

4.2.2.4.3. Data warehouse

The final concept, which should be followed in order to establish the quality state of the art reporting system, is Business Intelligence based on Data warehouse. The ICMS will be the primary source for the data warehouse. The system used for manual collection of data (see above) will be integrated for the courts, which do not use the ICMS.

The availability and interoperability with other (non-judicial) information systems (e.g. State budget, Human Resource Records) will be analysed in order to obtain data needed for reporting the efficiency KPIs.

Granulation of data shall enable drilling to the level of the case number. Additional final validation of data shall be applied for both automatically (through the ICMS) and/or manually generated statistics.

4.2.2.5. Publication

Data collected by the Court should be shared with all the court personnel as often as possible to show how the court is functioning. Easily accessible and readable data about court functioning should also be available for public scrutiny, to improve court transparency

and public trust. The Ministry of justice is encouraged to publish and to share data on courts caseload to allow a frank debate on the allocation of resources and court work.

Availability of information regarding timeframes/targets and the results of their achievement shall be ensured both for internal and external communities, increasing the transparency and communication with court users and the public.

Different levels of publication (internet, intranet) for different groups of beneficiaries (e.g. court presidents, court managers, analysts, MoJ, lay community) shall be implemented.

The structure of the court's external websites (as provided by the Ministry of Justice or the Judicial Legal Council) should be updated to allow the courts to easily disseminate information about their results through the Internet. Court websites shall be used extensively to inform operatively, efficiently and a non-discriminatory way the public and stakeholders (parties, lawyers, etc.) on court's activity.

Intranet shall be implemented for publication of dashboards and different standardized reports. Dashboards shall be primary dedicated to the court management (presidents, court managers) while reports shall be mostly used by analysts.

The courts should publish at least once a year a report on the activity of the court (including efficiency indicators and quality). They should appoint a unit or person responsible for the institutional transparency and public information. Presentation and broad discussion of the draft activity report within the court and later with the target audience shall also be ensured.

More specifically, for the statistics, the information should be published in a simplified way to allow citizens to easily get the element that often interest them the most: the range of time within which they can expect to get a judgment. The general statistical and other data regarding the length of proceedings, in particular per types of cases, should be available to the general public.

Subscription shall be implemented in order to provide different reports on time-frames set by the beneficiary in advance.

Special awareness campaign shall be launched in order to promote the usage of the reports among different communities.

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

Targets shall be published on the website of the court, accompanied by monitoring results, showing the progress the court makes.

The time management guidelines of SATURN must be translated and made available to all courts.

4.3. CEPEJ quality measurement tools

Corresponding CEPEJ documents:

- Measuring the quality of justice – CEPEJ (2016)¹⁷
- Handbook for conducting satisfaction surveys aimed at court users in Council of Europe member states – CEPEJ (2016)¹⁸
- Checklist for promoting the quality of Justice ¹⁹

4.3.1. Materials

The following material is to focus on quality of justice. From a judge's point of view, the latter is even more important to provide independent and impartial fair judgements in counterbalance with efficiency and timeframes.

Rec. R (95) 11 Selection, processing, presentation and archiving of court decisions in legal retrieval systems

The recommendation lays down a very general framework of intangible principles essential to the creation of an automated legal information retrieval system, namely to ensure that such systems are objective and representative and that users have easy access to systems that are open to the public or those providing a public service. These general principles are set out in Appendix I to the recommendation. Appendix II contains, more specifically, the guidelines for the selection of cases or decisions to be entered into the system.

Rec. R(95)12 Management of criminal justice

Recommendation under the terms of Article 15.b of the Statute of the Council of Europe, considering the principles of a fair and efficient criminal justice, the complexity of cases, delays, budgetary constraints and increased expectations from public and staff as well as specific managerial principles, strategies and techniques of criminal justice (in connection with Recommendation No. R (87) 18 on the simplification of criminal justice and Recommendation No. R (94) 12 on the independence, efficiency and role of judges).

Checklist for promoting the quality of justice and the courts

The [Checklist for promoting the quality of justice and the courts](#), adopted by the CEPEJ at its 11th plenary meeting (Strasbourg, 2-3 July 2008) is aimed at policy makers and judicial practitioners responsible for the administration of justice to improve the legislations, policies and practices aimed at raising the quality of the judicial systems, at the national system, court and individual judge levels.

It is a “questionnaire of introspection”, a tool aimed at the internal use of the stakeholders.

¹⁷<https://rm.coe.int/1680747548>

¹⁸<https://rm.coe.int/european-commission-for-the-efficiency-of-justice-cepej-handbook-for-c/168074816f>

¹⁹<https://rm.coe.int/european-commission-for-efficiencyof-justice-cepej-checklist-for-promo/16807475cf>

4.3.2. Quality Monitoring

To find and monitor quality criteria in the field of justice is a sensitive issue as it has a strong impact on the independence of judges. Therefore, the quality monitoring system should not be designed based on an evaluation by the court administration but rather on an evaluation by both the judges and the clients, the latter by an opinion poll in the context of a “customer satisfaction concept.

4.3.2.1. Appeal procedures

The classical revision and survey of the quality of court decision is carried out by the courts of appeal in the appeal procedures. The internal control mechanism could also be used to find and define benchmarks and quality criteria. This could be done by the establishment of:

A) Appeal Quota

Being the quota of decisions against which a legal remedy is raised (total number of decisions divided by the number of legal remedies/appeals)

B) Quota of allowed remedies

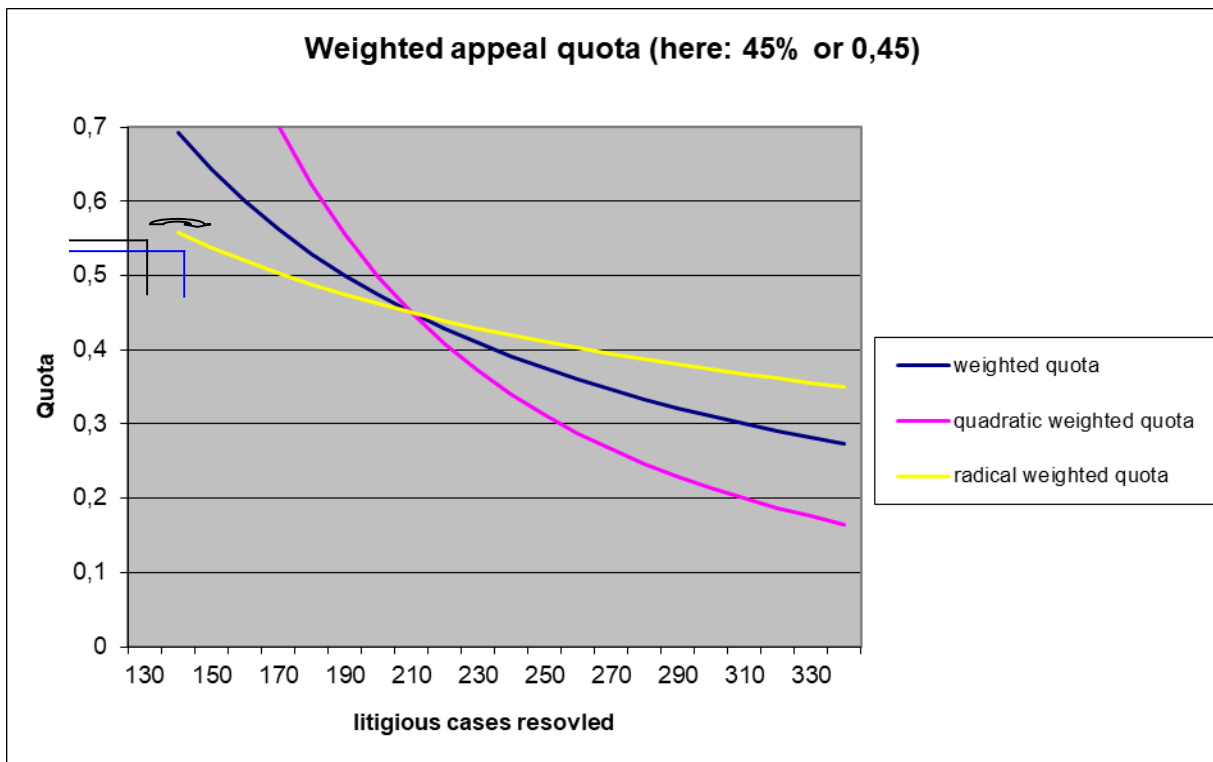
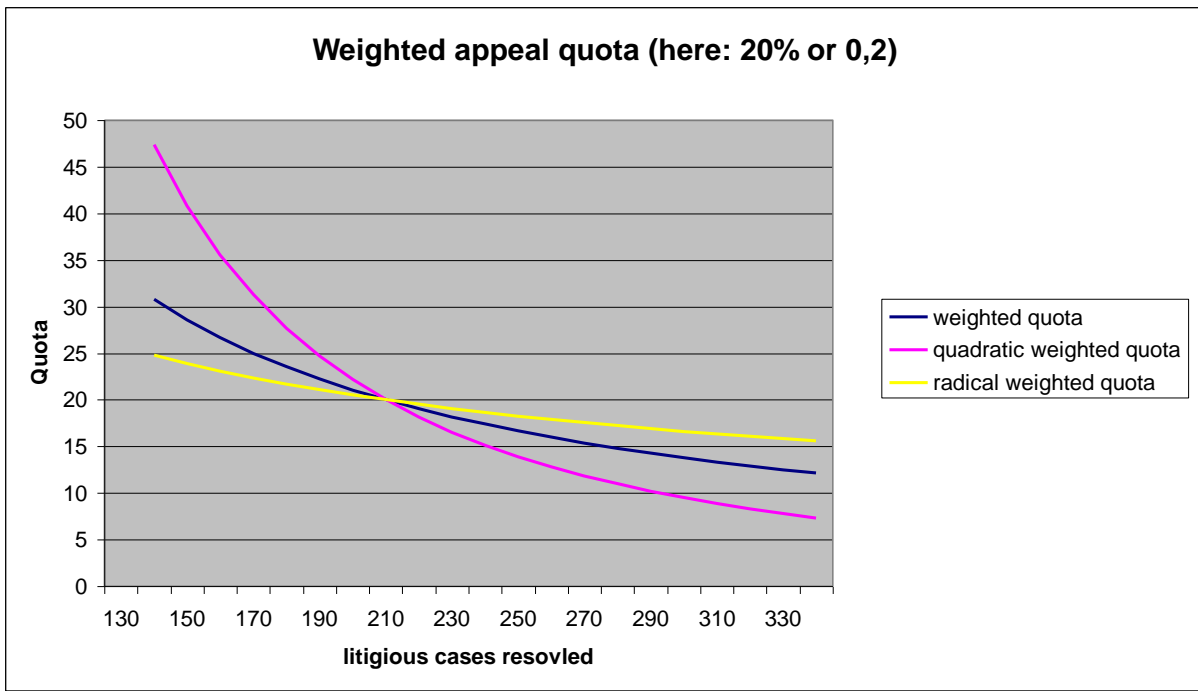
Being the total number of legal remedies divided by the number of allowed (=successful) legal remedies/appeals.

C) Quota of quashed decisions

Being the total number of legal remedies/appeals divided by the number of decisions which lead to an annulment of the decision

D) Weighted appeal quota

Even in a very well balanced and controlled system the workload of the different courts' judges differs considerably. It does not seem fair to assess the quality quota of courts in completely the same way regardless of the workload. A weighted quota should be calculated which also reflects to what extent the individual court delivered more or less litigious decisions than the average court or judge during the period under review. Therefore, a radical weighted quota could be a fair system because the effect of adoption the individual workload is slightly reduced (two examples with appeal-quotas of 20% and 45% to show the idea):



It should be analysed whether there is a context between the appeal quota and the workload on decisions. Nevertheless, the system of the weighted appeal-quota should only be followed during a transition period until the distribution of workload/personnel is properly balanced.

Quality-benchmarks should be internal benchmarks and not be made available to the public even after careful selection.

The question whether all benchmarks should only be established at court level or also be established for the individual judge might be discussed and agreed upon.

4.3.3. Integrating of IT and Cyberjustice

Guidelines on how to drive change towards Cyberjustice

The [“Guidelines on how to drive change towards Cyberjustice”](#) take stock of tools deployed and offer a summary of good practices.

The document was prepared by the CEPEJ-GT-QUAL based on the preparatory work of Mr. Harold EPINEUSE, scientific expert (France).

In general, but especially in Appendix 1 the

- “Checklist for the organization responsible for managing an IT project” and the
- “Checklist for users of the information system”

offer questions to address about the proper implementation of IT-projects into judiciary.

These also consider and contain the relevant conclusions of (and therefore not to be checked extra):

- “European judicial systems, efficiency and quality of justice: Use of information technology in courts in Europe”, CEPEJ Studies No. XX, 2016 edition (2014 data)
- Consultative Council of European Judges (CCJE), Opinion No. 14(2011), “Justice and information technologies”.
- Parliamentary Assembly of the Council of Europe, Resolution 2054 (2015), “Access to justice and the Internet: potential and challenges”, Report: Doc. 13918 of 10 November 2015.
- European Committee on Legal Co-operation of the Council of Europe entitled “The use of electronic evidence in civil and administrative law proceedings and its effects on the rules of evidence and modes of proof”, CDCJ (2015), due out end of 2016.
- “Dematerialisation and use of IT in courts”, Report CEPEJ-COOP (2009)4, by Ronald Beau, Elsa Garcia Maltras De Blas, Georg Stawa.
- “Use of information and communication technologies (ICT) in European judicial systems”, CEPEJ Studies No. 7 (2006), by Marco Velicogna.
- CEPEJ Newsletter No. 14, December 2015. See in particular the following general contributions: “The impact of technological tools on the effectiveness and quality of the justice system”, by Jean-Paul Jean; “Managing the shift towards cyber-justice”, by Yannick Meneceur; “The use of new technologies in courts: an essential tool for better case management”, by Fabio Bartolomeo. And the on-line thematic file “How to direct the change towards Cyberjustice?” based on a study session organized by the CEPEJ on 10 December 2015, at its 26th plenary meeting.

4.3.4. Court premises and organization

Guidelines on the organization and accessibility of court premises

The [Guidelines on the organization and accessibility of court premises](#), adopted by the CEPEJ at its 24th Plenary meeting, Strasbourg, 11-12 December 2014, provide a reference framework, which could be of use to administrators and decision-makers for the construction of new court premises or the conversion of older buildings, applying to all branches of justice.

This document has been prepared by the CEPEJ Working group on the quality of justice (CEPEJ-GT-QUAL) on the basis of a working document drafted by Gilles Accomando and Michel Perchepied (scientific experts, France).

It offers a series of guidelines for identifying the factors to be taken into account, with a view to enhancing the quality of the public service provided and facilities for accommodating the public.

4.3.5.Examples of methods and approaches

4.3.5.1. Efficiency: CEPEJ data

The CEPEJ Evaluation of Judicial Systems 2018 (data 2016, see [CEPEJ, 2018](#)) provides the actual situation and data to compare with other systems as benchmark. They could also serve as a reference for “what and how to survey” elements.

Nota bene: What is not included in the CEPEJ evaluation (likely) does not exist on data (or cannot be proven if hard fact).

4.3.5.2. Efficiency and quality: Strengthening the efficiency and quality of the Slovak judicial system

Aim and context

Aim was to improve the efficiency and quality of the Slovak judicial system, through a thorough assessment of the efficiency and quality of the judicial system and application of CEPEJ tools and methodology.

- The Slovak judicial system was assessed as regards efficiency and quality, and relevant recommendations to improve these aspects and contribute to potential reforms are formulated by CEPEJ experts.
- Recommendations were addressed by CEPEJ experts to the Slovak authorities as regards the capacity development of an analytical centre and how to use the IT system more efficiently, and other specific issues.
- The efficiency and quality of courts was enhanced through application of CEPEJ methodology and tools on judicial time management and quality of justice in pilot courts.

Main activities:

- Collection of qualitative and quantitative indicators on the functioning of the justice system at national level and at individual courts' level and visits of CEPEJ experts to present the tools and methodology developed by CEPEJ, discuss the data collected and meet court representatives and representatives of other institutions involved in order to get a better insight of the performance of the judicial system.
- Developing of assessment reports including recommendations for further reforms and measures to strengthen the efficiency and quality of the Slovak judicial system.
- Implementing Court coaching programs in pilot courts for application of CEPEJ methodology and tools on judicial time management and quality of justice.

More information about you will find here: <https://www.coe.int/en/web/cepej/cooperation-programmes/strengthening-the-efficiency-and-quality-of-the-slovak-judicial-system>

Report

A report (can be found by the link <https://rm.coe.int/slovakia-assessment-report-on-efficiency-and-quality-of-the-slovak-jud/16807915c9>) was drawn up as part of the Project “Strengthening the efficiency and quality of the Slovak judicial system” which aims at supporting the efforts in view of continued reforms of the justice sector, targeting to improve the efficiency and quality of Slovak courts. This objective should be achieved through a

thorough assessment of the Slovak judicial system and through the application of the tools and methodology developed by the European Commission for the Efficiency of Justice (CEPEJ).

It may serve as an example about how to approach a multi-dimensional assessment of a judicial system and its parts.

4.3.6. Quality: European Court of Human Rights

It is understood that the judiciary of the ECHR gives strong signals about the possible improvements and implementation of criteria and indicators. The current statistics of the ECHR (https://www.echr.coe.int/Documents/Stats_violation_2018_ENG.pdf) names the main qualitative criteria, indicating lacking areas of TK judiciary.

- Freedom of expression
- Right to a fair trial
- Right to liberty and security
- Inhuman or degrading treatment
- Lack of effective investigation

They should therefore be under special monitoring within the national systems and all the courts in general!

4.3.7. Quality: Quality of justice in Austria

The Austrian Ministry of Justice launched a project to implement tools and surveys in regard of quality of justice.

Survey tools

To examine the status and needs, “Judicial Externals” were interrogated by a standardized questionnaire (first) and interviews (second) along the following chapters:

Quality of result

- Legal peace
- Legal certainty, securing the legal and business location
- Appropriate access to and preparation of information
- Professional decision
- Understandability of the decision
- Traceability (logical justification and documentation of the process) of the decision
- Public visibility of decisions
- Preparation of decisions for the public
- Price for access to law
- Prison conditions

Quality of procedure

- Administering of constitutional tasks in the overall context of the state (fulfilment within the framework of the personnel and budget resources)
- Implementation of (judicial) political requirements on organization (EU, Parliament)
- Competent process management and decision
- Quick decision
- Transparency




- Equal treatment (party-related)
- Legal protection
- Respectful treatment with special attention for fundamental and human rights in social responsibility
- Smooth communication and cooperation
- Customer group and service-oriented treatment
- Selection, preparation and dealing with lay judges
- On-time delivery (e.g. punctual start, point-exact invitation to hearings, ...) and time-optimized process management
- Efficient procedure (expenses to those involved in the procedure in relation to the output (e.g. reimbursement of fees, access to the file, etc.)




Quality of structure







- Solution-oriented skills
- Equitable remuneration and adequate staffing
- Safety of the workplace
- Corresponding work environment (to achieve job satisfaction and to ensure motivation)
- Alternative Dispute Resolution
- Infrastructure
- Qualification of the staff
- Independence and impartiality
- Management and leadership quality
- Access to justice




Criteria and indicators

The following criteria and indicators identified may give an example on how to measure and evaluate in an otherwise sensitive area:

| | Expectations | Criteria | Indicator |
|---|--|---|--|
|  | Comprehensibility of the decision and of the language | <ul style="list-style-type: none"> ▲ General comprehensibility of finding a decision (process) ▲ comprehensibility of content of decision | <ul style="list-style-type: none"> ▲ Index of comprehensibility * ▲ Index of comprehensibility * |
|  | Public access to information | <ul style="list-style-type: none"> ▲ Access to information according to needs ▲ Clear presentation of information | <ul style="list-style-type: none"> ▲ Satisfaction of client* |
|  | Rule of law, support to economy | <ul style="list-style-type: none"> ▲ Trust of public into judiciary ▲ Experienced rule of law | <ul style="list-style-type: none"> ▲ Index of public trust into justice* ▲ Index of recognised impartiality* |

| Expectations | Criteria | Indicator |
|---|--|--|
| | <ul style="list-style-type: none"> ▲ Reputation of Austria as country of rule of law | <ul style="list-style-type: none"> ▲ Commented and reflected citation of indicators of WEF, WJP (World Justice Project), Worldbank (Rule of Law - Index), Transparency Internat., EU-Justice Scoreboard |
|  <p>Correct decisions</p> | <ul style="list-style-type: none"> ▲ Correct decision ▲ Perfection of system | <ul style="list-style-type: none"> ▲ „Repair-Quota (Amended or squashed decisions in relation of decisions decided in 1. instance of courts and prosecution offices) ▲ Quote of Appeal as indicator for acceptance of decisions ▲ Quota of successful impeachment (relation of impeachments, which lead to guilty sentences) ▲ Amount of continued procedures after suspension |
|  <p>Efficiency</p> | <ul style="list-style-type: none"> ▲ Efficiency of procedure – Cost-efficiency (premises) – Time-efficiency | <ul style="list-style-type: none"> ▲ Cost per case per branch ▲ Average length of proceeding in days ▲ Percentage of cases finished in certain timeframe (CEPEJ-SATURN) ▲ Time between „End of hearing/oral judgement“ and processing of written decision ▲ Length of proceedings within the penitentiary |
|  <p>Punctuality</p> | <ul style="list-style-type: none"> ▲ Keeping dates ▲ Communication and | <ul style="list-style-type: none"> ▲ Satisfaction of stakehoders with punctuality ▲ Satisfaction of stakehoders with communication on delays |

| Expectations | Criteria | Indicator |
|---|--|--|
| | reasoning of delays | <ul style="list-style-type: none"> ▲ Records of waiting time* ▲ Percentage of hearings on time (best-practice NL) |
|  | Administering justice as constitutional task <ul style="list-style-type: none"> ▲ Processing all cases | <ul style="list-style-type: none"> ▲ Clearance Rate ▲ Case load |
|  | Communication and cooperation <ul style="list-style-type: none"> ▲ Satisfaction of all parties with the communication and cooperation in a case | <ul style="list-style-type: none"> ▲ Satisfaction with the communication and cooperation |
|  | Respect and Human Rights <ul style="list-style-type: none"> ▲ Respect and Human Rights | <ul style="list-style-type: none"> ▲ Amount of violation against ECHR in relation to all incoming cases |
|  | Transparency <ul style="list-style-type: none"> ▲ Information about status of case and proceeding | <ul style="list-style-type: none"> ▲ Index of recognized transparency ▲ Satisfaction of media with access to information* ▲ Amount of spokespersons per court |
|  | Quality and qualification of personnel <ul style="list-style-type: none"> ▲ Level of qualification of judges and prosecutors ▲ Competence to handle/solve problems ▲ Quality of management and leadership | <ul style="list-style-type: none"> ▲ Share of judges/prosecutors, on training minimum once a year ▲ Amount of special trainings attended within the last X years ▲ Amount of personnel at office, who attended a training |
|  | Quality and qualification of personnel <ul style="list-style-type: none"> ▲ Satisfaction with job ▲ Human resources development ▲ Fair payment | <ul style="list-style-type: none"> ▲ Satisfaction survey amongst employees ▲ Amount of tools of HR applied ▲ International rankings of payment (CEPEJ-EVAL) ▲ Amount of external job-applications |

| Expectations | Criteria | Indicator |
|--|--|--|
|  <p>Quality and qualification of personnel</p> | <ul style="list-style-type: none"> ▲ Opinion of external stakeholder i.e. about judges ▲ Frequency of change of personnel ▲ Appropriate amount of personnel ▲ Appropriate distribution of personnel according to workload ▲ Appropriate workspace (including security and protection of media) ▲ Reduction of cultural and linguistic barriers | <ul style="list-style-type: none"> ▲ Average workload (PAR) ▲ Amount of retracted weapons ▲ Amount of security-incidents |
|  <p>Infrastructure</p> | <ul style="list-style-type: none"> ▲ Appropriate, functional and modern equipment of offices (intern), ▲ WIFI, workspace for journalists and private lawyers (extern) ▲ Easy physical access | <ul style="list-style-type: none"> ▲ Satisfaction of employees with equipment of offices ▲ Satisfaction of Externals with infrastructure ▲ Percentage of offices fulfilling defined criteria ▲ Amount of „Servicecenter“ ▲ Amount of break-rooms ▲ Amount of physically easy accessible premises |
|  <p>Independence and impartiality</p> | <ul style="list-style-type: none"> ▲ Perception of independence and impartiality ▲ Control of external factors limiting independence ▲ Job security | <ul style="list-style-type: none"> ▲ Index of perceived independence ▲ Structural independence (EU-Justice Scoreboard) |

4.4. Users' satisfaction surveys

4.4.1. Introduction and objectives

The satisfaction surveys shall be conducted in all court of Azerbaijan at the regular basis as part of modern court management approach. It is important to foresee the effective system for development of surveys, data collection and further in-depth analysis of the results.

According to the practice of CEPEJ the satisfaction surveys are important tool in order to evaluate the quality of service and plan the further improvements at the different levels. Users perspective is an essential element in implementation of the present Road map. Thus, the surveys should be introduced at the early stage of the activities.

Users' satisfaction surveys are:

- One of the key elements of policies aimed at the evaluation of quality processes.
- Useful tool for court managers to know and understand what the expectations are, then to assess the functioning of the court and to plan possible changes.
- Do not reflect a general level of trust in the justice system, but help to detect, on the basis of reliable indicators, potential critical aspects or areas of possible improvements at the court level, in order to determine priority actions to be taken to improve the quality of the service and responses delivered by the court.

The surveys are designed to get a broad image of users' perceptions on most aspects of the functioning of a court. However, they can be tailored to target specific aspects of the concerned courts or specificities of the judicial system in which they are implemented. The main general objective of the surveys is to facilitate the dialogue between the judiciary, court users and general public, to find out challenges or problems the individual court is confronted with at the current stage.

Satisfaction surveys were introduced by pilot courts in the framework of first phase of the project as part of court coaching programme. The respective training for the pilot courts has been ensured by CEPEJ experts and afterwards the satisfaction surveys were adjusted to the need of individual pilot courts, discussing the practical aspects of conducting the surveys in relation to the objectives assumed by courts.

In the context of the implementation of this Road map it is suggested to align the content of the surveys with the actions planned to cope with such challenges as improvements in a time management, unequal workload, raising the quality. Namely, the aspects and respective solutions are highlighted in this Roadmap. The CEPEJ model surveys to be used as the basis, adjusting the surveys in light of the information are already available for the courts.

4.4.2. Organisation and steps to be implemented

In building the organizational structure with the objective to design and further to implement the surveys the experience of pilot courts in relation to challenges faced in 2015 – 2017 should be consulted.

The final report (CEPEJ – COOP (2017) 2) and implementation guide (CEPEJ – COOP (2017) 4) contains the best practise applied by the pilot courts at the first stage of the project and recommendations in light of CEPEJ standards.

The advice expressed in the present Road map should be read together with the both documents and Handbook for conducting satisfaction surveys aimed at court users in Council of Europe member states (December 2016, CEPEJ (2016)15).²⁰ Content of the

²⁰<https://rm.coe.int/168074816f>

surveys should be designed and further implementation of the surveys should be coordinated by the court management.

The following organisation is proposed as action in the framework of the present Road map:

Step 1. Setting of the working group (committee) in the court (composition: President of the Court, judges, court staff, internal or external specialists. Identification and nomination of the **project leader**.

Step 2. Defining the scope of the research, methodology, decision on sample size and drafting the budget.

Step 3. Questionnaire design, testing and training

- training reflecting the main elements of CEPEJ practice and advice in organization of the survey procedure (for the nominated project leaders, representatives of the courts)
- the experience of pilot courts (2015 - 2017) shall be consulted in the framework of the training
- coordination between the courts by project leaders and adjustment of the surveys to the objectives of the Road map (supporting the time management and quality actions).

Step 4. Communication, data collection, analysis and next steps

The objective of the analysis of the results is to identify areas for improvement and to plan actions, including to communicate the results and next steps in the transparent manner.

4.4.3. Scope of the research, methodology, sample size and costs (budget)

After the setting of the working group (**Step 1**) within the court the preparatory activity for the drafting of the survey shall be started.

| Step 2. Scope of the research, methodology, sample size and costs | |
|---|---|
| Basic principles (CEPEJ) | Action proposed and experience |
| Surveys to be targeted to the different groups: users, staff, lawyers. All the target groups approached have the experience in the contact with the court and the scope of the research should be narrowed to identify the differences between the users' real experience, expectations in relation to the services provided and perspective of court managers, judiciary, MoJ. | <p>The satisfaction surveys in courts of Azerbaijan shall be introduced to identify the experience of mentioned groups: users, staff, lawyers.</p> <p>The satisfaction surveys conducted in different courts of Azerbaijan should follow the common methodology at the same time allowing some level of flexibility and possibility for the adjustments.</p> <p>Qualitative research advised to be combined with quantitative research in courts of Azerbaijan.</p> <p><i>See below the explanation in relation to the possible methodologies.</i></p> |
| The most appropriate methodology for each target group differs and to be discussed separately. | <p>The experience of pilot courts in the framework of the first phase of the project 2015 – 2017 showed that the face-to-face interview in case of court users showed the higher rate of the responsiveness and was more appropriate than self-administrated approach (the experience demonstrated by Sumgayit Court of Appeal and Sheki Court of Appeal). In case of lawyers and staff the self-administrated approached provided appropriate result for the further analysis.</p> <p>The same approach to be followed in other courts of Azerbaijan.</p> |

| | |
|---|---|
| The choice on the methodology is followed by the decision on a sample size - the number of the replies needed to obtain to provide the possibility for overall and trustful analysis. The sample size has the direct link with the detailed, targeted objectives of the survey, as well as is linked with the resources available for the action. | As mentioned, the reliability of the results has the direct link with the number of the answers. It is proposed that the number of the interviews could be increased during the repeated survey procedure, once there are initial conclusions and lessons learned after the first experience. The larger sample size allows to provide more in-depth and detailed analysis. |
|---|---|

| Survey techniques | Objectives | Variations in the methods | Benefits |
|------------------------------|--|---|--|
| Qualitative research | Qualitative surveys are more exploratory in nature and can be used to identify trends in user satisfaction/expectations. More generally, they can often provide very useful information, which can then be studied as part of a quantitative survey. | Various methods can be used: Individual interviews to record opinions and understand users' motives, with a view to preparing a questionnaire. Interview with a group of users (group interview) to record their experience and compare their viewpoints. | Costly and time-consuming method requiring specialist interviewers, but it is necessary for an overarching quality-based approach. |
| Quantitative research | Quantitative surveys measure user satisfaction statistically on the basis of a representative sample if the number of users is large. | The methods of conducting quantitative satisfaction surveys have two major dimensions: The format of the questionnaire (i.e. on paper or electronic). Way the questionnaire is administered (self-administered, administered by an interviewer). | Combining a preliminary qualitative survey with a quantitative survey makes it possible to achieve the greatest possible detail and most comprehensive coverage when studying user satisfaction and/or expectations. |

Four possible methodologies for quantitative research:

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

4.4.4. Questionnaire design, testing and training

The questionnaires to be designed and tested in the way to adjust the content in relation to the each of the groups to be approached.

| Step 3. Design, testing and training | |
|--|---|
| Basic principles (CEPEJ) | Action proposed and experience |
| <p>Any questionnaire is intended to assess the subjective opinion of individuals.</p> <p>The CEPEJ (two models) questionnaires contain the questions related to overall satisfaction of the functioning of the court. It allows to have a general indicator on the performance of the court. This indicator can be easily monitored if surveys are conducted regularly.</p> <p>This indicator is completed with questions targeted on specific aspects in order to detail satisfaction. These questionnaires close with an open-ended question each, to provide the respondents with the opportunity to spontaneously express their expectations on the services delivered by the court.</p> <p>The CEPEJ model questionnaires involve items related to satisfaction with regards functioning of justice in general.</p> | <p>CEPEJ questionnaires shall be taken as model and adjusted to the needs to Azerbaijan courts (for the main questions).</p> <p>In addition, as specific court questions, the focus shall be put on: access to information and to the court (to measure the difficulties of users before being in contact with to the court), court facilities and contact with court staff/registry services, proceedings (length of proceedings, attitude of judges, etc.).</p> <p>The same questionnaire shall be used in all courts to provide the opportunity for further mapping and ranking.</p> <p>The questions shall be designed to provide the possibility to assess the overall satisfaction level.</p> |
| <p>The questionnaire should not take longer than 20 minutes. For self-administrated questionnaires this time should be shortened to 10 minutes.</p> <p>Scales are important element of quantitative questionnaires (points are proposed to be used).</p> | <p>The time necessary to complete questionnaire need to be indicated as well as clear explanation of the objectives of the survey process.</p> <p>The simply and understandable structure of the answers shall be used while introducing the surveys. 5-point balanced system is proposed for quantitative questionnaires (extremely satisfied, very satisfied, moderately satisfied, slightly satisfied, not at all satisfied).</p> |
| <p>Before the fieldwork (interviews or distribution) questionnaires need to be tested (to calculate the length of the process of filling in, to assess the comprehensibility of the questionnaires. Testing to be carried out by the person who drafted the questionnaire).</p> <p>After the testing and revision phase the instruction for the interviewers to be prepared. The interviewers to be trained.</p> | <p>Testing shall be organized by the project leader in each court approaching up to 10 persons. Revision shall be made after testing upon necessity.</p> <p>The training should be conducted in cooperation with Justice Academy of Azerbaijan, engaging primarily the project leaders nominated for the coordination of surveys in their courts. The experience and challenges faced by pilot court shall be extensively reflected during the training.</p> |

4.4.5. Communication, data collection and analysis

| Step 4. Communication, data collection, analysis and next steps. | |
|---|---|
| Basic principles (CEPEJ) | Action proposed and experience |
| Promotion of the questionnaire is next important point, once the questionnaire is designed and tested. | The questionnaire shall be promoted providing the visible information in courts. The court staff shall be engaged in promotion activities. |
| Once the answers are provided in the amount of the decided sample size the data entry phase shall be applied. The usage of electronic tools for data entry is suggested providing the opportunity to keep high data accuracy. | Court staff shall be engaged to carry on the data entry using one of the available electronic tools. |
| Once the results are turned to the form that allows to analyse them: <ul style="list-style-type: none"> - The results shall be mapped according to the importance of the issues raised in the framework of the survey process. - The main conclusions shall be drafted, mapping the answers provided. - The action plan shall be developed and proposed for the further assessment in line with other actions planned by court management. | Final results of the survey process shall be evaluated by the working group and project leader with the objective to draft corrective measures. Corrective measures shall be implemented at the level of court, coordinated between the courts of Azerbaijan, MoJ, JLC. The answers shall be mapped according to following principle: <ul style="list-style-type: none"> - High importance - Low importance The particular attention shall be devoted to the aspects of high importance, where the level of satisfaction is low (aspects to be treated as the priority). |
| Transparency and proper communication are at the heart of conducting and following up on the results of satisfaction surveys. Ensuring openness of court activity will contribute to higher public trust. | Once the action plan is developed based on outcomes of the survey process the main priorities and plans shall be communicated to the public (using court web site; social media; TV broadcasting). |

4.5. Action plan

The purpose of the Action plan is to facilitate the planning and monitoring function. Project management office will be responsible to maintain the integrity of the Action plan and keep the record with actual situation regarding the fulfilment of the plan.

The corresponding action plan is only a draft, which shows the complexity of the Project. It should be used only as a reference, as set of activities, which should be performed in order to implement the entire mission. The final version should be drafted by PMO and adopted by the Steering Committee.

Action plan is divided in four main topics:

- Organisation
- Statistics
- Judicial Time Management

- Users' Satisfaction Surveys

The Action plan is structured to the level of individual actions but due to limitation of the presentation limited only on three tiers (please see the Picture: Action Plan below). The Action plan in its full extant is submitted separately.

Picture: Action plan

