

What can be said on clearance rate and disposition time (and some more relations)?

by Adis HODZIC (Bosnia and Herzegovina) and Georg STAWA (Austria)

Introduction

Nowadays, the states spend more time, attention and money on the performance measurement and evaluation in the public sector than ever before. The results-based management (or the performance management) is the talk of the day at all levels of the public sector: local, regional, national, and even supranational.

However, evaluation studies show that many attempts at introducing the results-based management are still unsuccessful¹. Nevertheless, the need to measure the output, outcomes, and evaluation activities remain an important element in statements by politicians and administrators focused on improving government's performance.

Key Performance Indicators

Any attempt at launching or improving the performance measurement system within any judicial system will certainly raise the question as to which performance aspects should be measured and how. Before the making of the final list of Key Performance Indicators (KPIs) that are build into the foundation of any performance measurement system, the two indicators that are worth looking into are "Clearance Rate" and "Disposition Time". Both indicators are described in the CEPEJ report [European Judicial Systems](#), Chapter 9. Fair trial and court activity.

Clearance Rate

The first indicator, the calculated Clearance Rate, obtained when the number of resolved cases is divided by the number of incoming cases, is one of the most commonly used indicators to monitor the case flow. Essentially, this indicator is used to assess the ability of a judicial system to handle the inflow of judicial cases. The inability of courts or judiciary to produce the data needed to calculate the Clearance Rate could clearly indicate that the tools described in the CEPEJ's [Time Management Checklist](#), are insufficiently developed. More specifically, the inability to produce Clearance Rate indicates the inability of a judicial system (or a court) to assess the overall length of proceedings, there is a lack of a standardized typology of cases, there is no ability to monitor the course of proceedings and there are no means to promptly detect delays and mitigate their consequences.

Calculated Disposition Time

The second indicator, the Calculated Disposition Time, provides further insight into the way the judicial system manages the flow of cases. Generally, case turnover ratio and Disposition Time compare the number of resolved cases during a reporting period with the number of unresolved cases at the end of that period. The ratios measure how frequently a judicial system (or a court) turns over the cases received – that is, how long it takes to resolve a case type. Indirectly, this indicator gives the answer to one of the questions most raised within a judicial system – what is the overall length of proceedings.

Hypothesis

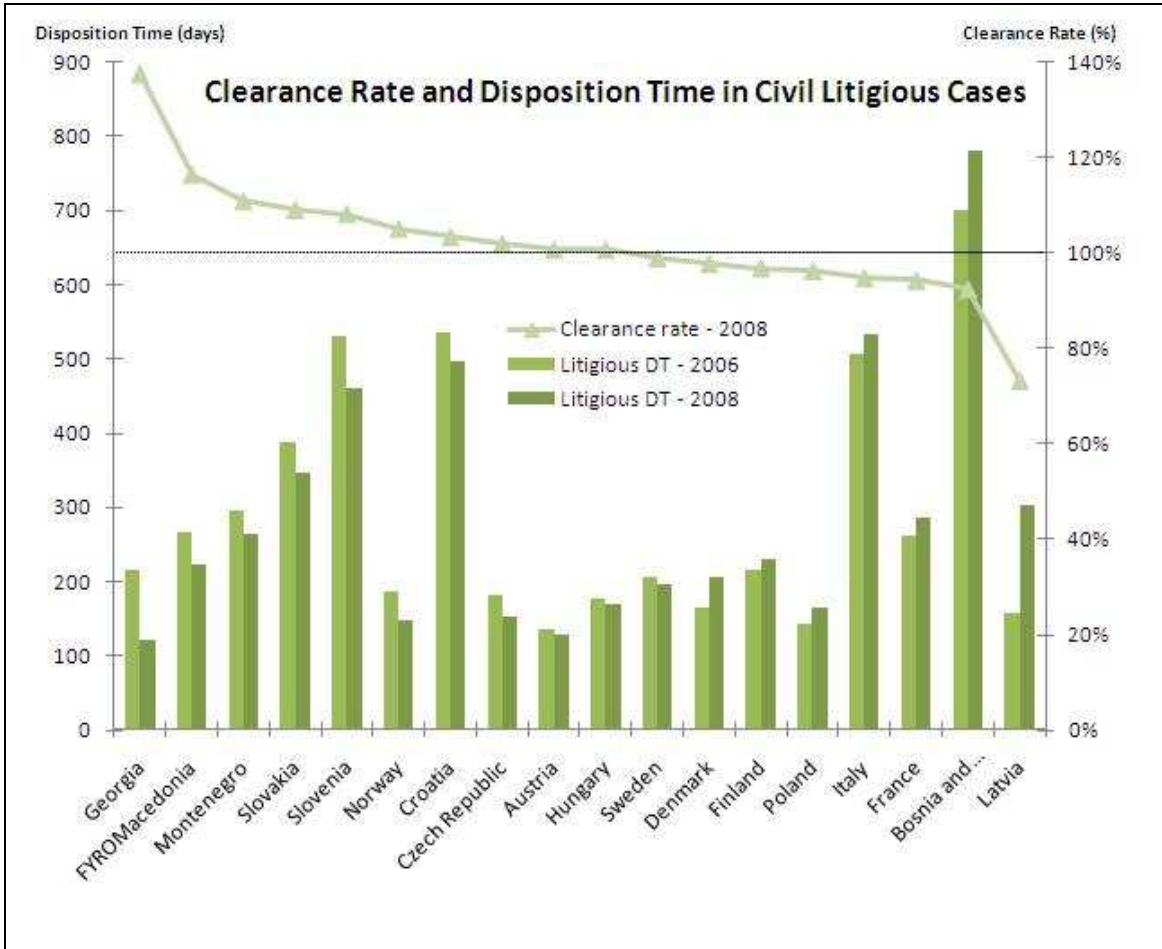
The underlying hypothesis is that a judicial systems who is able to handle the inflow of judicial cases would reach Clearance Rate of 100% or higher and would also be able to reduce the calculated Disposition Time.

¹ (see, for example, Leeuw&Van Gils, 1999, for a review of Dutch studies).

Example

The application of the two indicators allows us to come up with instructive questions and leads to a better understanding of how a judicial system operates and what challenges and obstacles it faces. When applied for a longer period of time, the indicators can be used to identify conspicuous trends and compare judicial performance in key areas between various judicial systems or courts.

In the example, eighteen member states were selected based on available data on Clearance Rate in 2008 and Disposition Time in civil litigious cases in 2006 and 2008 respectively.



As observed from the chart above, judicial systems achieving the Clearance Rate above 100%, are also reducing the calculated Disposition Time, thus shortening case processing time and providing faster service to citizens. Georgia, FYROMacedonia, Montenegro, Slovakia, Slovenia, Norway, Croatia, Czech Republic, Austria and Hungary were able to reduce calculated Disposition Time in the two year period (2006-2008) achieving the Clearance Rate above 100%.

On the other hand, Denmark, Finland, Poland, Italy, France, Bosnia and Herzegovina and Latvia failed to exceed the Clearance Rate of 100%, while the calculated Disposition Time during the two-year period increased, thus protracting the case processing time and providing a slower service to citizens.

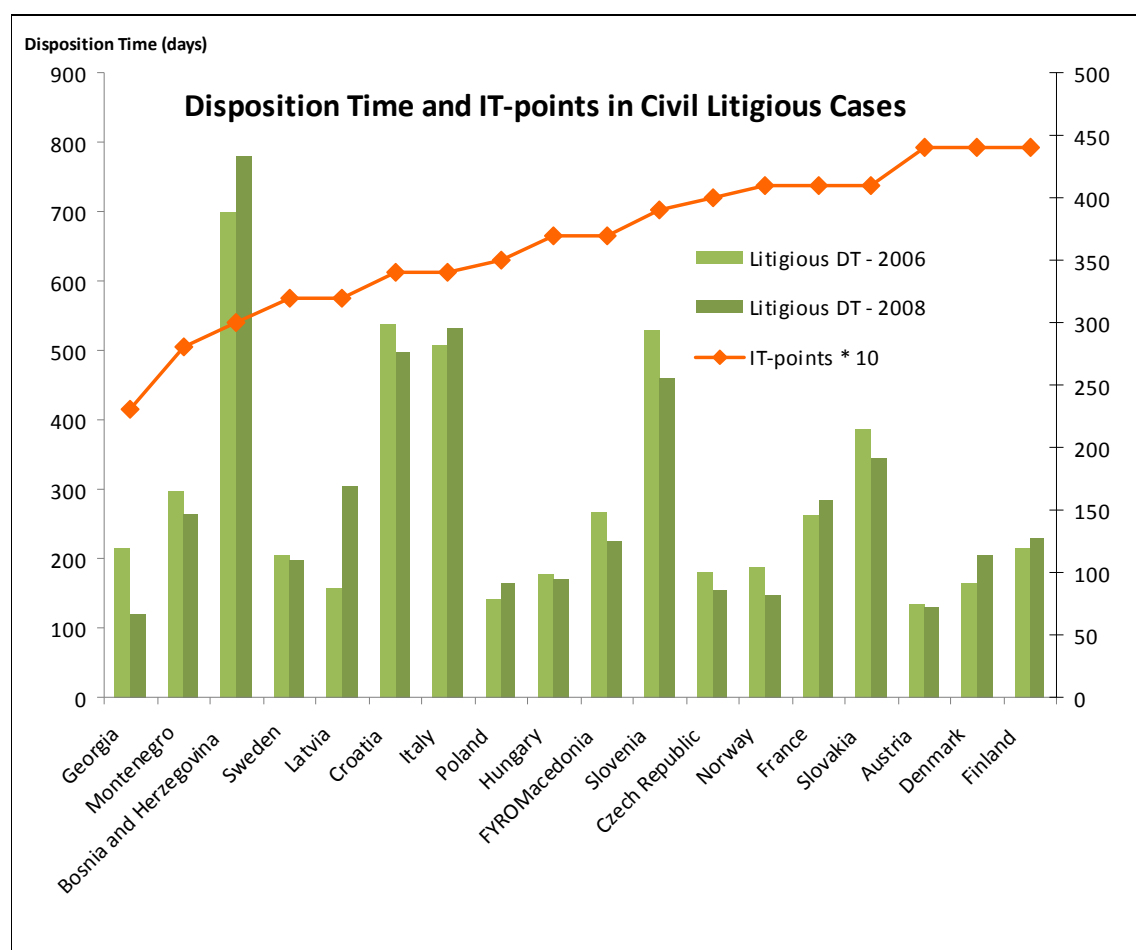
Finally, this example certainly leads to the inevitable conclusion - in the words of an Austrian-born management expert in the US Peter Drucker - "You can't manage what you can't measure."

Effect of IT-investment on performance? ²

For the analysis in the CEPEJ Evaluation report on the installation of computer facilities within the European courts, three areas have been distinguished:

- Computer facilities used for the direct assistance of judges and court clerks
- Systems for the registration and management of cases
- Electronic communication and information exchange between the courts and their environment

Based on a point system³ the use of different computer facilities for the mentioned three areas is presented in the following together with the key performance indicators discussed above:

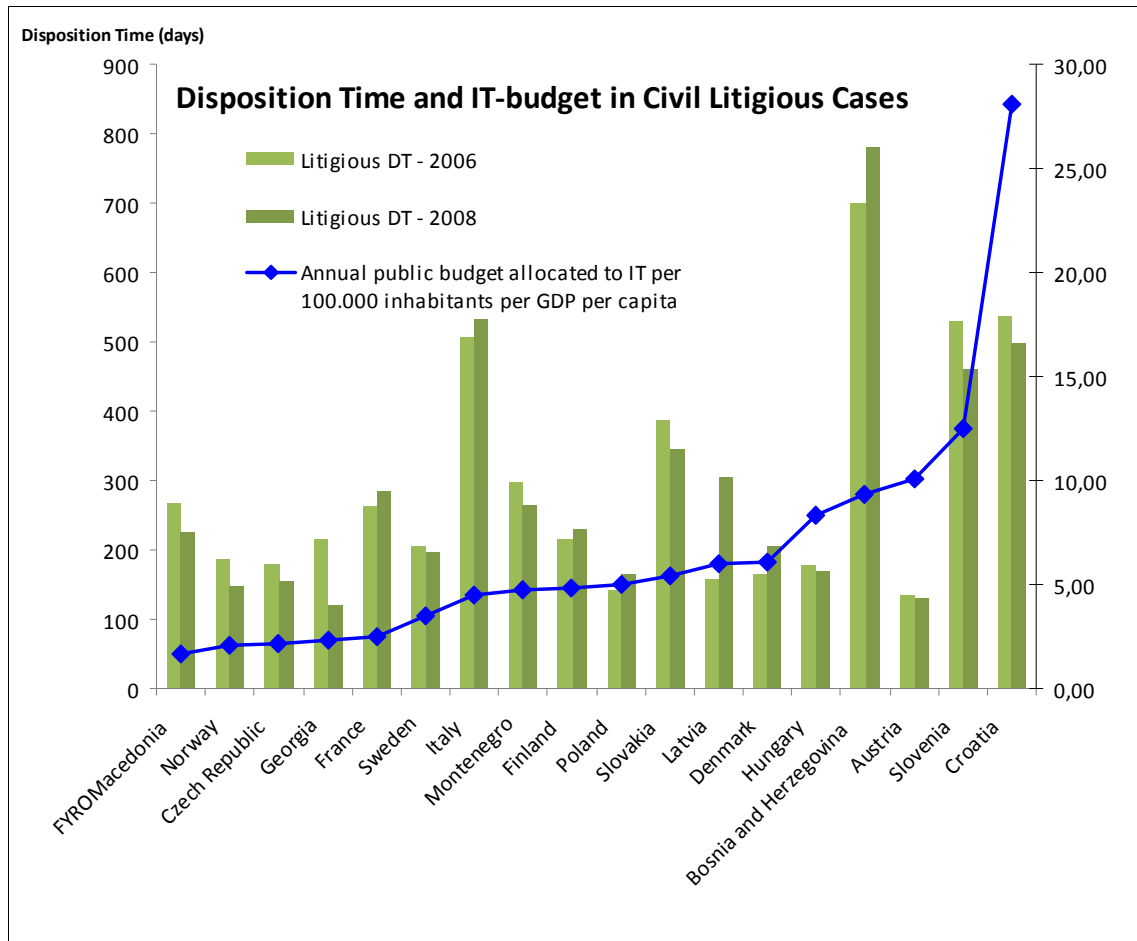


Obviously there is no direct relation between level of IT-infrastructure and disposition time. Though countries with a high level of IT-infrastructure like Austria, Denmark and Finland

² Detailed information is described in: Velicogna M. (2007), *Use of Information and Communication technology in European Judicial systems*, CEPEJ Study N°7 (Strasbourg).

³ The total number of points is provided only for information. It was calculated when the data were available for the totality of the categories, but also when only one category was missing per country. The questionnaire allows only a very general categorisation (100%, >50%, <50%, >10%), therefore only a general overview can be applied. From a methodological point of view, no rigorous interpretation should be based on the analysis of national features.

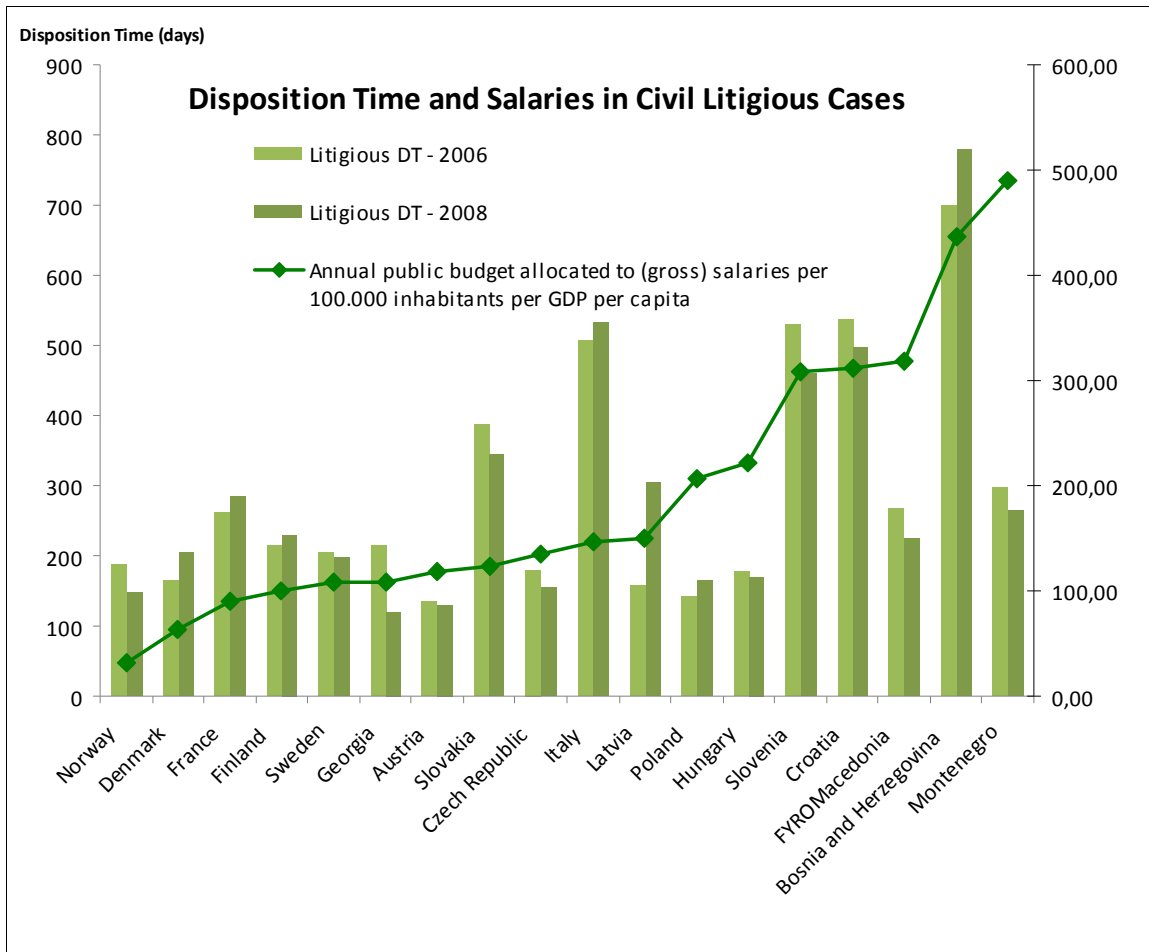
show rather quick procedures. But i.e. Poland, Hungary, Sweden or Georgia achieve the same performance 2/3 or less the “IT-quality”.



Therefore we will have a quick look on the annual public budget to IT per 100.000 inhabitants per GDP per capita: Austria is buying its short disposition time at a relatively high prize. Poland and Georgia seem to achieve the same results in performance by relatively half or less than half of the IT-budget.

Effect of salaries on performance?

Further on salaries might be considered as motivating good performance. In the following the disposition time is set in relation to the annual public budget spent on gross salaries per 100.000 inhabitants per GDP per capita:



No general trend can be observed. In opposite of the expected some the countries with the relatively highest amount spent on salaries experience longer disposition times than others. But a lot of countries with relatively low or moderate salaries perform very quick.

Effect of training on performance?

As training and education is one of the most important issues to ensure proper quality and standards within the judiciary some may ask, if extensive training also contributes to performance: According the annual training budget per 100.000 inhabitants per GDP per capita dos not show a significant trend. Both slow as fast performing systems can be found in relation to low and high spending yearly amounts on training and education:

