



FAIR JUSTICE PROJECT



**COUNCIL OF JUDGES
OF UKRAINE**



**STATE JUDICIAL ADMINISTRATION
OF UKRAINE**

COURT PERFORMANCE EVALUATION FRAMEWORK:

**STANDARDS, CRITERIA, INDICATORS
AND METHODS**

**Developed and recommended by the Court Performance Evaluation
Working Group with the support of the USAID FAIR Justice Project**

Approved by the Council of Judges of Ukraine

Kyiv 2015



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1. General Provisions

In a democratic society, effective courts are operating according to the standards of efficiency and effectiveness of judicial procedures, quality of court services and expectations of court users. In that sense, court performance evaluation is the most effective when it is based on the established standards of quality and approved methods of evaluating the conformity of court to these standards. Such standards are based on public expectations as to the quality of court services (e.g., completeness of information, level of comfort in court, etc.) and court performance indicators (e.g., duration of proceedings, specific weight of adjudicated cases, etc.). A court which meets all these established standards can be labelled as an excellent court according to the international framework of court excellence.

It is important to mention that the aim of court performance evaluation is to improve the organization of court operations, namely: to increase the effectiveness, efficiency and quality of judicial procedures. Court performance evaluation is by no means aimed at evaluating the performance of individual judges.

Court performance evaluation allows court leadership to fulfil the following tasks:

- obtain information about current situation in court;
- justify current and strategic decisions;
- determine priorities for changes;
- monitor innovations, evaluate their productivity and efficiency;
- evaluate the compliance of certain parameters of court performance with existing standards and norms.

International experience¹ in the field of court performance evaluation allows identifying major components of this process:

- *court performance standards* – quantitative and qualitative characteristics of operations of a court as a specialized state institution which are developed according to basic values of the judiciary and democratic society and may be documented in a form of procedural requirements, norms, public expectations, etc.;
- *court performance criteria* – substantial distinctive features of court performance which are a basis for performance evaluation procedures, in particular, selection of indicators and evaluation methods;

¹ In developing this document, experience of organizations – members of the International Consortium for Court Excellence, recommendations of the European Commission for the Efficiency of Justice (CEPEJ), Trial Court Performance Standards (U.S.) and other materials were taken into consideration.

- *court performance indicators* – quantitative or qualitative data which identify the level of conformity of court operations to the established quality criteria;
- *evaluation methods* – a complex of standard research means and ways of collecting, processing and analyzing court performance data: statistical information collection and analysis, document review and analysis, surveys, etc.

2. Monitoring and evaluation of court performance in the Council of Europe member states

European Commission for the Efficiency of Justice (CEPEJ) was established by the Committee of Ministers of the Council of Europe in September 2002 to develop acceptable for all Council of Europe member states decisions aimed at efficient implementation of all existing principles of the Council of Europe regarding the organization of justice, ensuring the compliance of state policy on court operations with the needs and expectations of court users and reducing the workload of the European Court of Human Rights (ECHR) by providing proposals to the Council of Europe member states on efficient ways of dispute resolution before applying to the ECHR and preventing violations of Article 6 of the European Convention on Human Rights. CEPEJ pays much attention to monitoring and evaluation of court performance in the Council of Europe member states. In its documents, CEPEJ mentions that *“Monitoring and evaluation are achieving an ever increasing position as tools that allows the measuring of situations, assess policy implementation outcomes and allocate increasingly shrinking resources.”*² Besides, according to CEPEJ, *“monitoring and evaluation systems should facilitate the improvement of the efficiency of justice and the quality of the work delivered by the courts, and therefore to effect a more consistent implementation of policies.”*

In its regular reports which are developed and published every two years, CEPEJ emphasizes the importance and need of the processes of monitoring efficiency and quality of judicial proceedings in the Council of Europe member states. The recent report³, published in 2014, states the following: *“as part of the management of courts, a periodic evaluation and monitoring of the quality of justice and of the court performance is recommended.”* Besides, according to CEPEJ, *“information about the level of court users’ and court personnel’s (judges and staff) satisfaction with (and trust in) the courts are relevant tools for the policies of quality of judicial systems.”*⁴ CEPEJ admits the increase of *importance of developing a policy of the performance quality of courts and justice systems* and in this regard continuously introduces new monitoring and evaluation tools. A standing Working Group on the Quality of Justice operates under CEPEJ. During last years it has developed and implemented a Checklist for promoting the quality of justice and the courts (2008)⁵, Handbook for conducting satisfaction surveys aimed at Court users in Council of Europe’s member States (2010)⁶, Questionnaire for collecting information on the organisation and accessibility of Court premises (2013)⁷ and other tools.

In view of importance of court performance monitoring and evaluation, the mentioned CEPEJ 2014 report has a separate section on the availability of court performance standards and evaluation indicators in the Council of Europe member states. The report contains information received by CEPEJ

² Monitoring and Evaluation of Court System: a Comparative Study. – CEPEJ, 2007.

³ Source: http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport_2014_en.pdf. – p. 137.

⁴ *Ib.* – p. 108.

⁵ Checklist for promoting the quality of justice and the courts. (Document available at the website of the Council of Europe).

⁶ Handbook for conducting satisfaction surveys aimed at Court users in Council of Europe’s member States. (Document available at the website of the Council of Europe).

⁷ Questionnaire for collecting information on the organisation and accessibility of Court premises. (Документ Document available at the website of the Council of Europe).

from 44 countries, it states that 25 countries, and Ukraine is one of them, do not have established court performance standards⁸. At the same time, it states that 22 countries have established court performance standards. In 2008, there were 18 such countries. Thus, CEPEJ records a trend of growth of the number of Council of Europe member states which establish court performance standards.

Speaking about court performance monitoring and evaluation, CEPEJ 2014 report mentions Ukraine among countries which use performance indicators to organize appropriate court operations. Such indicators are used in 42 countries and are not used only in 5 countries⁹. Indicators that are used include case disposition time, number of considered cases, backlog of cases, number of considered cases per one judge and court staff, and other. It is also worth mentioning that in such a way in its recent report CEPEJ has recorded progress achieved in Ukraine for last years, while in a similar 2012 report Ukraine was mentioned among only 6 Council of Europe member states which do not use court performance indicators. CEPEJ has also recorded progress in terms of using different methods of court performance monitoring and evaluation in Ukraine. In its previous 2012 report, CEPEJ mentioned Ukraine as a state which uses only annual report, while other countries, besides annual report, use monitoring of incoming cases, number of judgments, number of postponed hearings, case disposition time and other monitoring components. In its 2014 report, CEPEJ already mentions Ukraine as a state which uses different methods of monitoring and evaluation in a court system¹⁰. Besides, a positive fact regarding processes of court performance monitoring and evaluation in this report is that Ukraine was mentioned among countries where surveys of citizens – participants of court proceedings on their satisfaction with court operations are conducted¹¹.

⁸ Source: http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2012/Rapport_en.pdf . – p. 133.

⁹ *Ib.* – p. 135.

¹⁰ Source: http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport_2014_en.pdf – p. 137.

¹¹ *Ib.* – p. 109.

3. Developing and piloting court performance evaluation framework in Ukraine

Comparison of CEPEJ 2012 and 2014 reports shows certain progress in Ukraine in terms of court performance monitoring and evaluation which has become a positive outcome of conducted work on creating standard court performance framework in Ukraine, which has been ongoing for several years.

Back in 2008, Council of Judges of Ukraine in cooperation with the State Judicial Administration of Ukraine with the support of the USAID “Ukraine: Rule of Law” Project organized and conducted an international conference on “Forming Public Trust: Court Performance Evaluation”. At the conference, performance evaluation was presented as a way to improve court operations and increase public trust in court. Besides, representatives of judiciaries of European countries and the U.S. shared experience of court performance evaluation in their countries, and representatives of Ukrainian judiciary had an opportunity to discuss potential strategies of development and further implementation of national court performance standards and criteria in Ukraine.

Taking into account CEPEJ standpoint on court performance monitoring and evaluation and the need to improve court operations to increase public trust in them, conference participants – representatives of the Council of Judges of Ukraine, State Judicial Administration of Ukraine, chief judges and chiefs of staff of general and specialized courts – initiated the commencement of the process of developing court performance standards and framework in Ukraine.

Besides, in 2008, with the support of UROL, a pilot survey of citizens – participants of court proceedings on court performance using citizen report cards (CRC) methodology was launched. This methodology, which is a comprehensive thorough research of perception of participants of court proceedings of various aspects of court operations – from access to court facilities and comfort of stay there to fulfillment of official duties by judges and court staff – was used during first years in order to enhance cooperation of courts with civil society. However, in the future, wider usage of this methodology proved its efficiency and effectiveness in the context of developing plans and strategies aimed at improving court operations. Successful use of this methodology in Ukrainian courts has become another important argument for the need to develop complete standard court performance evaluation framework in Ukraine. To develop such framework, upon the initiative of the Council of Judges of Ukraine and State Judicial Administration of Ukraine, a *Working Group on Developing Court Performance Evaluation Framework* (hereinafter referred to as the Working Group) was established.

Working Group started its operations with the support of the USAID UROL Project in 2010. Members of the Working Group included members of the Council of Judges of Ukraine Halyna Kanyhina and Pavlo Hvozdyk, member of the Council of Judges of General Courts Anatolii Babii, representatives of the High Administrative Court of Ukraine, judges and court staff of first instance courts and courts of appeals of general, administrative and commercial jurisdictions. Later, the Working Group developed tools of internal court performance evaluation under the measures “Case disposition timeliness” and “Quality of court decisions”. Pilot testing of the efficiency of internal court performance evaluation tools was conducted in six courts.

In 2012, with the support of the USAID FAIR Justice Project which continued initiatives launched by the USAID UROL Project, the Working Group cooperated with the Subgroup on Developing Court Performance Standards under the Working Group on Innovations of the SJA and 13 Ukrainian courts which agreed to have the draft court performance evaluation framework developed by the Working Group and experts tested in their courts.

The draft framework included four areas of evaluation: *efficiency of court administration, case disposition timeliness, quality of court decisions, and level of satisfaction of court users (litigants) with court operations*. The evaluation framework consisted of 24 court performance evaluation criteria and over 100 indicators to measure the compliance of court with these criteria. Besides, the draft framework combined three evaluation mechanisms:

- (1) internal court performance evaluation:
 - (a) surveys of judges and court staff,
 - (b) expert analysis of court decisions and case disposition timeliness;
- (2) external court performance evaluation through surveys of court users (litigants) based on citizen report card (CRC) methodology; and
- (3) analysis of judicial statistics data.

The combination of areas of evaluation with relevant evaluation mechanisms and with criteria and indicators was named as *evaluation modules*. A more detailed description of evaluation modules can be found in Annex 1 of this draft.

The court performance evaluation framework had been piloted from June through December 2012 in 13 pilot courts which represent three jurisdictions – general, administrative and commercial – in eight Oblasts of Ukraine. Nine pilot courts were first instance courts, and four courts were courts of appeals. Each court formed an evaluation team which consisted of incumbent and retired judges and court staff. These teams performed internal evaluation of the efficiency of court administration, case disposition timeliness and quality of court decisions. At the same time, these 13 courts participated in external court performance evaluation through surveys of court users (litigants) based on CRC methodology. Nine out of thirteen courts have completed pilot testing of all four modules of the proposed CPE framework¹².

The efficiency of proposed methods of court performance evaluation demonstrate some generalized results of pilot testing in courts which have completed this process and developed reports. Results of court performance evaluation were presented under the following evaluation measures:

- adequate funding, efficiency of the use of resources and satisfaction of judges and court staff with working conditions;
- leadership and managerial skills of court leaders;
- efficiency of judicial self-governance (at the level of court);
- efficiency of court operations in case disposition;
- case disposition timeliness;

¹² Three courts completed all stages of data collection and analysis but did not develop generalized reports due to lack of time and human resources. These courts use the obtained results for decision-making to improve court operations. One of the courts failed to complete the process of internal court performance evaluation because of changes in staffing.

- judicial caseload;
- quality of court decisions;
- satisfaction of citizens – participants of court proceedings with court operations;
- information accessibility of court.

A detailed report on the results of piloting of the proposed draft court performance evaluation framework was published as a separate document titled “Court Performance Evaluation in Ukraine: Results of a Pilot Survey in 2012”¹³. The main conclusions made in the result of pilot testing of a draft framework are as follows:

- Court performance evaluation conducted at specific court is an important aspect of administrating court operations. Such evaluation informs current and strategic decisions of court leadership to improve the performance of a court as an institution and increase the level of satisfaction of court users with court operations.
- Based on needs and demands, court performance evaluation can be also used to identify general trends and/or compare situation in several courts of one type, or compare situation in one and the same court over time in order to determine how efficient and effective court management is.
- In general, courts-participants of a pilot project on testing court performance evaluation framework comply with the proposed court performance evaluation criteria. There are some open issues related to some of the criteria which require urgent solution both at the level of a court and at the level of the judiciary.
- The developed draft court performance evaluation framework includes several methodologies: internal evaluation through surveys of judges and court staff, internal expert evaluation of cases and decisions, external evaluation through surveys of court users (litigants), and statistical data analysis. Such approach of complete court performance evaluation is rather efficient, since it gives a possibility to evaluate court performance evaluation criteria using different methods and make conclusions as to the objectivity of evaluation.
- The developed and piloted draft court performance evaluation framework is rather complicated to be used by an individual court and, obviously, requires human, information, technical, time and financial resources.

¹³ Link: http://www.fair.org.ua/content/library_doc/CPE_pilot_testing_summary2013_FINAL.pdf

4. Recommended areas of evaluation, forming the criteria and identifying court performance indicators according to legal and regulatory provisions and pilot testing of evaluation framework

Constitution of Ukraine, Law of Ukraine “On the judiciary and status of judges”, Law of Ukraine “On the civil service”, Strategic Plan for the Ukrainian Judiciary for 2013-2015, and other laws and bylaws allow outlining potential areas of court performance evaluation. According to the areas of evaluation and in the result of piloting the developed court performance evaluation framework and discussing its results, the Working Group together with FAIR experts have formulated basic criteria and indicators to evaluate court performance. The following table contains a list of criteria and indicators formulated in accordance with legal and regulatory provisions and areas of evaluation.

Area of evaluation	Evaluation criteria	Indicators
1. Funding and material and technical support Legal and regulatory provisions: <i>Constitution of Ukraine, Article 130; Law on the Judiciary and Status of Judges, Articles 140-144, Articles 47, 113, 129 and other; Strategic Plan for the Ukrainian Judiciary for 2013-2015, points 2.1 – 2.5</i>	1.1 Correspondence of funding to the needs of court 1.2 Adequate working conditions for judges and court staff 1.3 Efficiency of resource usage	1.1.1. Percentage of actual funding as compared to budget request 1.2.1 Level of satisfaction of judges with working conditions on a 5-point scale 1.2.2 Level of satisfaction of court staff with working conditions on a 5-point scale 1.3.1 Per Cent of judges and court staff who consider use of available resources as justified and efficient
2. Court administration Legal and regulatory provisions: <i>Law on the Judiciary and Status of Judges, Articles 20, 24, 29, 34, 41, 149; Law of Ukraine on Rules of Ethical Conduct; Law of Ukraine on Civil Service; Strategic Plan for the Ukrainian Judiciary for 2013-2015, points 2.3, 5.1, 6.1, 6.2, 6.3</i>	2.1 Professionalism, managerial and business qualities of chief judge 2.2 Professionalism, managerial and business qualities of chief of staff 2.3 Rationality and reasonability of workload distribution 2.4 Staffing	2.1.1 Evaluation of chief judge by judges on a 5-point scale 2.1.2 Evaluation of chief judge by court staff on a 5-point scale 2.2.1 Evaluation of chief of staff by judges on a 5-point scale 2.2.2 Evaluation of chief of staff by court staff on a 5-point scale 2.3.1 Average number of cases per one judge 2.3.2 Minimum number of cases per one judge 2.3.3 Maximum number of cases per one judge 2.3.4 Percentage of judges who characterize caseload as excessive 2.3.5 Percentage of judges who admit the increase in caseload 2.4.1 Number of court staff per one judge

Area of evaluation	Evaluation criteria	Indicators
<p>3. Judicial self-governance</p> <p>Legal and regulatory provisions: <i>Law on the Judiciary and Status of Judges, Articles 113-118;</i></p>	<p>3.1. Exercise of powers of meeting of judges</p>	<p>3.1.1. Level of perception of actual operations of meeting of judges on a 5-point scale</p>
<p><i>Convention for the Protection of Human Rights and Fundamental Freedoms, Article 6; Law on the Judiciary and Status of Judges, Articles 24, 29, 34, 41, 122, 127, 146; Strategic Plan for the Ukrainian Judiciary for 2013-2015, points 2.3, 5.1, 6.1, 6.2, 6.3</i></p>	<p>4.1 Productivity of work on case disposition</p> <p>4.2 Case disposition timeliness</p> <p>4.3 Quality of court decisions</p>	<p>4.1.1 Clearance rate 4.1.2 Disposition rate in terms of time 4.1.3 Disposition rate in terms of human resources 4.1.4 Average number of adjudicated cases per one judge 4.1.5 Average cost of disposition 4.1.6 Average number of processed materials per one court staff member</p> <p>4.2.1 Average duration of disposition 4.2.3 Number of cases pending for more than one year</p> <p>4.3.1 Percentage of cancelled and changed decisions by higher courts of the total number of decisions</p>
<p>4. Satisfaction of court users (litigants) with court operations</p> <p><i>General principles of court operations in democratic society (Constitution, legislation on the judiciary, Convention for the Protection of Human Rights and Fundamental Freedoms) which establish the obligation of judicial bodies to orient their operations at meeting public expectations with the utmost efficiency and reasonability taking into account interests of an individual</i></p>	<p>5. 1 Territorial, information and organizational accessibility of court</p> <p>5.2 Level of comfort</p> <p>5.3 Timeliness in providing court services</p> <p>5.4 Completeness and clarity of information</p> <p>5.5 Quality of court decisions</p> <p>5.6 Perception of the work of judge</p> <p>5.7 Perception of the work of court staff</p>	<p>5.1.1 Integral evaluation of court accessibility by court users 5.1.2 Perception of accessibility of court facilities for court users with disabilities</p> <p>5.2.1 Integral evaluation of the level of comfort in court by court users on a 5-point scale</p> <p>5.3.1 Integral evaluation of timeliness of providing court services by court users on a 5-point scale</p> <p>5.4.1 Integral evaluation of completeness and clarity of information by court users</p> <p>5.5.1 Perception of clarity and motivation of court decision by court users who have already received decisions on their cases</p> <p>5.6.1 Integral evaluation of work and conduct of judge by court users</p> <p>5.7.1 Integral evaluation of work and conduct of court staff by court users</p>

Area of evaluation	Evaluation criteria	Indicators
	5.8. Satisfaction of citizens – participants of court proceedings with court performance in general	5.8.1. Fact of conducting a survey of citizens-participants of court proceedings which is evidenced by its basic description 5.8.2. Level of satisfaction of citizens – participants of court proceedings with court performance which is measured under the unified methodology 5.8.3. Percentage of citizens who evaluate court performance as “good” and “excellent”
<p>5. Court openness and transparency</p> <p><i>Strategic Plan for the Ukrainian Judiciary for 2013-2015, points 4.1 – 4.3, 6.2, 7.1-7.2</i></p>	6.1. Quality and accessibility of information about court operations	6.1.1. Availability of a webpage of court 6.1.2 Availability of the needed minimum information for court users on a webpage of court 6.1.3 Availability of additional information about court operations, including judicial statistics 6.1.4. Publication of results of a survey of citizens-participants of court proceedings on a webpage of court

Since most of the recommended indicators are quantitative (percentage, specific weight, and number) or integral (average or weighted average on a multi-level qualitative scale), it is necessary to provide major details on indicators: definition, measuring unit, purpose, method and regularity of data collection.

1.1.1. Percentage of actual funding as compared to budget request

<i>Definition</i>	This indicator is a ratio of actual funding for reporting period to budget request for reporting period. It is important that in calculating this indicator the numerator (actual funding) included the same groups of expenditures as in denominator. Groups of expenditures include organizational expenditures, salary fund and capital expenditures.
<i>Measuring unit</i>	Percent
<i>Purpose of indicator</i>	One of basic indicators of adequate funding under conditions of correspondence of budget request to actual needs of court. When compared with other indicators (e.g., level of satisfaction of judges and/or court staff with working conditions, clearance rate and average duration of disposition), the indicator demonstrates efficiency of resource usage.
<i>Method of information collection</i>	Calculation based on financial reporting
<i>Regularity of information collection</i>	Once every 1-3 years

1.1.2. Level of satisfaction of judges with working conditions on a 5-point scale**1.2.2. Level of satisfaction of court staff with working conditions on a 5-point scale**

<i>Definition</i>	These indicators are integral (average) evaluations of the level of satisfaction of judges and court staff (separately) with the following working conditions: working place (level of comfort, etc.), provision with stationary and other office supplies, automation, accessibility of information, procedure of distribution of workload and assignments, safety, relations in a team, etc.
<i>Measuring unit</i>	Score on a 5-point scale
<i>Purpose of indicator</i>	The indicators give general idea about the availability of adequate working conditions and their compliance with the expectations of staff and existing norms or generally accepted ideas. Data analysis must be accompanied by the use of objective information about relevant parameters of working conditions.
<i>Method of information collection</i>	Internal (within one court) survey of judges and court staff.
<i>Regularity of information collection</i>	Once every 1-3 years

1.3.1. Specific weight of judges and court staff who consider use of available resources as justified and efficient

<i>Definition</i>	Rationality, reasonability and efficiency of the use of budget funds and other available resources by court in general according to the perception of court employees. Percentage of respondents who do not doubt the efficiency of resource usage is taken into account.
<i>Measuring unit</i>	Percent
<i>Purpose of indicator</i>	Allows identifying how efficiently available court resources are used from the perspective of court employees. The indicator is based on assumption that employees compare existing needs of court and actual use of resources. Therefore, it may show the existence (or lack) of problem issues which must be further identified by analyzing objective data.
<i>Method of information collection</i>	Internal (within one court) survey of judges and court staff.
<i>Regularity of information collection</i>	Once every 1-3 years

2.1.1. Evaluation of chief judge by judges**2.1.2. Evaluation of chief judge by court staff**

<i>Definition</i>	These indicators are integral (average) evaluations of the level of satisfaction of judges and court staff (separately) with business, personal and managerial qualities of chief judge: ability to be a leader, support of new and progressive things, organizational skills, ability to create positive social and psychological environment, fairness and impartiality, tolerance and politeness, professionalism, and ability to work with the media and the public.
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<i>Measuring unit</i>	Score on a 5-point scale
<i>Purpose of indicator</i>	Information based on these indicators gives an idea about how certain business and personal qualities of chief judge are manifested in his/her day-to-day operations and what the perception of style and methods of his/her work by judges and court staff is. It may be used as an indicator of success in evaluating performance of judges who hold administrative positions.
<i>Method of information collection</i>	Internal (within one court) survey of judges and court staff.
<i>Regularity of information collection</i>	Once every 1-3 years
	According to FAIR experts, this indicator cannot be used to evaluate the performance of individuals.

2.2.1. Evaluation of chief of staff by judges

2.2.2. Evaluation of chief of staff by court staff

<i>Definition</i>	These indicators are integral (average) evaluations of the level of satisfaction of judges and court staff (separately) with business, personal and managerial qualities of chief of staff: ability to be a leader, support of new and progressive things, organizational skills, ability to create positive social and psychological environment, fairness and impartiality, tolerance and politeness, professionalism, and ability to work with the media and the public.
<i>Measuring unit</i>	Score on a 5-point scale
<i>Purpose of indicator</i>	Information based on these indicators gives an idea about how certain business and personal qualities of chief of staff are manifested in his/her day-to-day operations and what the perception of style and methods of his/her work is. It may be used as an indicator of success in evaluating performance of civil servants who hold managerial positions.
<i>Method of information collection</i>	Internal (within one court) survey of judges and court staff.
<i>Regularity of information collection</i>	Once every 1-3 years
<i>Note</i>	According to FAIR experts, this indicator cannot be used to evaluate the performance of individuals.

2.3.1. Average number of cases per one judge

2.3.2. Minimum number of cases per one judge

2.3.3. Maximum number of cases per one judge

<i>Definition</i>	Data are obtained from official judicial statistics and case management system data.
<i>Measuring unit</i>	Quantitative unit (case)
<i>Purpose of indicator</i>	These indicators all together allow evaluating the evenness of caseload of one judge both within one court and compared with other courts of a relevant level and jurisdiction. It may be one of justifications of the expediency of introducing organizational changes within a specific court. It also allows evaluating the efficiency of court performance when used together with other indicators.

<i>Method of information collection</i>	Data of judicial statistics and case management system
<i>Regularity of information collection</i>	Once every half a year and once a year

2.3.4 Percentage of judges who characterize caseload as excessive

2.3.5 Percentage of judges who admit the increase in caseload

<i>Definition</i>	Ratio of the number of judges who find caseload as excessive or somewhat excessive (for indicator 2.3.5 – those who admit the increase in caseload in the current year) to the number of judges who participated in internal survey.
<i>Measuring unit</i>	Percent
<i>Purpose of indicator</i>	Together with other indicators, these indicators give additional information about caseload per one judge both within one court and compared with other courts of a relevant level and jurisdiction. Partially, the indicators also show the level of satisfaction with working conditions.
<i>Method of information collection</i>	The indicators are calculated based on internal survey of judges. At the same time, in generalizing data, it is necessary to take into consideration those judges who find caseload excessive and those judges who find caseload somewhat excessive.
<i>Regularity of information collection</i>	Once every 1-3 years

2.4.1 Number of court staff per one judge

<i>Definition</i>	Ratio of the actual number of court staff to the actual number of judges. The actual number of judges and court staff should be considered, respectively, the number of persons who have actually performed their functions during the reporting period. In calculating this indicator, persons who are in labor relations with court but due to objective reasons do not fulfill their functional duties are not taken into account. Such circumstances include termination of powers of a judge, being on leave to take care after a child, suspension from the office, etc.
<i>Measuring unit</i>	Number
<i>Purpose of indicator</i>	When compared with other indicators, the number of court staff per one judge facilitates making decisions on staffing and efficient use of HR.
<i>Method of information collection</i>	Simple calculation
<i>Regularity of information collection</i>	Always available data

3.1.1 Level of perception of actual operations of meeting of judges on a 5-point scale

<i>Definition</i>	The indicator measures the perception of judges of the operations of meeting of judges by the parameters (tasks) which are directly provided for by law: identifying specialization of judges; evaluating reports of judges who hold administrative positions; and discussing issues of improving the quality of case disposition. Evaluations of independence, authority and effectiveness of meeting of judges and compliance with the established regularity of convening thereof are additionally determined.
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<i>Measuring unit</i>	Average score on a 5-point scale
<i>Purpose of indicator</i>	It allows identifying to which extent the potential of judicial self-governance at the level of individual court is realized and existing problems.
<i>Method of information collection</i>	Internal (within one court) survey of judges and court staff
<i>Regularity of information collection</i>	Once every 1-3 years

4.1.1 Clearance rate

<i>Definition</i>	It is calculated as the number of cases adjudicated in the reporting period divided by the number of new cases and case files. If the clearance rate exceeds 100%, this means that the backlog of cases is reducing. If this rate is less than 100%, the backlog of cases is increasing.
<i>Measuring unit</i>	Percent
<i>Purpose of indicator</i>	One of expedient and objective indicators which allows evaluating how successful the court is in adjudicating cases. This is one of major indicators recommended by the European Commission for the Efficiency of Justice (CEPEJ). According to CEPEJ, the percentage of case adjudication of 84% and less is an alert signal, 85-95% – alarming, 96-102% – neutral indicator, 103% and more – leading practice. There are cases when this indicator reaches 120% and more. This demonstrates the fact that at the beginning of the reporting period court had significant backlog and during the reporting period much effort was made to increase the efficiency of court operations in adjudicating cases. Thus, the recommended standard of this indicator is the level of 95%-105%, i.e. from the lowest neutral indicator to the starting points of leading practice.
<i>Method of information collection</i>	Simple calculation based on judicial statistics
<i>Regularity of information collection</i>	Once every month, three months, half a year, year

4.1.2 Disposition rate in terms of time

<i>Definition</i>	It is calculated as the number of days in reporting period (year – 365, half a year – 182 or 183) divided by the number of resolved cases in the reporting period divided by the number of unresolved cases as of the end of the reporting period. Another formula of calculating this indicator is as follows: number of days in the reporting period (year – 365, half a year – 182 or 183) multiplied by backlog of cases at the end of reporting period and divided by the number of considered cases during the reporting period. The indicator shows how many days the court needs to complete all cases.
<i>Measuring unit</i>	Number of calendar days

<i>Purpose of indicator</i>	It is one of indicators recommended by CEPEJ which allows demonstrably evaluating court performance efficiency. This indicator is especially topical when comparing certain indicators for different reporting periods. If the value of indicator is reducing, this means that court performance efficiency in case disposition is increasing.
<i>Method of information collection</i>	Simple calculation based on judicial statistics
Regularity of information collection	Once every half a year or once a year

4.1.3 Disposition rate in terms of human resources

<i>Definition</i>	It is calculated as the number of judges who worked in the reporting period divided by the number of resolved cases in the reporting period divided by the number of unresolved cases at the end of the reporting period. The indicator shows how many judges the court needs to complete all cases.
<i>Measuring unit</i>	Conditional number of judges
<i>Purpose of indicator</i>	As the previous indicator, this indicator allows demonstrably evaluating court performance efficiency. This indicator is especially topical when comparing certain indicators for different reporting periods. If the value of indicator is reducing, this means that court performance efficiency in considering cases is increasing.
<i>Method of information collection</i>	Simple calculation based on judicial statistics
<i>Regularity of information collection</i>	Once every half a year or once a year

4.1.4 Average number of adjudicated cases per one judge

<i>Definition</i>	Is calculated as the number of resolved cases in the reporting period divided by the number of judges who has been working in court during the reporting period.
<i>Measuring unit</i>	Number of cases
<i>Purpose of indicator</i>	The indicator shows the efficiency of court performance in case disposition as compared with average (minimum and maximum) caseload per one judge.
<i>Method of information collection</i>	Simple calculation based on judicial statistics
Regularity of information collection	Once every half a year or once a year

4.1.5 Average cost of disposition

<i>Definition</i>	Actual expenditures of court for the reporting period divided by the total number of cases which have been pending in the court for this period. Actual expenditures of court include operating costs, salary and capital expenditures. Total number of cases is a sum of the backlog of cases for the previous reporting period and all new incoming cases and materials in the reporting period.
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<i>Measuring unit</i>	UAH
<i>Purpose of indicator</i>	One of the mandatory indicators which allows identifying the cost of adjudicating one case by specific court. It may be used in comparison with analogous indicator between courts of one level and jurisdiction. Results of complete evaluation together with other indicators may become justification of the need to introduce certain organizational reforms in the judiciary or individual court.
<i>Method of information collection</i>	Calculations based on accounting data and judicial statistics.
<i>Regularity of information collection</i>	Once a year

4.1.6 Average number of processed materials per one court staff member

<i>Definition</i>	It is calculated as the number of materials processed during the reporting period divided by the number of court staff who have been working in the court during this reporting period
<i>Measuring unit</i>	Number of cases
<i>Purpose of indicator</i>	The indicator shows the efficiency of court staff performance in processing materials.
<i>Method of information collection</i>	Simple calculation based on the data of automated case management system.
<i>Regularity of information collection</i>	Once every half a year or once a year

4.2.1 Average duration of disposition

<i>Definition</i>	It is calculated as a mean of the total duration of disposition based on the data of automated case management system.
<i>Measuring unit</i>	Number of days
<i>Purpose of indicator</i>	It allows evaluating the efficiency of court operations organization as to ensuring the expeditiousness of disposition and reasonability of case disposition timeliness. It may also help in introducing specialization of judges by case categories and planning even distribution of caseload among judges.
<i>Method of information collection</i>	Calculations with the help of automated case management system. Alternative method – expert review of a sample of cases.
<i>Regularity of information collection</i>	Once every half a year

4.2.2 Number and percentage of cases pending for more than one year

<i>Definition</i>	Up-to-date prime number which is always available in the automated case management system of a court.
<i>Measuring unit</i>	Number of cases
<i>Purpose of indicator</i>	One of basic indicators which warns about delays in disposition which exceed acceptable (reasonable) time.

<i>Method of information collection</i>	Statistical data
<i>Regularity of information collection</i>	Data are always accessible. Data analysis – once every half a year or every year

4.3.1 Percentage of repealed and changed decisions by higher courts of the total number of decisions

<i>Definition</i>	Ratio of the sum of cancelled and changed decision for the reporting period to the total number of rendered decisions.
<i>Measuring unit</i>	Percent
<i>Purpose of indicator</i>	It is one of the mandatory indicators which allows evaluating the quality of the product of court performance – court decision. If the indicator is high, it is necessary to identify reasons for this – they can be of an objective (e.g., change of legislation and case law) or subjective (e.g., inadequate level of professional training of judges) nature. Depending on the reasons, it is necessary to make relevant organizational and managerial decisions.
<i>Method of information collection</i>	Judicial statistics data
<i>Regularity of information collection</i>	Once every half a year
<i>Note</i>	In identifying negative dynamics (increase of percentage over time) or in developing training programs for judges in the field of judicial opinion writing, it is possible to use additional internal evaluation of court decisions by an expert group which consists of judges

5.1.1 Integral evaluation of court accessibility by court users

5.1.2 Perception of accessibility of court facilities for court users with disabilities

5.2.1 Integral evaluation of the level of comfort in court by court users on a 5-point scale

5.3.1 Integral evaluation of timeliness of providing court services by court users on a 5-point scale

5.4.1 Integral evaluation of completeness and clarity of information by court users

5.5.1 Perception of clarity and motivation of court decision by court users who have already received decisions on their cases

5.6.1 Integral evaluation of work and conduct of judge by court users

5.7.1 Integral evaluation of work and conduct of court staff by court users

<i>Definition</i>	Indicators 5.1.1-5.7.1 are integral (average) evaluations of the level of satisfaction of court users, respondents of a survey, based on citizen report cards (CRC) methodology.
<i>Measuring unit</i>	Score on a 5-point scale.
<i>Purpose of indicator</i>	Complete evaluation by citizens, who have used the judicial mechanism of protecting/restituting violated rights, of the accessibility of court, case disposition timeliness, professionalism of court employees, quality of court decision and other important from the perspective of citizens aspects of court performance allows establishing feedback between the court and citizens who apply to the court. The obtained information may facilitate improving the organization of court operations and increasing the authority of court in society.

<i>Method of information collection</i>	Survey. Questionnaire – Annex 7.
<i>Regularity of information collection</i>	Once every 1-3 years.

5.8.1 Conducting a survey of citizens – participants of court proceedings

<i>Definition</i>	Simple qualitative indicator. Indicator is a fact of conducting a survey of citizens – participants of court proceedings which is evidenced by its basic description: methodology of survey, implementor, number of surveyed citizens, and other.
<i>Purpose of indicator</i>	Conducting surveys of citizens – participants of court proceedings is one of major basic recommendations of the European Commission for the Efficiency of Justice (CEPEJ) for the Council of Europe’s member states. It affirms court accountability and its openness for cooperation with civil society.
<i>Regularity of information collection</i>	Once every 1-3 years.

5.8.2 Level of satisfaction of participants of court proceedings with court operations based on results of surveys conducted under the unified methodology

<i>Definition</i>	Average evaluation of perception of court performance in general by participants of court proceedings on a qualitative 5-point scale
<i>Measuring unit</i>	Score on a 5-point scale.
<i>Purpose of indicator</i>	This evaluation allows establishing feedback between court and citizens who apply to the court. The obtained information may facilitate improving the organization of court operations and increasing the authority of court in society
<i>Method of information collection</i>	Survey. Questionnaire – Annex 7
<i>Regularity of information collection</i>	Once every 1-3 years.

5.8.3. Percentage of citizens – participants of court proceedings who evaluate court performance as “good” and “excellent”

<i>Definition</i>	Percentage of surveyed under the unified methodology citizens – participants of court proceedings who, answering the question “How do you evaluate the performance of this court on a 5-point scale?” have answered “4” and “5”
<i>Measuring unit</i>	Percent
<i>Purpose of indicator</i>	This evaluation allows establishing feedback between court and citizens who apply to the court. The obtained information may facilitate improving the organization of court operations and increasing the authority of court in society
<i>Method of information collection</i>	Survey. Questionnaire – Annex 7
<i>Regularity of information collection</i>	Once every 1-3 years.

6.1.1 Availability of a webpage of court

<i>Definition</i>	Simple qualitative indicator (the fact of availability).
<i>Purpose of indicator</i>	It shows a certain level of information access in a court as an institution.

6.1.2 Availability of the needed minimum information for court users on a webpage of court

<i>Definition</i>	Simple qualitative indicator. It is necessary to develop a list of minimum requirements to a court webpage based on information needs of court users (address, contact information, samples of documents, business hours, reception hours, court fee, availability of legal aid, etc.)
<i>Purpose of indicator</i>	The indicator show the availability of a possibility for citizens to obtain the needed minimum information in a convenient way.

6.1.3 Availability of additional information about court operations, including judicial statistics

<i>Definition</i>	Simple qualitative indicator
<i>Purpose of indicator</i>	The indicator demonstrates the transparency of court, since it characterizes not only the possibility of citizens to obtain minimum information necessary for a court user, but also citizen access to information about court operations. Efficient use of mechanisms of informing citizens about court operations can significantly increase public trust in it.

6.1.3 Availability of information about results of survey of citizens – participants of court proceedings on the webpage of court

<i>Definition</i>	Simple qualitative indicator (the fact of publishing)
<i>Purpose of indicator</i>	The indicator demonstrates the transparency and accountability of court. It characterizes not only the possibility of citizens to obtain minimum information necessary for a court user, but also citizen access to information about court operations. Efficient use of mechanisms of informing citizens about court operations can significantly increase public trust in it.

5. Implementation of developed CPE framework

Notwithstanding the complexity of the developed draft court performance evaluation framework, in April 2013, all trial general courts of Ivano-Frankivsk Oblast with the support of the Ivano-Frankivsk Oblast Court of Appeals, Council of Judges of General Courts, Territorial Department of the State Judicial Administration of Ukraine and civil society organization “Law and Order” conducted court performance evaluation in three areas: *efficiency of court administration, case disposition timeliness, and level of satisfaction of court users (litigants) with court operations*. Besides, the Territorial Department of the State Judicial Administration of Ukraine in Odesa Oblast initiated court performance evaluation of trial general court of Odesa Oblast. These examples demonstrate that implementation of the developed draft evaluation framework is possible in a practical sense.

The Strategic Plan for the Ukrainian Judiciary for 2013-2015 approved by the Council of Judges of Ukraine in December 2012 provides for developing a national framework of court performance standards for proper court performance evaluation and planning (Issue 6.1. of the Strategic Plan). Based on this and taking into account the obtained results of piloting draft court performance evaluation framework, further use of the developed draft CPE framework in Ivano-Frankivsk and Odesa Oblasts, decision of the Council of Judges of General Courts of June 5, 2013, the Working Group and FAIR experts propose the Council of Judges of Ukraine and State Judicial Administration of Ukraine to agree upon the standard set of court performance criteria and indicators of measuring the conformity of court to these criteria. The criteria may be both unidimensional (i.e., have one indicator), and multidimensional (i.e., have several indicators).

Taking into consideration the complexity of the draft CPE framework which was piloted in Ukrainian courts, the Working Group and FAIR experts propose to develop a two-stage evaluation framework:

Basic court performance evaluation. This tool must be based on agreed upon criteria of quality and indicators of compliance of court performance with these criteria. At the same time, basic evaluation must be simple in terms of information collection and processing, since the bulk of indicators must be based on judicial statistics data which are available in each court. The difference between such evaluation and current judicial statistics must lie in agreed upon and established standards and the required minimum of statistical data analysis which is already in place in some courts upon the initiative of the leadership of these courts. In prospect, such basic evaluation must be recommended for implementation in all courts of Ukraine pursuant to decision of the Council of Judges of Ukraine and State Judicial Administration of Ukraine. Basic evaluation may be implemented as one of the modules of automated case management system in courts.

Complete court performance evaluation. This set of methodologies may be recommended as an additional tool of modern court administration and be implemented by courts as needed and within available resources. Complete evaluation may be implemented both as a whole and in separate modules, depending on the need. While *basic evaluation* shows certain negative trends in terms of court performance efficiency as to case disposition, court leadership may apply tools of complete internal evaluation of court administration through extended survey of judges and court staff to identify existing problems and solutions thereto. As in case of identifying negative trends related to case disposition timeliness (e.g., increase of percentage of cases with violations of timelines for consideration), court leadership may use “Case Disposition Timeliness” evaluation module through expert analysis of case disposition.

In 2014, the Council of Judges of General Courts approved basic indicators of performance of trial courts and general courts of appeals. The list of basic indicators included, among other, the following indicators:

- backlog of cases and case files pending for over 1 year, for a trial court;
- backlog of cases and case files pending for over 4 months, for a court of appeals;
- average number of cases and case files pending in court per one judge which is calculated as a sum of backlog of cases from the previous period and new incoming cases for the current period, divided by the general number of judges on the payroll;
- number of court staff per one judge;
- percentage of considered cases calculated as a number of considered cases for the reporting period divided by the number of new incoming cases for this period not taking into account backlog from the previous period;
- average number of considered cases per one judge;
- results of survey of citizens – court users on the issues which are related to court performance.

Ukraine Judiciary Development Strategy for 2015-2020, approved by the Council of Judges of Ukraine on December 11, 2014, provides for developing “a court performance evaluation framework for the judiciary and mechanisms of its application through a clear and transparent policy of ensuring the quality of judicial proceedings and efficiency standards” (Activity 2.1).

Taking into account the experience of developing and piloting in Ukrainian courts of the draft “Court Performance Evaluation Framework: Standards, Criteria, Indicators and Methods”, CEPEJ recommendations and guidelines and relevant provisions of the Strategic Plan for the Ukrainian Judiciary for 2013-2015 and Ukraine Judiciary Development Strategy for 2015-2020, the Council of Judges decided to take the draft “Court Performance Evaluation Framework: Standards, Criteria, Indicators and Methods” as a basis and exclude from it a module related to evaluating the quality of court decisions and organize a public discussion of the draft (decision of the Council of Judges of Ukraine dated February 5, 2015). Besides, the Council of Judges of Ukraine submitted the draft “Court Performance Evaluation Framework: Standards, Criteria, Indicators and Methods” to all councils of judges and meetings of judges of courts of all levels and specializations to discuss and introduce their proposals within one month and proposed the State Judicial Administration of Ukraine to submit calculations of expenditures of budget funds on introducing court performance evaluation framework in courts of different levels and specializations. The Council of Judges of Ukraine with the support of the USAID FAIR Justice Project organized and conducted a working meeting to discuss the obtained in the result of public discussion proposals to the draft “Court Performance Evaluation Framework: Standards, Criteria, Indicators and Methods” taken as a basis and made relevant changes to the draft which included a new version of the title “Court Performance Evaluation Framework: Standards, Criteria, Indicators and Methods”¹⁴ (CPEF). Besides, participants of the working meeting – members of the Council of Judges of Ukraine, Justices of the Supreme Court of Ukraine, judges of higher courts, representatives of the State Judicial Administration of Ukraine, High Qualifications Commission of Judges of Ukraine, National School of Judges of Ukraine and judges and court staff of trial courts and courts of appeals of all jurisdictions – reached a common understanding and agreed on using CPEF in Ukraine as a framework system, i.e. such which may be in the future supplemented or partially changed based on the needs of courts and the judiciary in Ukraine.

¹⁴ *Translator’s note:* the wording has changed in Ukrainian, but in English it sounds the same.

Taking into account the abovementioned, the Council of Judges of Ukraine approved the CPE framework in Ukraine under the final title “Court Performance Evaluation Framework: Standards, Criteria, Indicators and Methods” (CPEF) and recommended courts of Ukraine to use the CPEF to evaluate court performance both completely and by using some modules of the CPEF depending on the managerial goal and objectives aimed at improving court operations.

The Council of Judges of Ukraine also approved a list of basic court performance indicators to be used by all courts of Ukraine in order to analyze their operations biannually and annually and publish these indicators on websites of relevant courts:

- number and percentage of cases and case files pending for over one year;
- case disposition percentage which is calculated according to the formula recommended by the European Commission for the Efficiency of Justice (CEPEJ): number of considered cases and case files for the reporting period divided by the number of new incoming cases for the reporting period and multiplied by 100 percent;
- average number of considered cases per one judge;
- average number of cases and case files pending during the reporting period per one judge;
- average case disposition time (days);
- conducting surveys of citizens – participants of court proceedings about their satisfaction with court operations;
- publishing results of surveys of citizens – participants of court proceedings on court webpage;
- level of satisfaction of citizens – participants of court proceedings with court operations according to results of survey conducted under a unified methodology.

Application of the mentioned indicators is of rather big practical importance. For instance, calculation of average number of cases and case files pending in court based on an actual number of judges rather than number of judges on the payroll gives an opportunity to evaluate court performance in terms of actual caseload of judges rather than possible caseload based on payroll. Similarly, average number of considered cases per one judge gives a clear understanding of the efficiency of court operations in resolving cases. The introduction of an indicator “case disposition percentage” based on calculations used by the European Commission for the Efficiency of Justice (CEPEJ) allows quite easily evaluating court performance in resolving cases not only by comparing data within one court over time, but also by comparing data with European statistics. According to CEPEJ data, indicator of case disposition percentage of 84% and lower is an alert signal, 85-95% – alarming, 96-102% – neutral, 103% – leading practice.

Application of basic court performance indicators may be useful while developing the working of court performance standards. Proceeding from the definition of standards (page 4), results of pilot testing of CPE framework in Ukraine and international experience, the examples of wording of standards may be as follows:

- *Even caseload on judges, calculated using case complexity coefficients.*
- *Case disposition percentage not less than 95%.*
- *Conducting surveys of citizens – participants of court proceedings about their satisfaction with court operations regularly and not less than once every two years.*

6. Complete court performance evaluation: additional criteria and indicators

Complete court performance evaluation is a recommended tool of modern court administration based on four evaluation modules which were developed and piloted in pilot courts in 2012-2013, including all trial general courts of general jurisdiction within the whole Oblast: “Court Administration”, “Case Disposition Timeliness”, “Court Decision”, and “Level of Satisfaction of Litigants with Court Performance”. The final version of the CPE framework does not include “Court Decision” module (see decision No 5 of the Council of Judges of Ukraine dated February 5, 2015), however, CPE framework developers have kept the description of this module in the final version of the framework for the reason of its possible use while developing ongoing training programs for judges.

Complete evaluation is designed to identify problem issues and possible solutions thereto, while basic evaluation allows examining the status of court performance.

I. “Court Administration” Module

Evaluation object is general situation in court, mainly in terms of managerial and organizational relations, is evaluated taking into consideration their formal and informal components.

Specifics of sample: it is expedient to conduct concurrent surveys of judges and court staff.

Criteria, by their content, are determined based on legislation – procedural, legislation on the judiciary and status of judges, labor, etc., codes of ethics, “rules of conduct” and best practices which take into consideration national and international experience:

- Fairness and reasonability of distribution of powers (workload) and responsibilities;
- Availability of adequate working conditions for judges and court staff (within available resources);
- The extent of realization of judicial self-governance potential;
- Ensuring conditions for support of independence and impartiality (no external influence, etc.);
- Efficiency of using available resources;
- Professionalism, business and managerial qualities of judges who hold administrative positions;
- Professionalism, business and managerial qualities of chief of staff;
- Maintenance of and control over the compliance with standards of proper conduct (ethical standards) of judges and court staff;
- Relations in a team, social and psychological environment;
- The extent of information support of employees (creating conditions for access to information which is necessary to discharge certain duties);
- Nature (availability) of a court communication strategy; and
- HR policy of court (recruitment, promotion, orientation and ongoing training).

Indicators:

- Level of satisfaction with working conditions (working place, automation, communications, furniture, information support, amenities, heating and safety);

- Evaluation of business, professional and personal qualities, working style of chief judge, and completeness and efficiency of exercise of powers provided for by law;
- Evaluation of business, professional and personal qualities, working style of chief of staff, and completeness and efficiency of exercise of powers provided for by law;
- Evaluation of the efficiency of use of court resources;
- Evaluation of the role of meeting of judges in court management;
- Workload indicators (distribution, availability of untypical duties or types of work, etc.);
- Evaluation of the quality of operations of automated case management system; and
- Evaluation of social and psychological environment in a team.

The major **tool** is surveys of court staff and judges. It is necessary to establish maximum possible conditions to ensure the anonymity of surveys. Questionnaires, besides questions envisaged by this methodology, may include a variation (situation) part which includes questions topical for a specific court.

To compare various parameters results of surveys of court users (CRC) will be used.

II. “Case Disposition Timeliness” Module

Evaluation object is the compliance of actual timelines of procedural actions of court with the principle of reasonability and optimality of court timelines and normative timelines provided for by law. Besides, separate non-procedural actions of court staff, provided for by instructions, which impact general perception of court performance must be evaluated.

Criteria:

- Compliance with procedural timelines (established by procedural legislation and bylaws on case management); and
- Compliance with and reasonability of timelines established by court.

By their content, these criteria are procedural standards of timeliness.

Indicators:

- general case disposition time;
- time of preparation of a case for adjudication (preliminary proceedings);
- duration of an active phase of proceedings (from the day of rendering decision to the first court session);
- total number of court sessions;
- number of sessions that did not take place;
- compliance with the established by the court time of commencement of court session;
- the largest time interval between court sessions;
- time between the day of receiving a claim (suit) and the day of registration (setting up a card);
- time of waiting for copies of court decisions (in case of sending by mail – the deadline is the date of sending);
- clearance rate;
- backlog of cases;

- disposition rate in terms of human resources;
- disposition rate in terms of time;
- specific weight of cases with violations of timelines for consideration; and
- number of cases pending for more than one year.

Way of data collection is analysis of case disposition time within automated case management system. If such analysis within automated case management system is impossible for some reason, it is possible to use expert analysis of case files of a sample of cases.

Sample of cases to evaluate case disposition timeliness is formed depending on the type of case and proceedings, existing priorities and needs.

Taking into consideration time and resource limitations, it is recommended to have a sample from 100 to 250 cases depending on court type and size.

In forming a sample it is expedient to follow such stages:

- 1) Identify basic period of evaluation and size of sample (depending on tasks and available resources);
- 2) Identify the number of cases completed in the given period (in particular, in terms of proceedings – criminal, administrative, etc.). Apparently, the fact whether the decision has been challenged cannot be overlooked;
- 3) Identify such categories of cases which it is not expedient to evaluate or which are not common; e.g., during the pilot stage a conclusion was made regarding the inexpediency to evaluate divorce cases, cases of separate proceedings, etc. (such cases must be excluded from a general sample);
- 4) Cases which remain in a list should be stratified against some subject or another feature; identify 3-4 most important case types; it is difficult to do this in general jurisdiction courts, therefore it will be expedient to limit oneself to dividing cases by the criterion of the type of proceedings – administrative, criminal, civil, cases on administrative offences – or increase the size of sample;
- 5) In each array of cases (cases of a certain type) a random sample is formed; random selection is made in any way which guarantees randomness (e.g., by systematic selection of the Nth case from a general list, selection with the help of a table of random numbers, etc.).

The obtained array of cases is **actual sample for evaluation**. Annex 8 contains an example of forming a sample of cases in one of trial general courts during pilot testing of CPE framework in 2012.

Results of evaluating case disposition timeliness may be compared with relevant results of surveys of litigants based on CRC methodology.

III. “Court Decision” Module

This module is not a part of CPE framework in its final version. CPE framework developed gave description of this module with the aim of its possible application in developing ongoing training programs for judges.

Evaluation object are only **decisions on the merits**. Court rulings and orders pertaining to procedural issues are partially the subject of evaluation under the measurement “Case Disposition Timeliness”. The quality of court decisions in general rather than individual legal views is evaluated. All evaluations and findings *do not pertain to the performance of an individual judge*, they are generalized in terms of court performance in general. As a part of data collection process and evaluation any form of personal data related to individual judges will be removed.

Criteria:

- reasonability;
- application of law;
- understandability;
- adherence to formal requirements;
- standard of speech and writing style.

Indicators:

- specific weight of challenged decisions;
- specific weight of changed decisions;
- specific weight of cancelled decisions;
- evaluation of legally significant factual background (its completeness, sufficiency, validity, etc.);
- completeness of examination of evidence on a case (presented by the litigants);
- stating the motives of adduction or non-adduction of evidence of the litigants;
- completeness of law application;
- understanding of legislation (knowledge and correctness of interpretation);
- use of legal views of the ECHR and high courts (adherence to the uniformity of case law);
- possibility for a person without legal education who was not a litigant to understand a court decision (views and conclusions)
- possibility for an unsuccessful party to understand a court decision (views and conclusions)
- simplicity and intelligibility of style (lack of grammatical and other mistakes, use of generally accepted terminology etc.);
- accuracy of formulation of an operative part of decision (possibility of its implementation).

A major **tool** is expert evaluation of court decisions based on the method of analyzing court decision papers with the help of a *Form for Case Analysis*. To calculate additional statistical indicators analysis of statistical data is used (e.g., number or specific weight of changed decisions). Organization of evaluation was approved during the pilot stage and, generally, is considered as applicable for further use.

Sampling of cases for Module “Court Decision” is made following the same algorithm as the one described for Module “Timeliness in Considering Cases”.

Results of evaluating court performance in judicial opinion writing may be compared with relevant results of surveys of litigants based on CRC methodology.

IV. “Satisfaction of Litigants with Court Performance” Module

Evaluation object is perception of court performance and quality of services delivered by the courts from the viewpoint of litigants is evaluated as a part of public trust to court.

Specifics of sampling

Experience of the previous stages allows making a conclusion that the highest level of representation can be achieved by using a sample of 200 respondents, and 100 for small courts. A minimum acceptable sample is 30 respondents for small courts and 70 respondents for medium and large courts. The following table shows the calculated minimum sample depending on the number of court users on one working day:

Average number of court users for 1 day	General number of court users for 10 working days	Scope of sample	Average number of court users, to be surveyed for 1 day	Procedure of surveying court users
2	20	30	2	It is necessary to survey all court users during 15 visiting days
3	30	30	3	It is necessary to survey all court users during 10 visiting days
4	40	40	4	The same as in the previous case
5	50	50	5	The same as in the previous case
6	60	60	6	The same as in the previous case
7	70	70	7	The same as in the previous case
8–12	80–120	70	7	First 7 court users every day during 10 visiting days
13–17	130–170	70	7	Every second court user during 10 visiting days
18–22	180–220	70	7	Every third court user during 10 visiting days
23 and more	230 and more	70	7	Any 7 court users to be evenly distributed during the day <i>For example, 1st, 4th, 7th, 10th, 13th, 16th, 19th court user</i>

Standards considered in the previous modules are used to determine the **criteria** necessary for evaluating the level of court user satisfaction in terms of the quality of court decision, case disposition timeliness, and requirements to judges and court staff. At the same time, there are some additional standards included in this module, in particular, minimum standards of court accessibility and standards of information support of participants of court proceedings.

Criteria:

- court accessibility;
- level of comfort in court;
- case disposition timeliness;
- full and accessible information;
- quality of court decision;
- compliance of judges with professional standards;
- compliance of staff with professional standards.

Indicators for all respondents:

- territorial accessibility of court;
- availability of guidelines regarding location of a court and its facilities;
- accessibility of court facilities for people with disabilities;
- possibility to reach the court by phone;
- possibility of obtaining information via Internet;
- availability of waiting facilities (or places) and facilities (places) for preparation for a session;
- level of comfort in courtrooms;
- possibility of examining case files;

- full and clear information about schedules of case consideration, procedure and conditions of court fee payment, document templates, etc.;
- compliance of judges with the following professional and ethical standards: impartiality, propriety, benevolence, courtesy, adherence to the procedure of consideration, providing possibility to a litigant to formulate his/her standpoint, proper preparation for case hearing (knowledge of a case);
- compliance of staff with the following professional and ethical standards: impartiality, propriety, benevolence, courtesy, helpfulness, adherence to the procedure of consideration, diligence and discipline, professionalism and knowledge;
- timeliness in receiving summons, notifications;
- timeliness of the beginning of court session;
- consideration of wishes (special circumstances) in appointing the date and time of sessions;
- groundless (in particular, in the interests of one of the parties) termination of proceedings, postponement of sessions, etc.;
- compliance of expectations regarding the use of court services with actual experience.

Indicators for those respondents whose proceedings are completed:

- number of court sessions that were appointed but did not take place (not upon your initiative);
- number of visits to a court that did not pertain to court session or examination of case files (for submitting the documents, etc.);
- duration of proceedings (time from filing a claim (complaint) to adjudication of a case);
- timeliness and unimpededness of receiving a decision (including the time from the date of announcing decision to receiving decision or announcing opening and operative parts of decision);
- understandability of decision;
- completeness of examination of evidence and legal views (claims) of a respondent;
- availability of an intention to appeal against the decision.

A major recommended way of data collection is survey of participants of court proceeding based on CRC methodology. Variable (situational) part which includes questions topical for a certain court can be included in the questionnaires besides questions provided for by this methodology.

If court user survey under the CRC methodology is impossible or inexpedient for these or those reasons (e.g., lack of necessary human resources), it is acceptable to use questionnaires. However, in this case it is expedient to conduct expert consultation for specialists on the issues of developing questionnaires, data processing and ensuring data collection quality control. An example of a questionnaire of citizens which court may use beyond the CRC methodology is a questionnaire of citizens approved by decision of the Council of Judges of General Courts No 108 dated December 25, 2013. It can be found following the link: <http://rszs.court.gov.ua/userfiles/anketa.pdf>

7. Data Collection Tools

The developed court performance evaluation framework involves using the following tools:

- 1) Generalization of basic information about court (Annex 1). When used as a whole, this is a *basic evaluation* tool.
- 2) Questionnaire for internal survey of judges (Annex 2). As a whole, this questionnaire was developed for *complete evaluation*. For *basic evaluation* points I, II, III, IV, V and XIII are used.
- 3) Questionnaire for internal survey of court staff (Annex 3). As a whole, this questionnaire was developed for *complete evaluation*. For *basic evaluation* points I, II, III and IV are used.
- 4) Form of court case analysis in terms of case disposition timeliness (Annex 4). When used as a whole, this is a *complete evaluation* tool.
- 5) Form of court case analysis in terms of the quality of court decision (Annex 5). When used as a whole, this is a *complete evaluation* tool.
- 6) Questionnaire for court users regarding court performance (Annex 6). As a whole, this questionnaire (citizen report card), was developed for *complete evaluation*. Taking into consideration the developments in using CRC methodology in Ukrainian courts, this tool is becoming a part of complete evaluation.

Annex 1.

Table of generalized basic information about court

1	Number of judges in payroll	
2	Actual number of judges	
3	Number of court staff in payroll	
4	Actual number of court staff	
5	Total floor area of court	
6	Number of judicial chambers	
7	Number of courtrooms	
8	Required funding of court according to budget request for the reporting period (year)	
9	Budget funding of court for the reporting period (year)	
10	Actual funding of court for the reporting period (year)	
11	Total number of state-owned computers in court	
12	Number of state-owned operational computers which judges use	
13	Number of state-owned operational computers which court staff use	
14	Number of state-owned operational computers connected into local network	
15	Number of state-owned operational computers with Internet access	
16	Number of operational equipment to make audio records of trial	
17	Number of operational printers in court	
18	Number of cases considered during the previous reporting period (year)	
19	Backlog of cases as of the first day of the current reporting period	
20	Backlog of cases pending for over one year as of the first day of the current reporting period	
21	Number of cases which were pending in court as of the first day of the current reporting period but were not registered	
22	Incoming cases from the first day of the current reporting period to the last day of the current reporting period	
23	Completed cases from the first day of the current reporting period to the last day of the current reporting period	
24	Backlog of cases as of the last day of the current reporting period	
25	Backlog of cases pending for over 1 year as of the last day of the current reporting period	
26	Number of cases pending in court as of the last day of the current reporting period but not registered	
27	Total number of applications (complaints, etc.) of citizens and legal entities to the court for the previous reporting period	
28	Number of applications (complaints, etc.) of citizens and legal entities regarding improper organization of court operations for the previous reporting period	
29	Total number of applications (complaints, etc.) of citizens and legal entities to the court for the current reporting period	
30	Number of applications (complaints, etc.) of citizens and legal entities regarding improper organization of court operations for the current reporting period	

Annex 2.

Questionnaire for internal survey of judges

Dear Colleague!

We propose you to fill out the questionnaire with questions related to separate aspects of operations of your court. The survey is being **conducted to obtain information which will be used to make managerial decisions and develop action plans aimed at improving court performance, namely: ensuring adequate working conditions, increasing the efficiency of the use of available resources, improving material and technical support to court operations, increasing the efficiency of court management and efficiency of HR policy and work.** This survey will help to eliminate problems and flaws both in the organization of court operations and in relations with court users (litigants).

The survey is anonymous, i.e. its results will be used only in a generalized form. Evaluations and views expressed by you will not be personalized or revealed in any other way as your personal opinion. Quality and completeness of information based on which a general picture of court performance will be obtained depend on your sincerity and responsible attitude to the survey.

In filling out the questionnaire you must circle only one number of answer you have chosen and in some questions – act according to explanations to such questions.

Thank you for your consent to participate in the survey!

Respondent's gender

Male	1
Female	2

I. To which extent are you satisfied with the following working conditions in your court?

Please, answer using a 5-point scale, where 5 means completely satisfied, 1 – completely dissatisfied and 0 – difficult to answer.

I.1	Your working place (availability of an individual working place, condition of furniture, lighting, etc.)	1	2	3	4	5	0
I.2	Level of comfort of court facilities for court users (litigants)	1	2	3	4	5	0
I.3	Court automation (sufficiency of computers and their quality)	1	2	3	4	5	0
I.4	Provision with literature and specialized press	1	2	3	4	5	0
I.5	Telephone connection	1	2	3	4	5	0
I.6	Internet access	1	2	3	4	5	0
I.7	Access and possibilities of using local area network in court	1	2	3	4	5	0
I.8	Condition of court facilities (cleanness, regularity and quality of cleaning, etc.)	1	2	3	4	5	0
I.9	Possibilities for ongoing training	1	2	3	4	5	0
I.10	Fairness and reasonability of caseload (cases under consideration)	1	2	3	4	5	0
I.11	Management style typical of chief judge	1	2	3	4	5	0
I.12	Relations in a team (social and psychological environment in a team)	1	2	3	4	5	0
I.13	Level of comfort of courtrooms	1	2	3	4	5	0
I.14	Sufficient number of courtrooms	1	2	3	4	5	0

I.15	Sufficiency of qualifications of court staff with whom you directly work (assistant and secretary)	1	2	3	4	5	0
I.16	Management style typical of chief of staff	1	2	3	4	5	0
I.17	Business hours of court (when the working day starts, time for lunch, vacation, etc.)	1	2	3	4	5	0
I.18	Possibilities for spending free time and communication between team members after working hours	1	2	3	4	5	0
I.19	Provision with stationary, cartridges, etc.	1	2	3	4	5	0
I.20	Quality of operations of automated case management system	1	2	3	4	5	0
I.21	Security of facilities	1	2	3	4	5	0

II. Have you ever had a feeling that even under current conditions of financing and material and technical support, conditions in the court could be better (i.e., available resources are used not efficiently enough)? (Choose only one answer)

I am definite	1
I have had this feeling very often	2
Sometimes I have had	3
I have never had	4
Difficult to answer	4

III. Please indicate to which extent you agree with the following statements, using a 5-point scale, where 1 – definitely no, 2 – more no than yes, 3 – more or less (both no and yes), 4 – more yes than no, 5 – definitely yes, 0 – difficult to answer.

Your chief judge....

III.1	is a real leader of the court team	1	2	3	4	5	0
III.2	promotes and introduces everything new and advanced	1	2	3	4	5	0
III.3	takes care of a team	1	2	3	4	5	0
III.4	has high level of professional training	1	2	3	4	5	0
III.5	is a good organizer	1	2	3	4	5	0
III.6	is authoritative among and respected by court staff	1	2	3	4	5	0
III.7	ensures enforcement of decisions of meeting of judges of your court	1	2	3	4	5	0
III.8	distributes assignments and workload in a fair way	1	2	3	4	5	0
III.9	controls quality of performance of employees and timeliness of tasks fulfillment	1	2	3	4	5	0
III.10	is authoritative among and respected by judges	1	2	3	4	5	0
III.11	is able to establish communication with the media and the public	1	2	3	4	5	0
III.12	makes impartial staffing decisions – selection and promotion of staff based on their qualifications and business qualities	1	2	3	4	5	0
III.13	maintains mutual understanding with the Chief of Staff	1	2	3	4	5	0
III.14	is proactive in the issues of upgrading qualification of employees	1	2	3	4	5	0
III.15	is courteous and polite in business relations	1	2	3	4	5	0
III.16	does not take presents, which is not compatible with the position and creates conflict of interests or may be deemed as such	1	2	3	4	5	0
III.17	does not interfere in consideration of cases by judges, respects their independence, never tries 'pressing on' or in any other way influencing them	1	2	3	4	5	0
III.18	can create positive social and psychological environment in the team, prevent conflicts and confrontations	1	2	3	4	5	0

IV. Please indicate to which extent you agree with the following statements, using a 5-point scale, where 1 – definitely no, 2 – more no than yes, 3 – more or less (both no and yes), 4 – more yes than no, 5 – definitely yes, 0 – difficult to answer.

Your chief of staff...

IV.1	is a real leader of the court team	1	2	3	4	5	0
IV.2	promotes and introduces everything new and advanced	1	2	3	4	5	0
IV.3	takes care of a team	1	2	3	4	5	0
IV.4	can create positive social and psychological environment in the team, prevent conflicts and confrontations	1	2	3	4	5	0
IV.5	has high level of professional training	1	2	3	4	5	0
IV.6	is a good organizer	1	2	3	4	5	0
IV.7	is authoritative among and respected by court staff	1	2	3	4	5	0
IV.8	takes into consideration opinions and wishes of court staff in making decisions	1	2	3	4	5	0
IV.9	distributes assignments and workload in a fair way	1	2	3	4	5	0
IV.10	controls quality of performance of employees and timeliness of tasks fulfillment	1	2	3	4	5	0
IV.11	never tries to “press” or in any other way to influence court staff in order for them to act in a way which is unethical, illegal or inappropriate to the office or circumstances	1	2	3	4	5	0
IV.12	is able to establish cooperation with the media and the public	1	2	3	4	5	0
IV.13	makes unbiased HR decisions – merit-based recruitment and promotion of staff	1	2	3	4	5	0
IV.14	maintains mutual understanding with chief judge	1	2	3	4	5	0
IV.15	is active in the issues of ongoing training of staff	1	2	3	4	5	0
IV.16	is tolerant and polite in official relations	1	2	3	4	5	0
IV.17	does not take presents, which is not compatible with the position and creates conflict of interests or may be deemed as such	1	2	3	4	5	0

V. Please indicate to which extent you agree with the following statements, using a 5-point scale, where 1 – definitely no, 2 – more no than yes, 3 – more or less (both no and yes), 4 – more yes than no, 5 – definitely yes, 0 – difficult to answer.

Meeting of judges of your court...

V.1	is an authoritative and independent judicial self-governance body	1	2	3	4	5	0
V.2	has real impact on decisions made by the court leadership	1	2	3	4	5	0
V.3	in its decisions reflect real needs of court	1	2	3	4	5	0
V.4	discusses the issues of internal organization of court operations or performance of individual judges or court staff members	1	2	3	4	5	0
V.5	identifies specialization of judges in considering specific categories of cases of relevant jurisdiction upon the proposal of chief judge	1	2	3	4	5	0
V.6	hears the reports of judges who hold administrative positions in this court and chief of staff	1	2	3	4	5	0
V.7	discusses the issues of the practice of law application, develops relevant proposals as to improving such practice and legislation, submit their proposals for consideration of a specialized court and the Supreme Court of Ukraine	1	2	3	4	5	0
V.8	discusses issues which raise from inappropriate funding of court and proposes solutions to certain problems	1	2	3	4	5	0
V.9	discusses problems and make decisions on the issues of operations of the automated case management system of court	1	2	3	4	5	0
V.10	is convened not less than once every three months	! No=1, Yes=2					0

VI. According to the facts you know and your personal impressions, try to identify how positions of chief judge and chief of staff are correlated in work planning or evaluating current court performance (choose only one answer)

Difficult to answer	1
Almost always do not correlate	2
Mostly do not correlate	3
Mostly correlate	4
Almost always correlate	5

VII. Try to recollect the last week – work or assignments you performed. What part of your working time was spent on activities (actions) which are not directly related to the preparation for and consideration of cases?

This never happened	1
Up to 10 %	2
11-30 %	3
31-50 %	4
Over 50 %	5

VIII. Did you happen to work overtime or take work home during the last 12 months? (choose only one answer)

This happened continuously	1
Quite often	2
Sometimes	3
Never	4

VIII.1 If this happened, how do you explain this? (You may choose several answers)

Your qualifications and experience do not always allow performing work in time yet	1
Unequal workload distribution	2
General workload of the court is excessive, we do not cope	3
Lack of adequate working conditions (there are no computers or they are not operational, etc.)	4
Other reasons	5

IX. Which of the belowmentioned statements may characterize your personal caseload (number of pending cases)

(choose only one answer)

Caseload is not excessive (there are not so many cases and most of them are not too complicated)	1
There are not so many cases, but some of them are too complicated	2
There are many cases but within reasonable limits (their number does not impact quality and timeliness of case disposition)	3
Caseload is to certain extent excessive (by about 20-30% more than it should be)	4
Caseload is excessive	5

X. Do you find seminars, trainings and other forms of education which take place in you court useful for you?

Very useful	1
More useful than not	2
More useless than useful	3
Totally useless	4

XI. To which extent is the following typical for your court?

Please answer the following questions using a 5-point scale

(5 – untypical; 4 – more untypical than typical; 3 – more typical than not; 2 – partially typical; 1 – very typical; 0 – difficult to answer)

XI.1	Availability of 'favorites' of the leadership, unequal treatment of employees by the leadership	5	4	3	2	1	0
XI.2	Spreading rumors, expressing views about court decisions and commenting them	5	4	3	2	1	0
XI.3	Insufficient number of court staff	5	4	3	2	1	0
XI.4	Uneven distribution of assignments or types of work (unrelated directly to case consideration) among judges by court leadership	5	4	3	2	1	0
XI.5	Uneven distribution of caseload (cases) among judges due to drawbacks of automated case assignment	5	4	3	2	1	0
XI.6	Automated case management system complicates the work of court rather than simplifies it	5	4	3	2	1	0

XII. To which extent are the following features typical of relations in a team of your court?

Please answer the following questions using a 5-point scale

(5 – untypical; 4 – more untypical than typical; 3 – more typical than not; 2 – partially typical; 1 – very typical; 0 – difficult to answer)

XII.1	benevolence, courtesy, politeness	1	2	3	4	5
XII.2	feeling of belonging to one team	1	2	3	4	5
XII.3	mutual help, information exchange	1	2	3	4	5
XII.4	respectful treatment of court visitors	1	2	3	4	5
XII.5	discussion and condemnation of unethical or improper conduct of your colleagues	1	2	3	4	5
XII.6	mutual respect (respect to experience, knowledge and professional qualification)	1	2	3	4	5

XIII. What changes have taken place in your court for last 12 months?**XIII.1 Your personal caseload**

Has increased	1
Has not changed	2
Has reduced	3

	Have improved	Have not changed	Have become worse
XIII.2 Working conditions (quality of working place)	3	2	1
XIII.3 Conditions of court facilities	3	2	1
XIII.4 Relations in a team	3	2	1
XIII.5 Organization of work and court management	3	2	1

ADDITIONAL QUESTION (AT THE DISCRETION OF COURT)**XIV. What changes have taken place in your court for the tenure of your current chief judge?**

	Have improved	Have not changed	Have become worse
XIV.1 Working conditions (quality of working place)	3	2	1
XIV.2 Conditions of court facilities	3	2	1
XIV.3 Relations in a team	3	2	1
XIV.4 Organization of work and court management	3	2	1

Annex 3.

Questionnaire for Internal Survey of Court Staff

Dear Colleague!

We propose you to fill out the questionnaire with questions related to separate aspects of operations of your court. The survey is being conducted to **obtain information which will be used to make managerial decisions and develop action plans aimed at improving court performance, namely: ensuring adequate working conditions, increasing the efficiency of the use of available resources, improving material and technical support of court operations, increasing the efficiency of court management and efficiency of HR policy and work.** This survey will help to eliminate problems and flaws both in the organization of court operations and in relations with court users (litigants).

The survey is anonymous, i.e. its results will be used only in generalized form. Evaluations and views expressed by you will not be personalized or revealed in any other way as you personal opinion. Quality and completeness of information based on which general picture of court performance will be obtained depend on you sincerity and responsible attitude to the survey.

In filling out the questionnaire you must circle only one number of answer you have chosen and in some questions – act according to explanations to such questions.

Thank you for your consent to participate in the survey!

Respondent's gender

Male	1
Female	2

I. To which extent are you satisfied with the following working conditions in your court?

Please, answer using a 5-point scale, where 5 means completely satisfied, 1 – completely dissatisfied and 0 – difficult to answer.

I.1	Your working place (availability of an individual working place, condition of furniture, lighting, etc.)	1	2	3	4	5	0
I.2	Level of comfort of court facilities for court users (litigants)	1	2	3	4	5	0
I.3	Court automation (sufficiency of computers and their quality)	1	2	3	4	5	0
I.4	Provision with literature and specialized press	1	2	3	4	5	0
I.5	Telephone connection	1	2	3	4	5	0
I.6	Internet access	1	2	3	4	5	0
I.7	Access and possibilities of using local area network in court	1	2	3	4	5	0
I.8	Condition of court facilities (cleanness, regularity and quality of cleaning, etc.)	1	2	3	4	5	0
I.9	Possibilities for ongoing training	1	2	3	4	5	0
I.10	Prospects of professional growth	1	2	3	4	5	0
I.11	Management style typical of chief judge	1	2	3	4	5	0
I.12	Relations in a team (social and psychological environment in a team)	1	2	3	4	5	0
I.13	Level of comfort of courtrooms	1	2	3	4	5	0
I.14	Compliance with principles of fairness and reasonability in determining official duties and distribution of workload or assignments	1	2	3	4	5	0
I.15	Management style typical of chief of staff	1	2	3	4	5	0
I.16	Business hours of court (when the working day starts, time for lunch, vacation, etc.)	1	2	3	4	5	0
I.17	Possibilities for spending free time and communication between team members after working hours	1	2	3	4	5	0

I.18	Provision with stationary, cartridges, etc.	1	2	3	4	5	0
I.19	Quality of operations of automated case management system	1	2	3	4	5	0
I.20	Security of facilities	1	2	3	4	5	0

II. Have you ever had a feeling that even under current conditions of financing and material and technical support, conditions in the court could be better (i.e., available resources are used not efficiently enough)? (Choose only one answer)

I am definite	1
I had this feeling very often	2
Sometimes I had	3
I have never had	4
Difficult to answer	0

III. Please indicate to which extent you agree with the following statements, using a 5-point scale, where 1 – definitely no, 2 – more no than yes, 3 – more or less (both no and yes), 4 – more yes than no, 5 – definitely yes, 0 – difficult to answer.

Your chief judge

III.1	is a real leader of the court team	1	2	3	4	5	0
III.2	promotes and introduces everything new and advanced	1	2	3	4	5	0
III.3	takes care of a team	1	2	3	4	5	0
III.4	can create positive social and psychological environment in the team, prevent conflicts and confrontations	1	2	3	4	5	0
III.5	is a good organizer	1	2	3	4	5	0
III.6	is authoritative among and respected by court staff	1	2	3	4	5	0
III.7	ensures enforcement of decisions of Meeting of Judges of your court	1	2	3	4	5	0
III.8	distributes assignments and workload in a fair way	1	2	3	4	5	0
III.9	controls quality of performance of employees and timeliness of tasks fulfillment	1	2	3	4	5	0
III.10	is authoritative among and respected by judges	1	2	3	4	5	0
III.11	is able to establish communication with the media and the public	1	2	3	4	5	0
III.12	makes impartial staff decisions – selection and promotion of staff based on their qualification and business qualities	1	2	3	4	5	0
III.13	retains mutual understanding with chief of staff	1	2	3	4	5	0
III.14	is proactive in the issues of upgrading qualification of employees	1	2	3	4	5	0
III.15	is courteous and polite in business relations	1	2	3	4	5	0
III.16	does not take presents, which is not compatible with the position and creates conflict of interests or may be deemed as such	1	2	3	4	5	0

IV. Please indicate to which extent you agree with the following statements, using a 5-point scale, where 1 – definitely no, 2 – more no than yes, 3 – more or less (both no and yes), 4 – more yes than no, 5 – definitely yes, 0 – difficult to answer.

Your chief of staff...

IV.1	is a real leader of the court team	1	2	3	4	5	0
IV.2	promotes and introduces everything new and advanced	1	2	3	4	5	0
IV.3	takes care of a team	1	2	3	4	5	0
IV.4	can create positive social and psychological environment in the team, prevent conflicts and confrontations	1	2	3	4	5	0

IV.5	has high level of professional training	1	2	3	4	5	0
IV.6	is a good organizer	1	2	3	4	5	0
IV.7	is authoritative among and respected by court staff	1	2	3	4	5	0
IV.8	Takes into consideration opinions and wishes of court staff in making decisions	1	2	3	4	5	0
IV.9	distributes assignments and workload in a fair way	1	2	3	4	5	0
IV.10	controls quality of performance of employees and timeliness of tasks fulfillment	1	2	3	4	5	0
IV.11	Never tries to “press” or in any other way to influence court staff in order for them to act in a way which is unethical, illegal or inappropriate to the office or circumstances	1	2	3	4	5	0
IV.12	Is able to establish cooperation with the media and the public	1	2	3	4	5	0
IV.13	Makes unbiased HR decisions – merit-based recruitment and promotion of staff	1	2	3	4	5	0
IV.14	Maintains mutual understanding with chief judge	1	2	3	4	5	0
IV.15	Is active in the issues of ongoing training of staff	1	2	3	4	5	0
IV.16	Is tolerant and polite in official relations	1	2	3	4	5	0
IV.17	does not take presents, which is not compatible with the position and creates conflict of interests or may be deemed as such	1	2	3	4	5	0

V. Please indicate to which extent you agree with the following statements, using a 5-point scale, where 1 – definitely no, 2 – more no than yes, 3 – more or less (both no and yes), 4 – more yes than no, 5 – definitely yes, 0 – difficult to answer.

Meeting of judges of your court...

V.1	is an authoritative and independent judicial self-governance body	1	2	3	4	5	0
V.2	has real impact on decisions made by the court leadership	1	2	3	4	5	0
V.3	in its decisions reflect real needs of court	1	2	3	4	5	0

VI. According to the facts you know and your personal impressions, try to identify how positions of chief judge and chief of staff are correlated in work planning or evaluating current court performance (choose only one answer)

Difficult to answer	1
Almost always do not correlate	2
Mostly do not correlate	3
Mostly correlate	4
Almost always correlate	5

VII. Try to recollect the last week – work or assignments you performed.

VII.1 What part of your working time have you spent on discharge of duties (types of activities) which directly or indirectly are not envisaged by your official duties (are not typical of your position)?

This never happened	1
up to 10 %	2
11-30 %	3
31-50 %	4
51 % and more	5

VII.2 If it happened, whose work did you do? (You may choose several answers)

Of other court staff employee	1
Judge (judges)	2
Chief of Staff	3
Chief Judge (Deputy Chief Judge)	4
other	5

VIII. Did you happen to work overtime or take work home during the last 12 months?

This happened continuously	1
Quite often	2
Sometimes	3
Never	4

VIII.2 If this happened, how do you explain this? (You may choose several answers)

Your qualifications and experience do not always allow performing work in time yet	1
Unequal workload distribution	2
General workload of the court is excessive, we do not cope	3
Lack of adequate working conditions (there are no computers or they are not operational, etc.)	4
Other reasons	5

IX. Do you find seminars, trainings and other forms of education which take place in you court useful for you?

Very useful	1
More useful than not	2
More useless than useful	3
Totally useless	4

X. To which extent is the following typical of your court?

Please answer the following questions using a 5-point scale

(5 – untypical; 4 – more untypical than typical; 3 – more typical than not; 2 – partially typical; 1 – very typical; 0 – difficult to answer)

X.1	Availability of 'favorites' of the leadership, unequal treatment of employees by the leadership	5	4	3	2	1	0
X.2	Spreading rumors, expressing views about court decisions and commenting them	5	4	3	2	1	0
X.3	Insufficient number of court staff	5	4	3	2	1	0
X.4	Uneven distribution of assignments or types of work (unrelated directly to case consideration) by court leadership	5	4	3	2	1	0
X.5	Automated case management system complicates the work of court rather than simplifies it	5	4	3	2	1	0

XI. To which extent are the following features typical for relations in a team of your court?

Please answer the following questions using a 5-point scale

(5 – untypical; 4 – more untypical than typical; 3 – more typical than not; 2 – partially typical; 1 – very typical; 0 – difficult to answer)

XI.1	benevolence, courtesy, politeness	1	2	3	4	5	0
XI.2	feeling of belonging to one team	1	2	3	4	5	0
XI.3	mutual help, information exchange	1	2	3	4	5	0
XI.4	respectful treatment of court visitors	1	2	3	4	5	0
XI.5	discussion and condemnation of unethical or improper conduct of your colleagues	1	2	3	4	5	0
XI.6	mutual respect (respect to experience, knowledge and professional qualification)	1	2	3	4	5	0

XII. What changes have taken place in your court for last 12 months?

XII.1 Your personal workload:

Has increased	1
Has not changed	2
Has reduced	3

	Have improved	Have not changed	Have become worse
XII.2 Working conditions (quality of working place)	3	2	1
XII.3 Conditions of court facilities	3	2	1
XII.4 Relations in a team	3	2	1
XII.5 Organization of work and court management	3	2	1

ADDITIONAL QUESTION (AT THE DISCRETION OF COURT)

XIII. What changes have taken place in your court for the tenure of your current chief judge?

	Have improved	Have not changed	Have become worse
XIII.2 Working conditions (quality of working place)	3	2	1
XIII.3 Conditions of court facilities	3	2	1
XIII.4 Relations in a team	3	2	1
XIII.5 Organization of work and court management	3	2	1

Annex 4.

Form for Case Analysis

(evaluation based on record and statistical cards)

The aim of analysis of record and statistical data of court decision is to obtain generalized information about current situation in court as to the compliance of actual timelines of performing procedural actions by court with *reasonability and optimality of court timelines and normative timelines provided for by law.*

This generalized information will be used to make managerial decisions and develop action plans aimed at improving court operations and increasing the quality of court services. All evaluations and conclusions obtained in the result of analysis are not related to the performance of individual judges, they are generalized in terms of performance of a court in general or certain court departments in particular. In the process of data collection and evaluation any information about individual judge is deleted.

Code of court

--	--	--	--	--	--

No of document in a sample

--	--	--

Subsample (case category)

--	--

No	Stages of court proceedings	Quantity	Measuring unit
<i>Provide quantitative data as to the duration of certain stages of court proceedings</i>			
1.	Total duration of case disposition		Calendar days
2.	Duration of period from the day the claim (complaint, petition etc.) was filed to the day the proceeding was commenced		Calendar days
3.	Period between the day of intake of petition (claim) and day of its registration (setting up a card)		Calendar days
4.	Duration of preparation of a case for adjudication (from the day a judge received case files to the first court session)		Calendar days
5.	The longest period between court sessions		Calendar days
6.	Total number of court sessions		Court sessions
7.	Number of court sessions that were appointed but did not take place		Court sessions
8.	Duration of the period between the first court session and the day of judgment announcement last		Calendar days
9.	Period of producing the full text of court decision in a case when only opening and operative parts of decision were announced at the court session ¹⁵		Calendar days

¹⁵ Note: in case of sending by mail the deadline is the date of sending mail.

Has the schedule of hearings (time of the beginning of court session) established by the court been always followed?

The schedule is mainly not followed	1
It is often broken	2
It is broken in some cases	3
It is almost always followed	4

Give general evaluation of promptness and timeliness of case disposition using a 10-point scale where 10 means that case was considered promptly and within reasonable timelines, and 1 is unsatisfactory point, i.e. during consideration of a case substantial violations of procedural terms were made, 0 – difficult to provide general evaluation.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 0.

12. Below you may write your comments and evaluations as to the analysis of timeliness of considering a given case

THANK YOU!

Annex 5.

Form for Court Decision Analysis

This form is not a part of approved by the Council of Judges of Ukraine CPE framework. CPE framework developers kept this form for its possible application in developing ongoing training programs for judges.

The aim of expert analysis of court decision is to obtain generalized information about current situation in court as to the *reasonability, legality and quality of court decisions*.

All evaluations and conclusions obtained in the result of analysis *are not related to the performance of individual judges*, they are generalized in terms of court performance in general or certain court departments in particular. In the process of data collection and evaluation any information about individual judge is deleted.

Code of court

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

No of document in a sample

| | | |
|--|--|--|
| | | |
|--|--|--|

Subsample (case category)

| | |
|--|--|
| | |
|--|--|

Determine, to which extent are the following typical of court decision:

1. Fullness of application of legislation

| | |
|--|----------|
| There are no references to legislation or they are of a formal nature, or they are excessive (such which complicate comprehension) | 1 |
| There are substantial mistakes in selection of normative and legislative acts (irrelevant acts or those which are null and void, etc.) | 2 |
| Not all normative and legislative acts were used | 3 |
| Generally, full application of relevant norms of substantive law | 4 |

2. Understanding of legislation (knowledge and correct interpretation)

| | |
|---|----------|
| Substantial mistakes in understanding (interpretation) of legislation | 1 |
| Some minor mistakes in interpretation of normative and legislative acts | 2 |
| Generally, sufficient knowledge and correct interpretation of legislation | 3 |

3. Using legal views of higher courts (adherence to unified case law) and (if you consider it relevant or advisable) ECHR case law?

| | |
|---|----------|
| Completely new subject of consideration (there are no legal views of higher courts, or they are vague, contradictive) | 1 |
| Legal views of higher courts were ignored by a judge (although the decision does not contradict them) | 2 |
| Decision contradicts legal views of higher courts (or ECHR) | 3 |
| Generally, correct use of legal views of higher courts (if there are references to them) | 4 |

4. Correctness of evaluation of legally significant factual background (its completeness, strength, proof, etc.)

| | |
|--|---|
| Substantial mistakes in evaluation | 1 |
| Minor mistakes in evaluation of factual background | 2 |
| Factual background is evaluated correctly | 3 |

5. Completeness of examination of available (submitted by parties) evidence. In court of appeals – completeness of examination of arguments of appeal.

| | |
|--|---|
| Evidence is not examined or is formally examined | 1 |
| Evidence was examined partially (e.g. only evidence submitted by one of the parties) | 2 |
| Evidence was examined in full and comprehensively | 3 |

6. Presentation of motives to adduce or not adduce evidence of the parties

| | |
|--|---|
| There is no motivation or it is of a formal nature | 1 |
| Significant mistakes in motivation of adduction or non-adduction of evidence | 2 |
| Generally, motivation is correct but there are some minor mistakes | 3 |
| Complete and correct explanation of motivation | 4 |

7. Availability of spelling, grammar, syntactic and stylistic mistakes in the text of decision (which are obvious for a person without special philological education)

| | |
|--|---|
| Large number of mistakes, which impedes understanding of purport of decision | 1 |
| Large number of mistakes which do not change purport of decision | 2 |
| Some mistakes | 3 |
| No mistakes | 4 |

8. Complete, clear, exhaustive wording of an operative part of decision

| | |
|--|---|
| Wording of an operative part is incomplete and unclear | 1 |
| Wording is complete but unclear (e.g., it is difficult to understand it) | 2 |
| Wording of an operative part is complete, clear and exhaustive | 3 |

9. Simplicity and understandability of decision formulation (i.e. use of generally accepted terms, word combinations, expressions, etc. rather than use of complicated legal constructions)

| | |
|---|---|
| Generally, style is too complicated | 1 |
| It is difficult to understand some provisions | 2 |
| Style is simple and understandable | 3 |

10. Possibility to understand views and opinions of the court by a person who lost the case (or who was held liable) and has an intention to appeal against the decision

| | |
|---|---|
| It is most likely that person who is going to appeal against this decision will not understand it | 1 |
| Some provisions may be not understood | 2 |
| Decision is completely understandable | 3 |

11. Possibility to understand views and opinions of the court by a person without legal education who was not a participant of litigation

| | |
|---|---|
| It is most likely that such person will not understand it | 1 |
| Some provisions may be not understood | 2 |
| Decision is completely understandable | 3 |

12. Try to provide general evaluation of quality of court decision using a 10-point scale, where 10 means that decision complies with all the criteria of a quality decision, and 1 is unsatisfactory point, 0 – it is difficult to provide general evaluation.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 0.

13. Below you can write your comments and evaluations as to court decision

THANK YOU!

Annex 6.

Questionnaire for a Survey of Court Users Regarding Court Performance(Citizen Report Card)

Dear court user!

We propose you to participate in the survey of citizens about their satisfaction with court performance. The survey is being conducted to objectively evaluate the quality of services provided by court. The obtained information will be used to develop effective recommendations on improving the quality of court services and increasing the level of public trust in courts. This surveying is random and you have been randomly selected. Be sure that the collected information is confidential and your answers will be used in a generalized form. Quality and completeness of information based on which general picture of court performance will be obtained depend on you sincerity and responsible attitude to the survey.

NUMBER OF QUESTIONNAIRE

Interviewer _____ Number of interviewer

Date of interview: date month 1 4 Time when interview started: hours min.

BLOCK 1 General characteristics of respondent

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|--------------------|---|-------|---|---------------------------------------|---|----------------------------|---|---------|---|---|------------------------------------|---------------------|--------------|---|---|---|--|---|------------------------------|---|--------------------------------------|---|-----------|---|------------------|---|
| <p>1. Age:</p> <table border="1"> <tr><td>18-25</td><td>1</td></tr> <tr><td>26-39</td><td>2</td></tr> <tr><td>40-59</td><td>3</td></tr> <tr><td>60 and more</td><td>4</td></tr> </table> <p>3. Gender:</p> <table border="1"> <tr><td>Male</td><td>1</td></tr> <tr><td>Female</td><td>2</td></tr> </table> | 18-25 | 1 | 26-39 | 2 | 40-59 | 3 | 60 and more | 4 | Male | 1 | Female | 2 | <p>2. Education:</p> <table border="1"> <tr><td>Secondary and incomplete secondary</td><td>1</td></tr> <tr><td>Basic higher</td><td>2</td></tr> <tr><td>Higher</td><td>3</td></tr> <tr><td>Other (please specify) _____</td><td>4</td></tr> </table> <p>4. Do you have legal background:</p> <table border="1"> <tr><td>Yes</td><td>1</td></tr> <tr><td>No</td><td>2</td></tr> </table> | Secondary and incomplete secondary | 1 | Basic higher | 2 | Higher | 3 | Other (please specify) _____ | 4 | Yes | 1 | No | 2 | | | | |
| 18-25 | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26-39 | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 40-59 | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 60 and more | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Male | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Female | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Secondary and incomplete secondary | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Basic higher | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Higher | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other (please specify) _____ | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Yes | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| No | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>5. You live in:</p> <table border="1"> <tr><td>The settlement where this court is located</td><td>1</td></tr> <tr><td>Another settlement</td><td>2</td></tr> </table> <p>7. You consider yourself to be:</p> <table border="1"> <tr><td>Poor</td><td>1</td></tr> <tr><td>Person with income lower than average</td><td>2</td></tr> <tr><td>Person with average income</td><td>3</td></tr> <tr><td>Wealthy</td><td>4</td></tr> <tr><td>Rich</td><td>5</td></tr> <tr><td>NC (no answer code)</td><td>9</td></tr> </table> | The settlement where this court is located | 1 | Another settlement | 2 | Poor | 1 | Person with income lower than average | 2 | Person with average income | 3 | Wealthy | 4 | Rich | 5 | NC (no answer code) | 9 | <p>6. In court you represent:</p> <table border="1"> <tr><td>Yourself (you are a plaintiff/defendant / witness/victim)</td><td>1</td></tr> <tr><td>Another person (you are an attorney, legal consultant)</td><td>2</td></tr> <tr><td>Other (please specify) _____</td><td>3</td></tr> </table> <p>8. How often you've been a party to court proceedings:</p> <table border="1"> <tr><td>These are my first court proceedings</td><td>1</td></tr> <tr><td>2-5 times</td><td>2</td></tr> <tr><td>6 times and more</td><td>3</td></tr> </table> | Yourself (you are a plaintiff/defendant / witness/victim) | 1 | Another person (you are an attorney, legal consultant) | 2 | Other (please specify) _____ | 3 | These are my first court proceedings | 1 | 2-5 times | 2 | 6 times and more | 3 |
| The settlement where this court is located | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Another settlement | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Poor | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Person with income lower than average | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Person with average income | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wealthy | 4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Rich | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| NC (no answer code) | 9 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Yourself (you are a plaintiff/defendant / witness/victim) | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Another person (you are an attorney, legal consultant) | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Other (please specify) _____ | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| These are my first court proceedings | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2-5 times | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 times and more | 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| | | | |
|---|----------|---|----------|
| 9. In which proceedings in this court you are participating: | | 10. Please specify the stage of your case hearing? | |
| Civil | 1 | The case hearing has not started yet | 1 |
| Criminal | 2 | The hearing is in process | 2 |
| Administrative | 3 | The hearing is over | 3 |
| Commercial | 4 | Other (please specify) _____ | 4 |
| Administrative offense case | 5 | | |

11. To what extent you are aware of the work of courts and judges in general?

| | | | | |
|------------------|-----------------|----------------|--------------------|----------|
| Completely aware | Generally aware | Almost unaware | Completely unaware | NC |
| 4 | 3 | 2 | 1 | 9 |

12. Using the 5-point scale, please estimate the quality of this court performance:

(1 – very poor, 5 – excellent, 9 – NC):

| | | | | | |
|----------|----------|----------|----------|----------|----------|
| 1 | 2 | 3 | 4 | 5 | 9 |
|----------|----------|----------|----------|----------|----------|

BLOCK 2 Main part – evaluation by quality measurements*Please answer the following questions using a 5-point scale***(1 – definitely no, 2 – at most no, 3 – more or less (yes and no), 4 – at most yes, 5 – definitely yes, 0 – difficult to say, 9 - NC).**☞ *Interviewer, offer to a respondent Card #1***Accessibility of court**

| | | | | | | | |
|------|---|------------------------|----------|----------|----------|----------|----------|
| 13.1 | Was it easy for you to find the courthouse? | 1 | 2 | 3 | 4 | 5 | 9 |
| 13.2 | Is it easy to reach the court using public transport? <i>(If you do not use public transport, go to the next question)</i> | 1 | 2 | 3 | 4 | 5 | 9 |
| 13.3 | Is it convenient to park (are there enough parking places) near the courthouse? | 1 | 2 | 3 | 4 | 5 | 9 |
| 14 | Did you face any obstacles in accessing court facilities due to security limitations? | Yes – 1, No – 2 | | | | | 9 |
| 15 | Do you think that people with disabilities can easily get to the court premises and use court services? | 1 | 2 | 3 | 4 | 5 | 9 |
| 16 | When you tried to call to the court, did you always manage to reach it and get all the necessary information by phone? | 1 | 2 | 3 | 4 | 5 | 9 |
| 17 | Are business hours of the chancellery convenient for you to attend to your matters (to file a case, review materials, get a copy of decision/ruling/verdict, etc.?) | 1 | 2 | 3 | 4 | 5 | 9 |
| 18 | Could you afford hiring a lawyer (legal counsel) if needed? ¹⁶ | 1 | 2 | 3 | 4 | 5 | 9 |

How convenient and comfortable it is to be in court

| | | |
|--|--|--|
| | <i>Is the following typical of a courthouse:</i> | |
|--|--|--|

☞ ¹⁶ *Interviewer! If the responded uses the services of a lawyer or represents interests of state, put «9» – «NC»!*

| | | | | | | | |
|--|--|-----------------------------------|---|---|---|---|---|
| 19 | - enough comfortable areas\seats in the court to wait, file documents, review files and prepare for hearings? | 1 | 2 | 3 | 4 | 5 | 9 |
| 20 | - free access to amenities (toilets)? | 1 | 2 | 3 | 4 | 5 | 9 |
| 21 | - facilities are clean and tidy? | 1 | 2 | 3 | 4 | 5 | 9 |
| 22 | - enough lighting? | 1 | 2 | 3 | 4 | 5 | 9 |
| Completeness and clarity of information | | | | | | | |
| 23 | Are information stands (boards) in the courthouse conveniently placed? | 1 | 2 | 3 | 4 | 5 | 9 |
| Are you fully satisfied with the information placed in court regarding: | | | | | | | |
| 24 | Location of offices, courtrooms and other facilities | 1 | 2 | 3 | 4 | 5 | 9 |
| 25 | Rules to access and be in court | 1 | 2 | 3 | 4 | 5 | 9 |
| 26 | Cases scheduled for hearing | 1 | 2 | 3 | 4 | 5 | 9 |
| 27 | Samples of documents (applications, petitions, etc.) | 1 | 2 | 3 | 4 | 5 | 9 |
| 28 | Procedure for paying court fees, duties, details and amount of fees | 1 | 2 | 3 | 4 | 5 | 9 |
| 29 | Have you used the Internet web-site of the court? | Yes – 1,
No – 2 → № 31 | | | | | |
| 30 | If you have used the Internet web-site of the court, have you found the required information there? | 1 | 2 | 3 | 4 | 5 | 9 |
| Perception of the work of court staff | | | | | | | |
| 31 | Did Court staff work diligently and make no mistakes which led to rewriting documents and deadline violations? | 1 | 2 | 3 | 4 | 5 | 9 |
| Did court staff when dealing with you show the following: | | | | | | | |
| 32 | Benevolence, respect, readiness to help | 1 | 2 | 3 | 4 | 5 | 9 |
| 33 | Equal treatment of all visitors irrespective of their social status | 1 | 2 | 3 | 4 | 5 | 9 |
| 34 | Professionalism, knowledge of what they had to do | 1 | 2 | 3 | 4 | 5 | 9 |

Respondents who in question No 10 answered «1» → to question No53 or → stop the interview!

Compliance with deadlines for case disposition

| | | | | | | | |
|----|---|---|---|---|---|---|---|
| 35 | Has the hearing of your most recent case started on time (according to the schedule)? | 1 | 2 | 3 | 4 | 5 | 9 |
| 36 | Was the date and time of hearing agreed with you? | 1 | 2 | 3 | 4 | 5 | 9 |
| 37 | Did you timely receive subpoenas and notifications about your case hearing? | 1 | 2 | 3 | 4 | 5 | 9 |
| 38 | Do you think the delays/rescheduling of hearing was justified? | 1 | 2 | 3 | 4 | 5 | 9 |

Perception of the judge's work

| | | | | | | | |
|----|---|---|---|---|---|---|---|
| | <i>Was the following typical of a judge who handled your case (alone or as a chief of a panel of judges):</i> | | | | | | |
| 39 | - impartiality and independence (judge resisted external influence if any) | 1 | 2 | 3 | 4 | 5 | 9 |
| 40 | - civility, benevolence, courtesy | 1 | 2 | 3 | 4 | 5 | 9 |
| 41 | - appropriate level of preparedness to case hearing and knowledge of a case | 1 | 2 | 3 | 4 | 5 | 9 |
| 42 | - providing parties with a possibility to substantiate their views | 1 | 2 | 3 | 4 | 5 | 9 |
| 43 | - compliance with the procedure of consideration | 1 | 2 | 3 | 4 | 5 | 9 |

Respondents who in question No10 answered «2» or «4» → to question No 53 or → stop the interview!

Court decision (if case disposition is over)

| | | | | |
|----|---|------------|-----------|-----------|
| | | Yes | No | NC |
| 44 | Was decision on your case in your favor? | 1 | 2 | 9 |
| 45 | Are you planning to challenge decision on your case? | 1 | 2 | 9 |
| 46 | Have you obtained full text of decision on your case? | 1 | 2 | 9 |

| | | | | |
|---|--|---|---|---|
| ☞ Interviewer! Respondents who in question No 45 answered «2» or «9» → to question No 50! | | | | |
| 47 | Have you obtained the decision on your case on time? | 1 | 2 | 9 |

If you have got familiarized with the text of court decision, please answer the following questions using a 5-point scale:

(1 – definitely no, 2 – at most no, 3 – more or less (yes and no), 4 – at most yes, 5 – definitely yes, 9 - NC).

| | | | | | | | |
|----|--|---|---|---|---|---|---|
| 48 | Was the court decision written in a clear and easy to understand language? | 1 | 2 | 3 | 4 | 5 | 9 |
| 49 | In your opinion was the court decision on your case well grounded? | 1 | 2 | 3 | 4 | 5 | 9 |

| | Specify the total number of: | Quantity | NC |
|----|---|----------|----|
| 50 | - court sessions on your case that took place | _____ | -1 |
| 51 | - court sessions that did not take place due to improper organization of court activity | _____ | -1 |
| 52 | - visits to the court which were not connected with participation in court sessions | _____ | -1 |

THANK YOU FOR PARTICIPATION IN THE SURVEY!

Time when interview ended:

| | | | |
|-------|--|------|--|
| | | | |
| hours | | min. | |

Interviewer's signature _____

BLOCK 3. Changes and recommendations (is completed at discretion of court)

53. Speaking of improving court performance, in your opinion, what quality measurements should be improved first of all? Place in the order of their importance to you seven quality measurements. 1 – the most important quality measurement (it should be improved first of all), 7 – the least important quality measurement.

☞ Interviewer! Offer Card No 2 to respondent

| Quality measurement | Rank |
|--|------|
| Accessibility of court | |
| Level of comfort in the courthouse | |
| Completeness and clarity of information | |
| Compliance with timeliness of case consideration | |
| Performance of court staff | |
| Performance of judges | |

54. What specific changes, in your opinion, are necessary to improve the performance of this court today:

55. In your opinion, do available material and technical resources meet the needs of court staff for efficient discharge of their duties?

| Yes | No | NC |
|-----|----|----|
| 1 | 2 | 9 |

56. What are your impressions of your today's visit to the court compared with you expectations?

| | |
|-----------------------|----------|
| Better than expected | 1 |
| Worse than expected | 2 |
| Meet the expectations | 3 |
| NC | 9 |

57. If you have been in this court before (last year or earlier), how has general court performance changed?

☞ *Interviewer! If respondent is for the first time in this court, mark answer «9» – «NC»!*

| | |
|--------------------------------|----------|
| Has significantly improved | 5 |
| Has slightly improved | 4 |
| Has not changed | 3 |
| Has become slightly worse | 2 |
| Has become significantly worse | 1 |
| Difficult to answer | 0 |
| NC | 9 |

58. Have you experienced any changes in the organization of operations of this court after the introduction of automated case management system?

| | |
|--|----------|
| Yes, I have experienced positive changes | 1 |
| Yes, I have experienced negative changes | 2 |
| No, I have not experienced any changes | 3 |
| NC | 9 |

→ *Stop the interview*

→ *Stop the interview*

Annex 8.

Example of Forming a Sample of Cases

During pilot testing of CPE framework in 2012, the Chornobaivskyi District Court of Cherkasy Raion used the following algorithm of sampling cases to evaluate the timeliness of case consideration and court decisions:

According to the Methodology of Court Performance Evaluation cases were sampled as follows:

- 1) The base period of evaluation was determined – the first half of 2012. as well as 150 cases were sampled;
- 2) Number of cases completed in the first half of 2012 was identified – 1707;
- 3) Categories of cases which are not expedient to be evaluated were determined, namely:
 - Cases of separate proceedings;
 - Order-based cases;
 - Divorce cases;
 - Alimony cases;
 - ‘Children of war’ cases;
 - Cases on granting and adjusting pensions to victims of Chornobyl disaster.
- 4) Categories of cases by type of proceedings were determined: civil, criminal, administrative and total number of cases for sampling was identified, namely:
 - Civil cases (432 cases);
 - Criminal cases (86 cases);
 - Administrative cases (34 cases).
- 5) It was decided to select 150 cases for evaluation. From the total number of cases for sampling the number of cases for evaluation was determined proportionally, i.e. depending on the number of cases in each category:
 - Civil cases – 117 cases (78%);
 - Criminal cases – 24 cases (16%);
 - Administrative cases – 9 cases (6%).
- 6) Sampling of 150 cases was formed as follows:
 - Total number of considered civil cases (432) was divided into the number of cases of a given category for evaluation (117) and each 4th case was sampled;

- Total number of considered criminal cases (86) was divided into the number of cases of a given category for evaluation (24) and each 4th case was sampled;
- Total number of considered administrative cases (34) was divided into the number of cases of a given category for evaluation (9) and each 4th case was sampled.

| Case category | Number of cases |
|----------------------|------------------------|
| Criminal 1 | 24 |
| Civil 2 | 117 |
| Administrative 3 | 9 |
| Total | 150 |



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