Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi, Finland

EVALUATION OF THE QUALITY OF ADJUDICATION IN COURTS OF LAW

Principles and proposed Quality Benchmarks

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INTRODUCTION

1 INTRODUCTION

1.1 Design of the Quality Benchmarks

In 1999, the courts in the jurisdiction of the Court of Appeal of Rovaniemi launched a project for the improvement of quality in adjudication (the Quality Project).[1] The purpose of the Quality Project has been to support the basic work of the courts and to develop it further and further, so that court proceedings meet the requirements of a fair trial, so that the decisions are well reasoned and correct, and so that the services of the courts are accessible also in terms of their financial impact. A major element of the Quality Project has been the annual quality development targets, which are selected by the judges themselves and whose achievement is being monitored.

In 2003, as a part of the Quality Project, it was decided to begin the design of a set of benchmarks for the evaluation of the quality of adjudication and of the development of that quality. A Working Group was established to look into this matter. The Working Group met several times in 2003, holding varied discussions about the design of the Quality Benchmarks and about the internal functioning of the Working Group. The Working Group noted that its terms of reference were quite broad and that any success in the design of the benchmarks would require a lot of time, as well as a lot of planning, writing and other background work.

On the basis of the discussions held by the Working Group, it was agreed that the necessary background work and writing, and the drafting of a set of Quality Benchmarks on this basis, would be undertaken by Mr Antti Savela, Administrative Director of the District Court of Oulu (as he then was; Mr Savela was later appointed as a District Judge in the Dis-

[1] *A brief description of the Quality Project appears as Annex 1. For more detail [in Finnish] about the Quality Project, see Esko Oikarinen: "Rovaniemen hovioikeuspiirin laatuhankkeet osoittaneet uuden keskustelukulttuurin tarpeellisuuden – laatutyötä koko oikeudenhoidon ketjussa", in Defensor Legis no 1/2004; Harri Mäkinen: "Rovaniemen hovioikeuspiirin tuomioistuinten laadunparannushanke –tuomarien aktiivista toimintaa oikeudenhoidon tason nostamiseksi", in Defensor Legis no 1/2004; and Juha Kiiha: "Rovaniemen hovioikeuspiirin tuomarit, asianajajat ja oikeusavustajat yhteistyössä", in Defensor Legis no 1/2004. In addition, the Quality Project has been discussed in the Third Report on Quality of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi, Saarijärvi 2003.*

trict Court of Kuusamo) on a part-time basis, drawing from the discussions held by the Quality Benchmarks Working Group.

The drafting of the Quality Benchmarks began on 1 March 2004. Judge Savela worked in close co-operation with the Chairman of the Development Committee of the Quality Project, Chief Judge Harri Mäkinen from the District Court of Oulu, and by a member of the Development Committee, District Judge Juha Tervo, also from Oulu.

This three-member "subcommittee" pondered the content of the Quality Benchmarks, as well as revised and rewritten the draft texts produced by Judge Savela. The design of the Quality Benchmarks has also had the indirect participation of the entire judiciary in the jurisdiction of the Court of Appeal, the attorneys and the prosecutors, because the Quality Benchmarks comprise many of their views of quality in adjudication, quality criteria and their evaluation, as expressed in the various Working Groups for Quality operating under the auspices of the Quality Project.

The draft for the Quality Benchmarks was introduced at the Quality Conference of Jurisdiction of the Court of Appeal of Rovaniemi of 4 November 2004. The revised benchmarks were discussed in a meeting of the Development Committee on 31 January 2005[2]. It was decided in that meeting that the Quality Benchmarks would be circulated for comments to all of the courts in the jurisdiction and to all attorneys, prosecutors and public legal aid attorneys active in the jurisdiction before a pilot project for the testing of the benchmarks would be launched. Later, it was decided to send the Quality Benchmarks for comments also to the other Court of Appeal jurisdictions and to the Ministry of Justice.

Once the proposal for the Quality Benchmarks was completed in April 2005, it was circulated for comments. The deadline for the submission of comments was 30 September 2005. A total of 28 comments were received. A summary of the comments was also prepared; the summary (in Finnish) is available on the website of the District Court of Oulu http://www.oikeus.fi/6028.htm. The main thrust of the comments were presented at the Quality Conference of 10 November 2005; at the same time, discussions were held and a decision made to launch a benchmarking pilot project in the autumn of 2006.

Following the Quality Conference, Judge Savela, together with Chief Judge Mäkinen and Judge Tervo, has revised the report on the Quality Benchmarks and the annexed Benchmarking table as warranted by the comments and other circumstances. The present publication contains the report and the table as revised in accordance with the feedback. The Quality Benchmarks will be used also in the pilot project in their present form.

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[2] *The composition of the Development Committee at the time was as follows: Chief Judge Harri Mäkinen (chair), President of Court of Appeal Esko Oikarinen, District Judge Seppo Kankkunen, District Judge Juha Tervo, District Judge Anne Kurtti, District Judge Antti Savela, District Prosecutor Ilpo Virtanen, Advocate Juhani Karvo and Advocate Olli Siponen. The meeting on 31 January 2005 was attended also by Justice of Court of Appeal Marianne Wagner-Prenner.*

Response to growing expectations

The rapid changes in the operating environment have led to a situation where the requirements for the courts' quality, efficiency and cost-effectiveness are becoming ever stricter. The expectations are growing, which means that there is a constant need to develop the activities of the courts. As a matter of fact, the Quality Project of the courts in the jurisdiction of the Court of Appeal of Rovaniemi was first launched for precisely this purpose.

The leading idea of quality management is to seek for points where the activity can be developed and to agree on the measures that are to be undertaken to this end. The core idea is to develop the quality of adjudication so that the court proceedings as a process and the decision of the court, with all its incidentals, respond ever better to people's expectations of fair trial and access to justice. In order to succeed, the development work needs the support of a benchmarking system for the measurement of progress. Hence, the design of a set of Quality Benchmarks is to be seen as an essential stage in the development of the Quality Project.

Uses of the Quality Benchmarks

1. *Information about development needs.* The Quality Benchmarks are not intended for use as a monitoring system *vis-à-vis* individual judges, nor are they to be used for sanctionary purposes. Instead, the benchmarks and the evaluation that they make possible are primarily intended as a tool for the constant improvement of court operations and for the maintenance and development of the skills and competence of the judiciary.

From these starting points, the design of a set of Quality Benchmarks has been necessary, first of all, to find out about the current standard of quality in adjudication and about the direction it is heading. Benchmarking yields varied information about the current standard of adjudication. It is the starting point and basic requirement of meaningful development work. The benchmarking results will also provide vital information to the management of the court for use as justification of points made in support of the court's resource needs in the context of the performance negotiations with the Ministry of Justice.

2. *Tool for training and development.* Another important use of the benchmarks is to serve as a tool for judicial training. It offers a common frame of reference for the judiciary and also for the broader sphere of legal professionals to be used in their discussions about quality in adjudication. This is very important, because useful discussion requires a degree of agreement about the meaning of the concept 'quality in adjudication'. In addition, the self-evaluation of judges will provide an impetus for them to reassess their own work and to achieve personal development in this manner. The quality criteria used in the benchmarks can serve as principles for the improvement of the quality of adjudication.

The education viewpoint will be emphasised in the near future, when the greater part of the current judiciary will retire over a very short period of time, only a few years. In order to achieve a smooth changeover, special attention should be paid to the transfer of the tacit knowledge of the experienced, soon-to-retire judges to the younger generation, which will assume responsibility for the functioning of the court system. There are many aspects of the profession of the judge that cannot be learned from books, but require experience of judicial work. In the discussions on the Quality Benchmarks and the benchmarking

results, the experienced judges can serve as mentors and skills instructors for their younger colleagues, thus propagating knowledge of important issues of quality in adjudication.

Having genuine discussions – rather than attempts of direction or coercion – as the basis of quality development will also ensure that the quality improvement work does not compromise the independence of the courts or the judiciary. The Quality Benchmarks contain ample material and points of view for discussions among judges in judges' meetings, quality project events and other training sessions, as well as in co-operation talks held with the various stakeholders. Moreover, discussions about the Quality Benchmarks may bring out the best practices of the judges in various situations and propagate their broader adaptation among the judiciary. As has been noted time and again in the quality improvement work of the courts, true improvement in the quality of adjudication can only be achieved through discussions among the judges and between the judges and the other staff of the courts and stakeholders.

These viewpoints of development and education are indeed more important than the quality benchmarking itself and the results gained from it. It has indeed not been the idea behind the design of the Quality Benchmarks that the results would represent any absolute truths about the prevailing standard of quality in adjudication. That being said, the collection of the benchmarking data and the compilation of concrete results are necessary as impulses for development work and as a basis for the internal discussion of the judiciary on the measures that are needed for the further development of the quality of their work. In effect, the use of the Quality Benchmarks should be seen as an evaluation exercise aiming for better quality.

In addition, the benchmarking results can serve as a "fire alarm", indicating possible major problems in the activities of the court.

3. *"Opening" the courts.* The third use of the Quality Benchmarks is to make adjudication and the debate on the same more transparent to persons who are not court insiders. They are a good vehicle for discussion about the expectations that legal professionals and laymen have of the courts. The feedback that can be received from persons participating in court proceedings as a part of the benchmarking effort will direct the development of the activity to an even better understanding of the needs and requirements of the participants of the proceedings.

4. *Benchmarking frequency of a few years.* The Quality Benchmarks can be applied in the evaluation of the adjudication of the courts either in their entirety or by selecting an aspect for a separate evaluation exercise. The purpose is not to carry out any systematic annual evaluations of all courts in an appellate jurisdiction, but rather to do so at intervals of 3 to 5 years. That being said, the promptness of proceedings is a criterion that is being monitored all the time in any event, which means that the relevant parts of the benchmarks should be applied every year.

Even though the systematic evaluation is intended to be done at the frequency of several years, the leading idea in the drafting of these Quality Benchmarks has been that the judges and the courts could use them as an aid in the development of their own operations, and as a constant yardstick of progress.

Point of view

In the design of the Quality Benchmarks, it is important to define whose point of view is to be adopted and what aspects are to be evaluated. It is, naturally, a given that the selection of benchmarks will depend on whose interests

are being served, be it the provider of the funding of the courts (the Ministry of Finance), the judges, the management of the court, or the laymen or legal professionals participating in the proceedings. In addition, the selection of the benchmarks will depend on the scope of the evaluation, that is, whether the judicial system is to be evaluated as a whole or only in part, e.g. regarding the activities of the courts or, even more narrowly, regarding only given activities of the courts.

In the design of the present set of Quality Benchmarks the leading idea has been to evaluate the quality of adjudication primarily from the point of view of the parties and of other persons participating in the proceedings. To this end, it is asked what their expectations of the courts are and which of the expectations are so justified that the courts should respond to them by their own activities. In addition to this external point of view, the benchmarks contain also many quality criteria which describe the workings of the court from the point of view of court personnel and workflow (internal point of view).

A deliberate choice has thus been made to adopt a micro level view of adjudication as the point of view of the Quality Benchmarks. As a result, the design of the benchmarks has not taken heed of other needs, particularly those that currently pertain to the measurement of court operations for the purposes of developing the performance management system towards more compatibility with the recently reformed budget legislation in Finland. That being said, the Quality Benchmarks can no doubt be utilised in the future also for the establishment of more general methods of measuring the performance of the courts and the judicial system at large.

Another starting point for the design of the Quality Benchmarks has been that they are not intended for the evaluation of the successfulness or otherwise of the work of an individual judge, or of possible shortcomings therein. Benchmarking at the level of the individual judge might create undesired tensions within the court and give rise to a rejection response against the whole of the benchmarking idea. Moreover, in the opposite case the benchmarks would take the characteristics of a monitoring mechanism, which would be contrary to the basic ideology of the Quality Project as a promoter and upholder of a culture of communication among the judiciary, rather than as a control.

Thus, instead of evaluating individual judges, the benchmarks are used for the evaluation of the standard of the activities of an entire court. For this reason, all benchmarking results are anonymised and pertain to a court and not to a judge.

The Quality Benchmarks have been designed with the view that the subject-matter is the quality of adjudication, and not the successfulness of the entire gamut of operations of a court. There are many factors that have a bearing on the quality of adjudication, such as the scale and suitability of the resources available to the court (staff, premises, technical equipment), the skills and knowledge of the judges and the other court personnel, the question whether procedural rules are up to speed, the work of the attorneys and prosecutors, the organisation of adjudication in the different courts, and the management of the court.

In the Quality Benchmarks, it has been a conscious choice to omit the adequacy of resources, the currency of the procedural rules and the work of the prosecutors and attorneys from the topics that are evaluated.

As regards the resources, this restriction has been made with full awareness of the fact that there is a clear link between adequate resources and quality. Nevertheless, the expectations that the customers have of the courts are largely independent of the current

resource situation of the court and of the fluctuations therein. For this reason, resources have not been perceived in the design of the Benchmarks as a quality criterion in their own right. Instead, there is reason to consider the adequacy of the resources in the light of the results of the benchmarking effort, as will be discussed at greater length below. If the court is so short of resources that quality operations are impossible as a result, this situation must be openly recognised and acknowledged.

The evaluation of the quality of procedural rules is pointless in the present context, because they are set independently of the courts by the legislature.

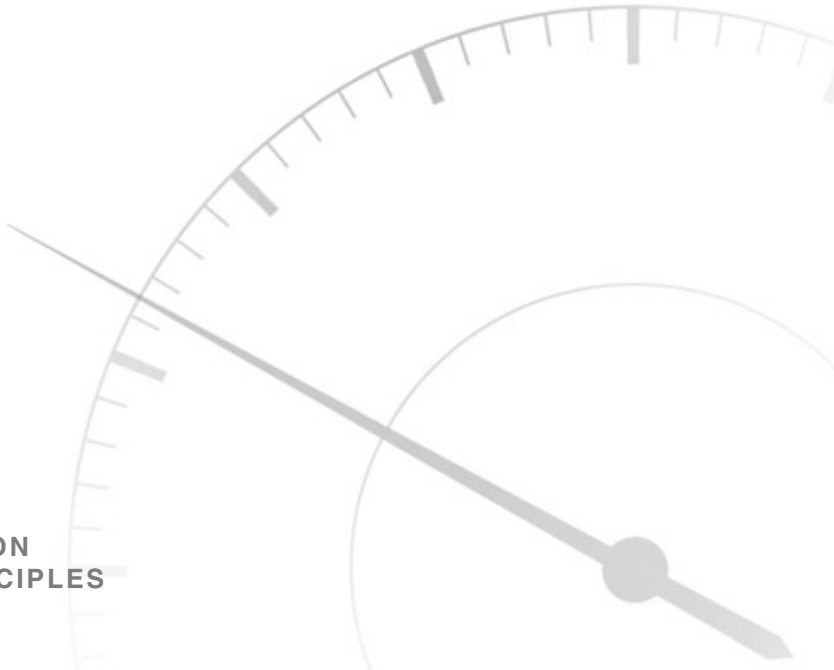
Attorneys and prosecutors, in turn, have been ruled out of the scope of the benchmarking effort because the courts are to concentrate primarily on the development of the quality of their own work. Moreover, the evaluation of the activities of the attorneys and prosecutors using the same set of Quality Benchmarks with the courts would have necessitated the expansion of the set by so much that it would have been very difficult to use. Also, the evaluation of the activities of the attorneys and prosecutors has been left out of the benchmarks with full awareness of the fact that their work has an essential effect on whether the parties feel that their expectations of a fair trial and access to justice have in fact been met. In the interests of the development of the overall quality of the administration of justice in Finland, it would therefore be desirable if the attorneys and prosecutors were to design their own evaluation systems for their own operations, along the same lines as the present set of Quality Benchmarks for the courts.

Use of the benchmarking results

In the analysis of the results of the benchmarking effort, due attention should be paid to the possible reasons of any shortcomings in the quality of adjudication; consideration should be given on the development measures that may be needed and on the realisation of the same. The benchmarking results will serve as a basis for this kind of analysis. Accordingly, once they have been compiled, the results should be taken up as a topic of discussion in judges' meetings, in performance and development talks with the judges and in discussions between the courts and their stakeholders, such as prosecutors, private attorneys, and public legal aid attorneys.

An analysis of the benchmarking results may show that the reason for certain shortcomings in the quality of adjudication is e.g. that the importance of a given quality criterion as an element of quality has been insufficiently internalised among the judiciary, or that there is a skills shortage among the judges on precisely on this point. An explanation may also arise from deficiencies in the procedural legislation or from the activities of attorneys or prosecutors, if these leave something to be desired from the point of view of quality. Quality work can also be hampered by the inadequacy of the resources available to the court. For instance, there may be too few judges in proportion to the caseload or the technical equipment of the court may be obsolete.

CURRENT SITUATION AND MAIN PRINCIPLES



2 CURRENT SITUATION AND MAIN PRINCIPLES

2.1 General remarks on quality management in the courts

Quality management, in the form it is currently discussed, is originally a manufacturing concept. At first, quality was seen as the minimisation of errors. Later, the discussion turned also to operational quality, with benchmarking being used to determine how well the products meet the purposes that the buyers have for them. At present, quality normally means quality as perceived by the customer, with many issues contributing to it.[3]

When one discusses quality in the context of judicial work, a few reservations are in order. Quality systems and the entire quality management ideology were originally developed to meet the needs of industry, and they do in fact serve very well in the context of mass production of goods. In industry, the objectives of quality management are to maintain a given standard of production and to eliminate the occurrence of flaws. The quality standard is largely driven by the wishes of the customer.

Judicial work, in contrast, is based on legislation and on the expertise of the personnel. That being said, judicial work can also be viewed as a form of service provision. This means, among other things, that the "product" of adjudication (the procedure and the decision) cannot be "produced" consistently in the same way, as is the case in industry, where the entire production process is intended to be replicated time and time again. Each case is in many respects an unique occurrence. The parties, as human individuals, are different, the factual basis of each case is different, and also the "production environment" is different: Courthouses and courtrooms come in a variety of forms and standards and with a variety of equipment. In addition, the legislation offers the adjudicator with a wide discretion in the application of the law to the particulars of a given case, so as to come up with a decision in precisely that case.

As discussed already in the preceding chapter, quality management is nowadays often driven by considerations of consumer service. In this way, the quality of the process is being

[3] *Bengt Karlöf – Fredrik Helin Lövingssön: Johtamisen näkökulmat – peruskäsitteitä ja malleja. Helsinki 2004, p. 103.*

benchmarked primarily to its responsiveness to the needs, requirements and expectations of the customer. The process is of high quality, if the customer is content with the product she receives. In contrast, it is acknowledged that even if the workings of the organisation is efficient in itself and the product is flawless, the process still remains of poor quality unless the customer, in her role as external evaluator, is not content and if the product does not meet her needs.

As regards judicial work, it should be kept in mind that the assessment of the quality of the process cannot be based merely on whether the customer is happy or unhappy. Court proceedings and adjudication are activities that are bound by the law and marked by impartiality and the equal treatment of all comers.

In addition, customer satisfaction in the courts can of course not be taken to mean that the customers – if this is the term we wish to use of the participants in court proceedings – should be satisfied by giving them what they want. This is so because the courts must operate within the bounds of the law and because the parties to a case usually have opposing wishes and expectations. In contrast, customer satisfaction in the courts can mean that whatever the customers are given under the law and other rules, and how they are treated in this context, are done as well as possible also in view of the service principle.

Legality is a critically important quality criterion for the activities of the courts. Therefore, the legislator has already laid down certain limits to the quality of court proceedings and of the judgment. It would in fact be quite easy to measure the quality of adjudication by equating quality with legality. It is, of course, a clear premise of the rule of law that where the procedure or the decision are in fact contrary to the law, they are concomitantly also of poor quality.

That being said, legality is a necessary, but still not a sufficient criterion for quality in adjudication. The phenomena of judicialisation and legal vicissitude have led to a situation where the applicable law allows for a number of options as to the arrangement of the proceedings and the content of the decision in an individual case. The achievement of quality proceedings and a high standard of judgment require that the judge, as the leader of the process, is both discerning and skilful in the selection of the most useful and the most appropriate methods and in the exercise of those methods. It should also be kept in mind that court proceedings involve a lot of activity that has not been regulated by law at all.

Example

A civil case, concerning medical malpractice, is pending in the District Court of Oulu. One of the witnesses is a specialist physician, resident and working in Helsinki (some 600 km away). The testimony of that witness pertains to a detail regarding the causal link between the alleged act and the damage. The credibility of the witness is not at issue.

Under the provisions of the Code of Judicial Procedure, the testimony of the witness can be procured in one of two ways: (i) the physician is summoned to appear in person in the Oulu Courthouse, or (ii) the physician remains in Helsinki and is questioned either by telephone or over a videoconferencing link.

No matter which of the options the judge selects, the procedure is legal and hence, from this narrow point of view, of good quality. However, the selection of option (i) will mean that the legal costs of the proceedings will increase to the detriment of the parties. Moreover, the wit-

ness will experience considerable inconvenience and waste a lot of time. Her patient flow will suffer because she is out of the clinic for a day, which is a problem also from the societal point of view.

By selecting option (ii), these failings can be avoided. Experience has shown that many witnesses will not even require remuneration if they are heard by technical means in their hometown. From a quality perspective, it can be stated that option (ii) is preferable to option (i) in these particular proceedings. The situation would not be the same if the credibility and trustworthiness of the witness were doubtful. In such a situation, the correct choice from the quality perspective would be to summon the physician to appear in person, even if this did have the harmful effects referred to above, because the requirement of a materially correct judgment would not otherwise be satisfied.

2.2 Principles of Quality Benchmarking

The main principles on which Quality Benchmarking should be based are the societal function of the courts, access to justice, procedural justice, trust in the courts and the desired standard of quality in adjudication. The following paragraphs contain a discussion on some aspects of these principles, to serve as background information for the Quality Benchmarks to be formulated below in this paper.

1. *Functions of the courts*. When the quality of the activities of the courts is to be developed, the societal function of the courts is a very important starting point. Constitutionally speaking, the courts are charged with the exercise of the judicial power, and thereby also with the provision of access to justice and the safeguarding of legitimate interests in individual cases. The courts discharge this task by deciding civil, criminal, petitionary and administrative cases brought before them.

When they decide individual cases, the courts promote justice and the realisation of material rights also in the society at large, because court decisions have a noteworthy directive effect. In addition, the expansion of the mediating tasks of the courts during the past decades has broadened the role of the courts from pure adjudication to more diverse forms of dispute resolution. When the norms offer more latitude of interpretation, the role of the courts as a law-making and law-developing institution is also being strengthened. From the societal point of view, the traditional perception is also that the courts uphold legal order and social order.

All of these different aspects of judicial work have a bearing on quality management, even though the main focus of the development of quality must of course be in the original and ultimate function of adjudication, that is, the provision of access to justice and the safeguarding of legal interests in an individual case. This has indeed been the primary focus in the design of the Quality Benchmarks.

2. *Access to justice*. In view of an individual's access to justice, it is important that the courts do not provide only formal safeguards for the interests of the individual. In addition to the formal guarantees of legal security, the individual should have real, tangible chances of pursuing her rights through the courts, in other words, access to justice. A high standard of quality in adjudication is needed for the realisation of true access to justice. It should be easy to approach the court, the judges should operate with skill, efficiency and professionalism, and the decision of the court should be

just, lawful, reasonable and well argued. In respect to access to justice, two of the most significant fields for development are legal costs and the promptness of the proceedings.

3. *Procedural justice*. As said, the traditional task of a court in a State bound by the rule of law is to apply the substantive law in individual cases. To this end, court proceedings have been constrained by statutory provisions and by judicial orders so that they would result in the most correct possible outcome both as regards the factual basis of the case and as regards the application of the law. Lawfulness has of old been considered the true measure of quality both in procedure and in decision-making.

During recent years, another issue has arisen beside lawfulness as a quality consideration; namely, from the point of view of the customers of the court, the lawfulness of the procedure and the judgment are not alone enough as criteria for the entirety of the quality of the court system. When they evaluate the quality of the work of the courts, people do not pay attention only to the outcome of the trial or the fulfilment of procedural requirements, but they also expect that the judgment is arrived to in proceedings that they feel to have been fair and just. The formation of this perception depends e.g. on whether the persons participating in court proceedings feel that they have been allowed to have an effect on the process and on the consideration of their case, and how respectfully and attentively they have been treated in the court.

With due regard to the importance of the perception of procedural justice, the Quality Benchmarks contain a considerable number of elements that are not anchored directly to the provisions of the law.

4. *Trust in the courts*. It is essential, if the rule of law is to be taken seriously, that the citizens trust in the courts. A lack of judicial credibility may have various adverse effects in view of the fulfilment of the tasks of the courts. If the people do not trust the courts, problems and disputes may remain unsettled, or the stronger party in a legal relationship may abuse his position with impunity. In addition, the task of the courts as guarantors of legal tranquillity may remain unfulfilled. When the trust in the courts decreases, there may be a corresponding decrease in people's inclinations to obey the law in the first place.

The trust that people put in the courts is affected both by the own activities of the courts and by factors largely beyond the control of the courts. In the research volume *Luottamus tuomioistuimiin* [Trust in the Courts], by the National Research Institute for Legal Policy (NRILP Publication 160, Helsinki 1999), there was a list of research assumptions on the expectations relating to the work of the courts, of a type that could in fact be influenced by the courts themselves. These pertained e.g. to the lawfulness and justness of the judgments, the hearing and decision of cases under conditions of equality of arms, the fairness and impartiality of the proceedings, the foundation of the decisions on a factual basis, the treatment of everyone with respect and dignity, and the supply of clear and acceptable reasons for the decisions.

The own activities of the courts can both increase and decrease the trust that people put in the courts. In the selection of the quality criteria in the benchmarks, due attention has been paid to the positive impact that their achievement would have on trust in the courts. The objective here has been that by acting in accordance with the Quality Benchmarks the courts can self promote the trust that the people put in them.

5. *Ideal end state of adjudication*. The Quality Benchmarks have been designed with a view on the following ideal end state.

> The courts exist for the people. The participants in a trial enjoy the same rights to human dignity regardless of their role in the proceedings. Everyone is treated with respect, equitably, impartially, and with an appropriate service attitude.
>
> The proceedings are carried out with quality and efficiency, by utilising modern technology. The proceedings are prompt and do not give rise to unreasonable costs to either party. The judgments are just and lawful, as well as supported by persuasive and clear reasons.
>
> The people perceive the activities of the courts to be just and competent, as well as have trust in their cases being handled independently and impartially by the court.
>
> The judiciary possesses the best available legal expertise in the society, as well as the professional skills and competence needed for the settlement of legal disputes and conflicts.

2.3 Earlier Finnish debate on quality in adjudication and examples of how the courts are currently evaluated

1. At all times, the courts have been interested in the improvement of the quality of adjudication, even though "quality" as a concept has not until recent years been used much when discussing the standard of the activities of the courts. That being said, the judges probably have always discussed these matters among themselves, as well as together with prosecutors and attorneys, hoping to determine how court proceedings should be organised so that they meet the requirements of quality and how they should proceed to reach a just and lawful decision in the cases at hand.

In the general courts, operational development has traditionally proceeded by way of training on legislative reforms, arrangement of judges' conferences in the Courts of Appeal and organisation of colloquia with prosecutors and attorneys.

The Quality Projects that have been launched in many courts over the past few years can be seen as an extension of the preceding development work. Quality Projects, such as that of the courts in the jurisdiction of the Court of Appeal of Rovaniemi, are novel in relation to the earlier pursuits in that they are systematically organised, take the long-term view, solicit the participation of the judiciary and the stakeholders on the broadest basis, and evaluate the operations of the courts through a holistic approach.

One impetus for the launching of Quality Projects has been the report of the Performance Management Working Group[4], where the quality issues of court operations were discussed at some length. The Working Group identified four quality categories, relating to (1) the process, (2) the decision, (3) customer service, and (4) organisation.

According to the Working Group, quality in the process is reached through the equitable and courteous treatment of the parties, efficiency and appropriateness, reasonable throughput times, uniformity of the process,

[4] *Laatu ja tuloksellisuus tuomioistuimissa. Report of the Working Group on Performance Management in Courts of Law, 17 December 1998. Ministry of Justice.*

the realisation of public access to the proceedings, and reasonable costs. Quality in the decision is reached through lawfulness, correspondence to the common sense of justice, adequate and clear reasons, responding to the questions that have been raised, comprehensibility, structural uniformity, material uniformity, linguistic correctness, and predictability. Quality in customer service is reached through advice and guidance, expertise, courteous and objective treatment, a service attitude, service on the customer's own language, public relations and communication, and the availability of services. Finally, quality in organisation is reached through goal-oriented management, functioning organisation, functioning work processes, clarity of responsibilities, competence and training, internal information provision, and a good workplace atmosphere.

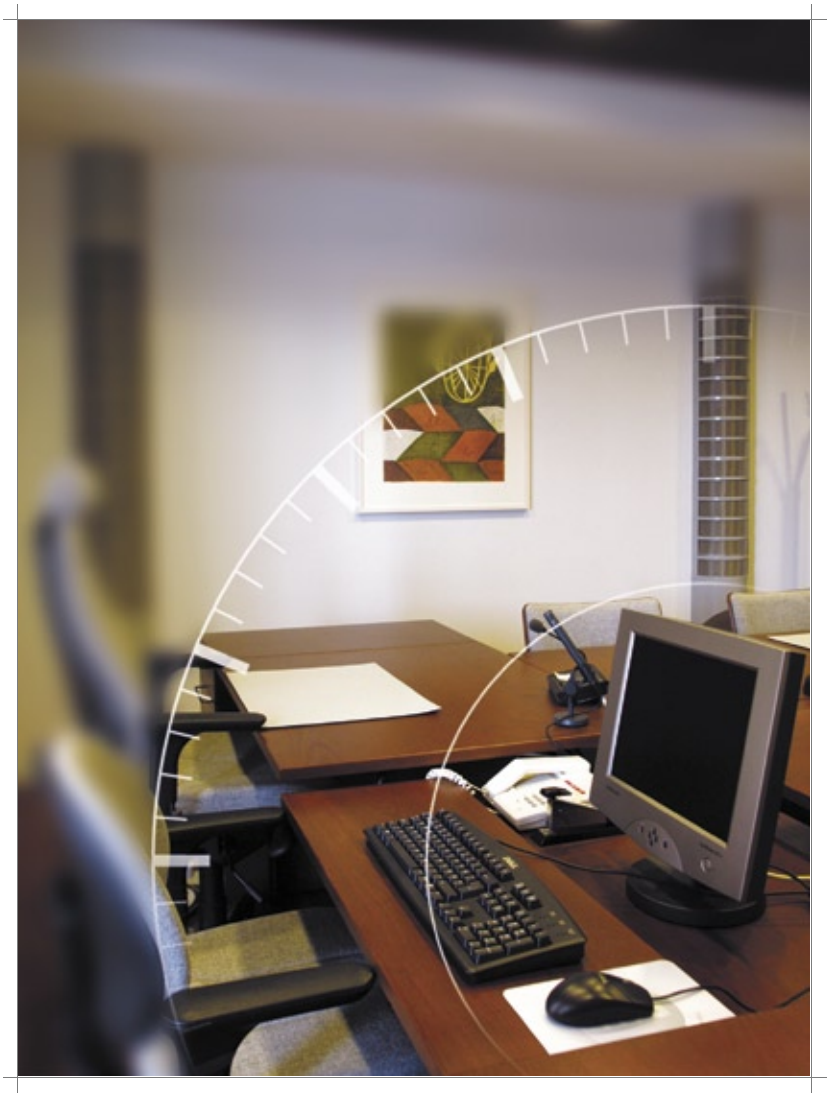
The importance of quality improvement work in the courts has been stressed also in a number of quite recent official reports and other documents. The Commission of Inquiry into the Development Trends of the Court System noted in its report (KM 2003: 3) that the quality improvement work now under way in the courts should be stepped up. According to the Commission, this required inter alia the development of various evaluation and benchmarking techniques with a view to the improvement of the operations of the courts. The 2004 Annual Report of the General Courts, the first report of its kind ever issued, also took a positive stance to the quality improvement work pursued by the courts.

An additional impetus for the intensification of quality improvement work in the courts comes from the 2004 reform of the legislation on State finances and the budget. In the future, the provisions in this legislation require the setting of quality targets for the courts and the monitoring of their achievement.

2. At present, the quality of the operations of the courts is evaluated mainly in the context of the performance management system adopted for the courts. Each court conducts performance negotiations with the Ministry of Justice every year. In the course of these negotiations, an estimate of the number of incoming cases is set and agreement is reached on the number of decided cases and the necessary money and personnel resources of the court. In addition, the successfulness or otherwise of the operations of the current year is discussed as a part of the performance negotiations. Performance targets are set on the average throughput times, number of decided cases, productivity and efficiency. As of 2005, according to the requirements in sections 65 and 65a of the State Budget Decree, the operations of the courts are evaluated also by means of the Annual Reports drawn up by the general courts, on one hand, and by the administrative courts, on the other hand.

In addition, many individual District Courts and Courts of Appeal have their own statistical benchmarks and indicators for the monitoring of incoming cases, decided cases, pending cases and throughput times. A more traditional means of evaluating the work of the District Court is the inspection visit that the Court of Appeal pays to the courts in its jurisdiction from time to time.

On a more general level, the evaluation of the operations of the courts has proceeded also by way of research on the trust of the citizens in the courts, e.g. that produced by the National Research Institute for Legal Policy. However, the surveys on which this research is based are directed at the general public, which means that the respondents have not necessarily self been involved with the courts. In such cases, the research has really pertained to the public perceptions about the courts rather than to more analytical impressions of the quality of court work on the basis of the personal observations of the respondent.



COMPARATIVE SURVEY

3 COMPARATIVE SURVEY

Over the past few years, the quality of court operations has been a topical issue in a number of countries. The debate has ranged from the very concept of quality in adjudication to the ideas and aspirations relating to the development of tools and methods for quality benchmarking.

The present section contains a brief survey of the debate that has been going on in Sweden, the Netherlands and the United States on the quality of adjudication and on quality benchmarks.

A brief mention is due also of the European co-operation towards the development of the quality of court operations under the auspices of the Council of Europe (CEPEJ).

3.1 Sweden

Quality debate 1997

A broader debate on the quality of court operations was held in Sweden as early as 1997. Domstolsverket, the central court administration of Sweden, organised two one-day seminars about the meaning of quality in the context of the courts. These seminars were attended by judges from the Swedish Supreme Court, Supreme Administrative Court, Courts of Appeal, Courts of Administrative Appeal, District Courts and Administrative Courts. In addition, the attendees included representatives of the prosecutors, the attorneys, the Parliamentary Ombudsman and the then State Audit Office (Riksrevisionsverket). The proceedings of the seminars have been collected and published as a Domstolsverket Report *Kvalitet i domstolsverksamhet* (25 May 1997 dnr 184–1997).

In the report, the main quality aspects of court operations were divided under four headings: (1) quality aspects of the decision, (2) quality aspects relating to throughput

times, (3) quality aspects of the treatment of the customers of the court, and (4) quality aspects relating to the competence and training of judges and other court personnel.

The first characteristic of a *quality decision* is that it is correct from the legal point of view. In addition, it should contain comprehensive and comprehensible reasons and a coherent and precise statement of facts. The Report draws attention also to the layout of the court decision as a quality criterion. A quality decision is pleasing to the eye. Moreover, in addition to legal correctness, the decision should be flawless also linguistically and typographically.

The *time factor* is seen as an essential element of quality in the Report. One of the most important criteria of high quality is that the cases are heard and decided as promptly as possible. In order to reach a quality throughput time, the judge must pursue efficient case management methods. The process must be planned in detail and with consistency. The case must be decided as soon as it is ripe. The age breakdown of pending cases must be controlled and individual throughout times monitored. Due attention must be paid to the prioritisation of pending cases. The courts should have proper operating plans. Even though promptness of proceedings is an element of quality in adjudication, it is noted in the Report that the requirement of promptness may under certain circumstances run against the demands of appropriate treatment of the parties and the correctness of the eventual decision. The parties must be allowed sufficient time to prepare their cases, for instance for the purpose of a hearing. In like manner, the judge must be reserved a sufficient time for drafting the judgment.

In the Report, the *treatment of the customers* is seen as a decisive factor in determining what the public and the media think of the courts. The requirement of good customer service must be extended to everyone working at the court. The judge must behave in a manner preserving the authority of the court, but at the same time she must treat the parties courteously, respectfully and also otherwise in an appropriate manner. The credibility of the work of the courts requires that the judges carry themselves in accordance with the status of their position and e.g. dress properly. It is important that the courts operate with precision and that they see to it that the customers are informed in case there is an unexpected development in the proceedings. In criminal cases, the attention of the court must not only be on the defendant, but also in the complainant and the witnesses.

Another major element involved in the quality of the courts is the *competence and training* of the personnel. In order to achieve quality in its operations, the court's personnel must be well trained and continued training should be on offer at all times. There should also be enough time to take advantage of the training on offer; this must be taken into account when the resources of the court are being set. The courts must pursue constant dialogue on procedures, case-law, drafting conventions and the quality issues arising in the context of a court. The exchange of experience among judges should be promoted also by other means. The recruitment of judges, and especially of chief judges, is a very important issue in its own right. Moreover, the terms of service of court personnel must be appropriate, as must their working conditions and the technical support available to them. Finally, due care must be taken to ensure that no judge neglects his or her duties.

The Report contains some remarks also on the question of how the quality of the court could be described or benchmarked. It is noted, in this respect, that it is possible to measure e.g. the number of incoming cases, decided cases, appeal propensities, appeal suc-

cess rates and throughput times. That having been said, it remains an open question how and to what degree these indicators can be used to describe or benchmark the quality of court operations. Accordingly, in order to obtain a fuller picture, the statistics should be supplemented e.g. by surveying outsiders about their perceptions of the courts and court operations or by group evaluations carried out by the judges themselves. It is also noted in the Report that high quality in adjudication requires also that the control system functions well and that the chief judges have both the competence and the responsibility to manage their courts.

Current situation

A broad-based development project encompassing the entirety of the court system has been under way in Sweden for several years. As a part of that project, there has been e.g. a noteworthy process of mergers of District Courts. A development group attached to the Domstolsverket (Utvecklingsgruppen i Domstolsverket) works on matters relating to court development, such as organisational and work process reform. The development projects are seen also as mechanisms for the improvement of quality in the courts. In addition, it has been constantly stressed in the development of the courts that high quality should be something that the courts provide as a matter of course.[5]

In addition to the more general development work, Sweden has recently launched a project for the inception of systematic quality improvement work in Swedish courts.

Issues of quality were discussed as one of the two main topics of the 2004 Court Conference, with the participation of the chief judges from every court in Sweden.[6] It was decided at that Court Conference to set up a quality working group to draw up a proposal for the continuation of quality improvement work in the courts, as well as for the methods and strategy of the quality improvement work. In addition, the working group was to come up with ideas for the propagation of quality improvement work at the courts.

The quality working group reported in September 2005 on the quality improvement work at the courts. The report, titled *Att Arbeta med Kvalitet I Domstolsväsendet*, covers e.g. the concept of quality in the courts, the reasons for quality improvement work and the various options for proceeding with this kind of work. The working group proposed that every court begin at once with a programme of systematic quality improvement work, with the support and supervision of the central administration of the court system. According to the quality improvement strategy drawn up by the working group, each court, or a number of courts together, should appoint a quality improvement group and select a quality coordinator. Possible first choices for quality improvement targets are e.g. throughput times and the treatment of individuals in court.

The report covers also the follow-up of quality development and the related benchmarking efforts. According to the working group, the benchmarking of quality requires the definition of quality criteria and the establishment of a scale of good quality and, respectively, of poor quality. In the view of the working group, the definition of quality criteria should not be a task for individual courts, but rather for the court system as a whole.

[5] *See e.g. the booklet Så här vill vi ha framtiden. Vision för domstolsväsendet.*

[6] *Domkretsen nr 3/2004.*

3.2 The Netherlands

Between 1998 and 2002, the Netherlands implemented a programme for the modernisation of the legal system, seen to require multiple evaluation studies of the current situations and estimates of the future. An evaluation plan was drawn up for this purpose. Parallel to the evaluation plan, the Dutch Council for the Judiciary (*Raad voor de Rechtspraak*) introduced a quality project for the development and implementation of a coherent and extensive quality management system in the courts of the Netherlands. One of the subject areas of the project was to design a quality benchmarking system for the courts and to promote its adoption. It was deemed essential for any further development work in the Netherlands that the successfulness of the operations of the courts is measured.

There are five benchmarking sectors in the benchmarking system now in experimental application in the Netherlands. These sectors are monitored through "efficiency indicators", that is, those characteristics of the particular sector that can be covered by relatively simple and inexpensive information collection methods. The information may be either objective data or subjective opinions; it is collected for a limited number of efficiency indicators, selected primarily on the basis of their usefulness.

The first sector is the *impartiality and integrity of the judges*. Within this sector, the observations pertain e.g. to the allocation of incoming cases in the court and to whether the parties and the others participants in court proceedings, such as prosecutors and attorneys, feel that the judges operate impartially and with integrity.

The second sector is the *competence of the judges*, which is studied e.g. through customer surveys. The participants in court proceedings are asked whether their impression of the operation of the judge is of conscientious preparation and capable execution. Observations are made also of the propensity of the parties to appeal against the judgments of a particular judge, as a proportion of the total number of judgments by him or her.

The third sector relates to an issue that has been subject to much discussion in recent years in a number of countries, that is, *procedural justice*. The observations in this sector pertain to the *attitude of the judge to the parties* and to the *treatment of the customers of the court*. For example, it can be asked whether the judge lets everyone to have their say in court, whether he listens to both parties, whether he explains the process to the parties and what kind of reasons he supplies for his judgment.

The fourth sector concerns the *equitability of court operations and the equal treatment of the parties*. Also in the Netherlands, there have been problems in determining how to measure the uniformity of judicial decisions and adjudication in an objective and straightforward way – it is simply too time- and resource-consuming to set every judgment side by side and evaluate them. For this reason, the uniformity of adjudication can only be evaluated by indirect methods. Customer surveys will be used to find out what the parties think of the uniformity of the adjudication. Another method is to research whether the courts have access to tools that can be deemed to be of use in the promotion of uniformity in adjudication.

The fifth, and final, sector pertains to the questions whether the proceedings are duly *prompt* and whether the judges *keep to the agreed process schedules*. In this sector, the throughput times and the productivity of the judges in various case types are monitored. Over-productivity is controlled as well. This may be a sign of overwork, which, in the long run, is not in the best interests of the customers, the personnel or the society at large.

The evaluation proceeds through registration, inspections and customer surveys. Registration, in this context, means that there already is a certain amount of information available in the courts' information systems. This is converted into a format useful for evaluation by means of specifically designed computer applications. Inspections, for their part, give rise to independent conclusions deriving from observations made of the courts. A checklist has been drawn up for the inspection process. Customer surveys are used for the measurement of customer satisfaction levels relating to the services and products provided by the courts. A distinction has been made between the parties (general customers) and the professional customers (prosecutors and other regular court attendees, such as experts, interpreters, notaries public, estate administrators and child welfare officials). The data compiled by means of the various measurement methods will be mutually reinforcing and ensure that a fully rounded impression of the work of the courts can be formed. Registration yields objective data, inspections mainly objective data and customer surveys subjective data.

3.3 The United States

In the United States, the development of general standards for the evaluation of the performance of court operations began already in 1987.[7] The Trial Courts Performance Standards and Measurement System was introduced in 1995, at which time its implementation as a regular part of the control and management systems of the courts began.

There are five performance areas comprising the performance standards: (1) Access to Justice, (2) Expedition and Timeliness, (3) Equality, Fairness, and Integrity, (4) Independence and Accountability, and (5) Public Trust and Confidence.

In each of the performance areas, there are several more detailed standards that lend themselves for measurement; in all there are 22 such standards. The standards have not been intended as rigid or strict rules by which the courts should operate, but rather as recommendations that may provide some aid in the direction of the operations. Each of the standards is subdivided further into very detailed measures.

In the performance area relating to Access to Justice, the interest is in the assessment of whether the courts are open and accessible. Some factors that have a bearing on this issue are the location of the courthouse, procedures, and the courtesy of the court personnel. There are five standards in this performance area: (a) Public Proceedings, (b) Safety, Accessibility and Convenience, (c) Effective Participation, (d) Courtesy, Responsiveness and Respect, and (e) Affordable Costs of Access (comprising not only monetary costs, but also the time requirement of court proceedings).

In the second performance area, that relating to Expedition and Timeliness, there are three standards: (a) Case Processing, (b) Compliance with Schedules, and (c) Prompt Implementation of Law and Procedure.

In the third performance area, that relating to Equality, Fairness, and Integrity, the leading principle is that the courts should provide equal justice to all as required by the Constitution. There are six standards in this perform-

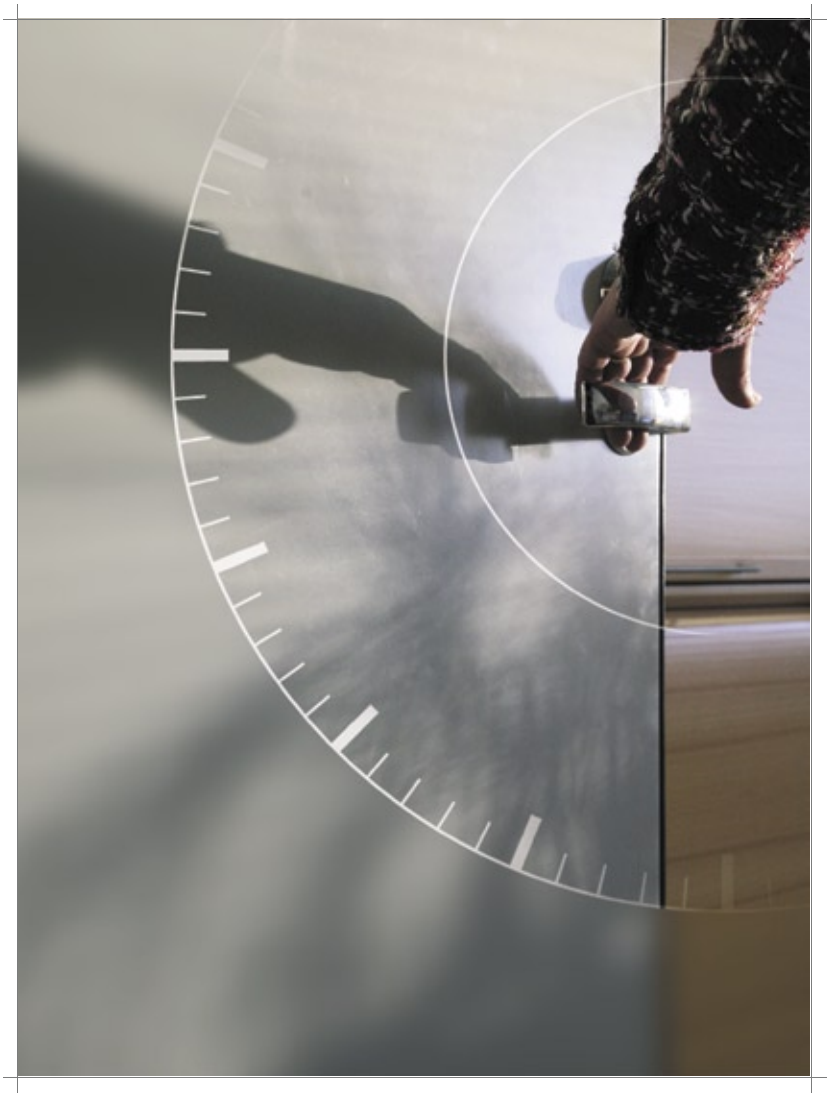
[7] *www.ncsconline.org.*

ance area: (a) Fair and Reliable Judicial Process, (b) Jury Function, (c) Court Decisions and Actions, (d) Clarity, (e) Responsibility for Enforcement, and (f) Production and Preservation of Records.

In the fourth performance area, that relating to Independence and Accountability, there are five standards: (a) Independence and Comity, (b) Accountability for Public Resources, (c) Personnel Practices and Decisions, (d) Public Education, and (e) Response to Change.

In the fifth, and final, performance area, that relating to Public Trust and Confidence, there are three standards: (a) Accessibility, (b) Expeditious, Fair, and Reliable Court Functions, and (c) Judicial Independence and Accountability. Whereas in the other performance areas these standards are evaluated mainly from the viewpoint of the participants in the court proceedings, in this particular performance area the viewpoint is the broader one of the general public and of possible future customers of the courts. The key phrase here is that "Justice should not only be done, but should be seen to be done".

The measurement methods used in the context of these standards include observation, simulations, interviews, evaluations, document review, inspections and assessments produced by special assessor teams.



QUALITY BENCHMARKS FOR ADJUDICATION

4 QUALITY BENCHMARKS FOR ADJUDICATION

4.1 Introduction

In the drafting of these Quality Benchmarks for Adjudication, we have utilised the remarks on judicial quality in the legal literature and in various reports and analyses pertaining to the courts. An especially important source has been the quality assessment and development work that has been under way since 1999 in the Quality Working Groups operating as a part of the Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi. In this way, one can describe the Quality Benchmarks as a distillation of the views of the entire judiciary in the region, and of the attorneys and prosecutors participating in the quality improvement work, relating to what criteria are relevant to the quality of the work of the courts and how these criteria should be characterised.

In the design of the Quality Benchmarks, there have been important points of comparison found in the general quality management models[8] used in various organisations and in certain more detailed applications based on the same. We have also studied the quality improvement work undertaken in the courts of a number of other countries, as well as the quality criteria in application there.

That being said, we have not adopted any of the general quality management models or foreign Quality Benchmarks for use as such here in Finland, nor have we indeed even made the effort to do so. Court operations, and especially adjudication, are such a sui generis activity in relation to the general service industries or other professional pursuits that there is no point in trying to use ready-made models. In like manner, there was no justification for the wholesale import of the judicial quality management systems of any of the other countries studied. Notwithstanding the international similarities in the field of procedure, the points of main emphasis in the development of quality in adjudication must still be closely linked to the judicial tradition of the individual country.

With due regard to these considerations, the Quality Benchmarks have been drafted to

[8] *Especially the European Foundation for Quality Management (EFQM) and the Balanced Scorecard (BSC).*

serve as a support mechanism for the evaluation of the adjudicative work of the courts in the Court of Appeal jurisdiction. It should be noted, however, that the benchmarks are general in nature and can therefore be applied in the evaluation of judicial quality in the general courts anywhere in Finland.

The drafting of the Quality Benchmarks has begun with the definition of the sectors of adjudication – aspects – where the quality is to be assessed. Thereafter, a set of quality criteria has been identified for each of the aspects. The quality criteria have then been described by means of examples of the salient characteristics of the criterion in question. In addition to this definition of the benchmarks proper – that is, those issues that we wish to measure – the Quality Benchmarks of course cover also the determination of the point scale for analysis and the selection of the evaluation methods.

The following sections provide additional detail on the contents of the Quality Benchmarks.

4.2 Aspects and quality criteria

The proposed Quality Benchmarks consist of six aspects, which contain a total of 40 quality criteria:

1) the process (nine quality criteria)
2) the decision (seven quality criteria)
3) treatment of the parties and the public (six quality criteria)
4) promptness of the proceedings (four quality criteria)
5) competence and professional skills of the judge (six quality criteria)
6) organisation and management of adjudication (eight quality criteria)

The intention has been to identify the aspects so that they would provide the maximum of coverage of those of the operations of the courts that combine to produce quality. As has been noted above, the benchmarks are not intended for the evaluation of the operations of the courts in total, but instead for the concentrated assessment of the core of the adjudicative function, the process, and its quality. Hence, for example, the aspect relating to court organisation and management is not to be used for the evaluation of the organisation of the court and the successfulness of its management as a whole. The benchmarks focus solely on the quality criteria that have a direct bearing on the quality of the process and decision relating to matters subject to adjudication.

The intention has been to identify the most salient quality criteria from each aspect, combining to produce quality. Court proceedings, with all their intricacies, would allow for the selection of any number of quality criteria from each aspect. Accordingly, there has been the need to strike a balance between the various criteria, thereby getting to the most important ones for the particular purpose. Attention has been paid e.g. to how the quality criterion serves the important premises of the evaluation discussed above in chapter 2.2, that is, access to justice and the credibility of the courts. It should also be noted that not all of the criteria that have been selected are sharply delimited; instead, they may involve a certain degree of overlap, even redundancy. Moreover, the quality criteria have been selected so that they can be applied in the assessment of the quality of adjudication as easily as possible, regardless of whether a criminal or a civil case is concerned.

Each of the quality criteria have been described in more detail by listing some of its most salient characteristics. This listing is not exhaustive. Nonetheless, we have deemed it important to describe the characteristics at some depth, with a view to the practical implementation of the benchmarks and the evaluation process. It is also possible that some of the characteristics of the quality criteria may appear mutually exclusive. In this case, good quality can be attained by combining the criteria in individual cases so that both are met as closely as possible.

The quality criteria and their characteristics have been summarised in the table that is annexed to this paper (Annex 2). The following chapters contain brief reasons and viewpoints relating to the choice of each of the aspects and quality criteria within the aspects. A brief commentary on the contents of the quality criterion is also provided. The characteristics of the quality criteria, which appear in full in the table, have not been covered exhaustively, but rather for purposes of illustration.

4.2.1 Aspect 1: The Process

Choice of the aspect

The proper functioning of the judicial process has a direct effect on whether the parties can enforce the rights that they are attempting to enforce by recourse to the courts. In a nutshell, process is a means for the enforcement of material law. Accordingly, the significance of the process can be seen mainly as being constituted of instrumental considerations. That being said, the current view of judicial process is one where there is also intrinsic value in the process itself; the materially correct outcome must arise from a just process, and moreover from a process that is perceived as just. Research into procedural justice has shown that people form their opinion on the fairness of a trial mainly on the basis of the fairness and equitability of the proceedings, rather than the of end result.

For all these reasons, the evaluation of the quality of judicial process is especially important for the parties. It is nonetheless important also from the societal point of view, because a high standard of judicial process is conducive to increasing the credibility of not only the courts, but also the whole of the legal system. Moreover, the quality of the process is not without significance to the individual judge, either, because the core of the work of the judge, the production of a decision, takes place within the framework formed by the procedure. A well organised process serves as a solid basis for making a quality decision.

Starting from these premises, the process may be looked at in the light of many quality criteria indeed. In the definition of the criteria, it is vitally important to keep in mind the viewpoint of the participants in the proceedings – customer satisfaction should thus be considered, even though the term "customer" is not without its problems when it comes to the work of the courts. The process is of high quality, when it has provided proper procedural guarantees for the enforcement of people's rights and when the people have perceived the process to have been reliable and fair. The selection of quality criteria relating to the process has been based primarily on these considerations.

Choice of the quality criteria

1.a) The very first quality criterion relating to the process is that *the proceedings have been open and transparent vis-à-vis the parties*. The transparency of the proceedings is intrinsically desirable. For the parties, it is an essential guarantee of a fair trial, e.g. by reason of it being closely linked to the principle of *audi alteram partem*.

Openness and transparency mean not only that the parties have been informed of the stage of the proceedings, but also that the parties have been allowed to make their case, as well as to comment on their opponents' claims. To this end, it is the responsibility of the court to practise informative case management and advise the parties and the other participants of the course of the proceedings. At all times, the parties must be aware of the current stage of the proceedings and of what is to be expected at later stages.

1.b) The second quality criterion relating to the process is that *the judge has acted independently and impartially*. The independence and case-by-case impartiality of the court and of the individual judge are fundamental principles of justice.

The judge is allowed to decide the case solely on the basis of the material presented in court and solely on the basis of the legislation in force and of other accepted sources of law. The case-by-case impartiality cannot be compromised e.g. by the judge practising too effective and too active case management methods, albeit that skilful case management is an important guarantee of quality in adjudication in its own right (see point 1.e). Another core element of independence and impartiality is that the judge has not let media pressure, the public opinion or any other outside influence to affect the hearing and the decision in the case.

1.c) The third quality criterion relating to the process is that *the proceedings have been organised in an expedient manner*. Expediency is one of the leading procedural principles. To this end, the proceedings should be organised as simply and informally as possible, with a view to the extent and nature of the case and the need of the parties for protection under the law.

It should be noted, however, that the expedient arrangement of the proceedings does not mean that minor cases were to be considered more sloppily than major ones; instead, the procedural measures used in the case should be measured so that they correspond to the level needed for the high-quality consideration of the individual case. As a matter of fact, the current set of procedural provisions leave a relatively broad latitude for the court to carry out the proceedings in the manner and thoroughness best suited for the case at hand.

For example, expediency as a quality criterion requires that the composition of the court follows the nature of the case and not e.g. the resource constraints of the court. Expediency of proceedings requires also that the hearing schedule has been agreed on with the parties/attorneys.

1.d) When the procedure in the courts of first instance was reformed in 1993, one of the most important goals relating to civil procedure was the promotion of settlements in court. Indeed, a genuine settlement is most often the least expensive outcome available to the parties. In addition, settlement is conducive to maintaining the cordiality of the relationship between the parties and to committing the parties to the outcome.

For this reason, the fourth quality criterion relating to the process is that *active measures have been taken to encourage the parties to settle* (civil cases and the civil liability issues in criminal cases). It is, of course, a given that in a quality process the parties are not put under duress so as to have them settle the case and that the underlying reason for seeking a settlement is not that this is in the interests of the judge or the court, e.g. through the easing of their workload. If, during the course of the discussions, one party clearly objects to the attempts to reach a settlement or refuses to settle, the case must be dealt with in regular

proceedings and decided by way of a judgment. The parties always have the absolute right to have their case decided by a judgment rather than a settlement.

Some of the characteristics of active encouragement to settlement are that the judge has kept the possibility of settlement a live topic throughout the process, in so far as possible, and that the judge has thoroughly explained to the parties the benefits and advantages of settlement vis-à-vis a judgment.

1.e) Quality in adjudication is quite dependent on the successfulness of the process management by the judge. Even though the parties in the general courts have the primary responsibility for the procurement of trial materials and for the information available to the court being as complete as possible, the responsibility for the thoroughness of the hearing in the case remains the responsibility of the court. For the judge, this means that the *process must be managed effectively and actively (both procedurally and substantively)*. This is the fifth quality criterion relating to the process.

Effective and active process management means e.g. that the presiding judge sees to it that the proceedings are structured and scheduled as a coherent whole. In addition, the judge must pose the necessary questions, as is her right, to make sure that the case is thoroughly examined — naturally with due regard to the differences between civil and criminal cases. Under the current view, it is especially important that the judge exercises process management methods so as to rectify obvious mistakes by the parties, if their rights would otherwise be compromised.

1.f) The high cost of court proceedings may sometimes be a barrier to a case being brought to court for resolution even in the event that there would be an objectively identified cause to do so. The cost effect of a trial may prevent people from enforcing their rights. The sixth quality criterion relating to the process aims for the control of these costs.

According to the quality criterion, *the proceedings must be arranged and carried out so that a minimum of expenses is incurred by the parties and others involved in the proceedings*. This requires due attention to the efficient progress of the case and the elimination of unnecessary interim stages, because the more activity is required from the attorneys, the more will they bill their clients. Thus, for instance, the written preparation of a civil case must not be unduly prolonged. In the main, a preparatory hearing should been called after the response, without requesting an additional comment from the plaintiff. In addition, the case should be prepared and ready for the main hearing after a single preparatory hearing.

In recent years, one of the most important cost-reduction measures available to the courts has been the use of modern technology during the proceedings. E-mail, telephone, videoconferencing and other technological advances should be utilised as often as possible and as often as cost savings can be achieved in this manner.

1.g) The rules and principles of judicial procedure govern the measures that must be taken, or can be taken, in the proceedings. That being said, procedure has no intrinsic virtue; it is a means to achieve the goals of certainty, efficiency and fairness in a trial. The achievement of these goals require that *the proceedings have been organised in a flexible manner*, which is the seventh quality criterion.

As a quality criterion, there is certain overlap between the flexibility of proceedings and the criterion of expediency (1.c). The focus is nonetheless different. For instance, the possibilities offered by the procedural rules should be utilised with skill, as required by the circumstances and the nature of the case.

Flexibility of process means also e.g. that the scheduling of the proceedings takes note of the justified requirements of the parties and the attorneys and that the practicalities of the proceedings have also otherwise been discussed with the parties and their attorneys. The utilisation of modern technology, as referred to above, opens also many new avenues for the flexibility of process.

1.h) The openness of the proceedings is an essential element of a fair trial. Open proceedings are an important guarantee of the parties' protection under the law. Moreover, openness increases the credibility of the courts among the public. With a view to all these considerations, the eighth quality criterion relating to the process is that *the proceedings are as open to the public as possible*.

If restrictions are envisaged to the openness of a given process, the restriction should be limited to what is strictly necessary. Likewise, when orders on the secrecy of the trial materials or the decision are made, the secrecy should be restricted to what is strictly necessary. Public summaries of secret decisions should be issued, indicating the main thrust of the case and the reasons for the decision.

The openness of the proceedings is not without its shortcomings. With the expansion of the reach of the media, the disadvantages that publicity may cause to the privacy of the individual and the protection of private life have been brought to a sharper relief. Concomitantly, the achievement of the quality criterion relating to openness requires that even though openness is ensured in the proceedings, it has also been guaranteed that personal privacy is not thereby violated nor the smooth progress of the proceedings compromised.

1.i) The ninth, and final, quality criterion relating to the process is that *the proceedings have been interactive*. This criterion has a close connection to the requirement of procedural justice, discussed above.

It is characteristic to a court decision that it arises from the interaction of the judge and those participating in the proceedings. The information available to the judge and the information available to the parties are combined in the production of the decision. The quality and the value of the outcome of the proceedings depends largely of how successful this interaction is. According to research on procedural justice, people consider the proceedings to have been fair if they have been allowed to interact with the court.

From these premises, it is important that the participants in the proceedings feel that they have been allowed freely to make their case (cf. criterion 1.a above). In addition, the participants should be treated so that they feel that they have been heard and understood. For instance, it is important also for this reason that the judge looks at the speaker. Thus, in addition to formal hearing, an effort should also be made to ensure that the participants feel that they have been genuinely heard.

4.2.2 Aspect 2: The Decision

Choice of the aspect

It is the duty of the general courts to decide the civil and criminal cases brought to them for a resolution. The parties bring a civil case to court in the express purpose of having their dispute resolved. In a criminal case, the essential set-up of the process is the same. Albeit that procedure, and the fairness of the procedure, have also some intrinsic value, as has been discussed above, the quality of the decision of the court is a critically important aspect of court operations. The decision is the product on the basis of which the successfulness, or not, of the operations of the court is ultimately evaluated.

The rule of law requires that the parties are entitled to place high expectations on the decision of the court, both as regards its outcome and as results its stated reasons. A court decision must necessarily be well argued, and not merely in accordance with the law and justice. If the court arrives at the wrong outcome in its decision, no measure of high quality in the process or in the other aspects of adjudication will remedy this failure. Under circumstances such as these, the main objective of judicial procedure, access to justice, will not have been achieved at all.

For the parties, the high quality of the reasons to the decision are an important guarantee of their protection under the law. On the basis of the reasons, the parties can consider whether the court has exercised the judicial power correctly and reflect on their need for appeal, and the likelihood of success in appealing. The reasons make it possible to evaluate the operations of the courts also in a broader context, that of the society at large. Wrong decisions, and badly reasoned decisions, diminish the credibility of the courts and of the individual judges. Indeed, it is hardly necessary to justify the importance of the assessment of the quality of the judgment from the viewpoint of the judge – decision-making, covering both the exercise of judicial discretion as to the outcome and the supply of reasons for the same, forms the very core of the judicial profession and is therefore a most important field for work towards the improvement of the quality of adjudication.

The selection of quality criteria relating to the decision has been based on these considerations.

Choice of quality criteria

2.a) The first quality criterion relating to the decision is that *the decision is just and lawful* (correctness of judgment); this is one of the most important objectives of court proceedings. The quality criterion means that the decision is in accordance with the law in force and that it is based only on established facts. Moreover, the correctness of the decision should be clear on the face of it.

Because the determination of whether a decision is in accordance with justice or the law is in many cases a quite relative pursuit, the achievement of this quality criterion must be assessed more by way of indirect characteristics than by way of direct ones. A decision can be assumed to be just and lawful if, in addition to legislation, the prevailing case-law and other accepted sources of law have been taken into account in its formulation. In addition, the specific characteristics of the case at hand must have been recognised in the formulation of the decision. The achievement of the quality criterion is promoted also by taking due note of the recommendations of the Quality Project relating to practice and procedure and using them as a point of comparison to an individual judge's practices and usages.

2.b) According to the second quality criterion, *the reasons for the decisions should convinced the parties, legal professionals and legal scholars of the justness and lawfulness of the decision*.

The achievement of this quality criterion depends on the impression that the parties get of the reasons of the judgment. Even if the decision were both just and lawful, it is a problem in regard to the tranquillity of legal relationships if the reasons of the judgment fail to persuade the reader that this is the case. Admittedly, it is difficult, perhaps impossible, to draft the reasons to a decision so that they will convince everyone of the correctness of the outcome of the decision. For this reason, the relevant addressee group for this quality criterion has been restricted to the parties, legal professionals (judges, prosecutors, attorneys), and legal scholars.

2.c) The third quality criterion relating to the decision is that *the reasons are transparent*. Open society requires that also adjudication is transparent. In this respect, the transparency of the reasons is particularly important. Even if the reasons are formally in the public domain, openness will not be real unless they indicate transparently the real grounds on which the decision is based.

Transparency means also that if there have been more than one seriously considered alternative, all of these have been covered in the reasons. Transparent reasons comment also on arguments against the eventual outcome, as well as indicate why the arguments for the outcome have prevailed in the case at hand (pro & contra)

2.d) The fourth quality criterion relating to the decision is that *the reasons are detailed and systematic*. They should indicate which relevant issues are at dispute and which are not. With a view to this aim, the reasons should be drafted in a problem-oriented manner. Detailedness means that positions have been taken in the reasons on all evidence that has been accepted and on all issues at dispute. A systematic approach, for its part, means that different legal issues have been settled separately and in a sensible order.

2.e) The reasons of the decision is where the judge informs the parties and the general public of how the court has received the points raised by the parties and what has been their significance to the resolution of the case. In order for this to succeed, *the reasons of the decision must be comprehensible*; the fifth quality criterion relating to the decision.

According to the quality criterion, the language used in the decision should be such that also an outside reader can easily understand the main thrust of the decision. Comprehensibility requires the use of general language. Legal terms should be avoided or their meaning should at least be explained when they are used in the decision. The clarity of the decision can also be improved by the use of headings and a consistent structure.

2.f) According to the sixth quality criterion, *the decision should have a clear structure and be linguistically and typographically correct*. Clarity is improved when the structure of the decision makes distinctions between the background of the case, evidence, reasons, and outcome. Moreover, the decision should contain no linguistic or typographical errors and it should also otherwise be stylistically well written. Also the layout of the decision should be considered.

2.g) The seventh, and final, quality criterion relating to the decision pertains to the pronouncement of the decision, that is, its oral delivery to the parties and the public in the event that it is not issued later from chambers. According to the quality criterion, the *decision should* first and foremost *be pronounced so that it can be, and is, understood*. Thus, for instance, the decision should not merely be read out aloud in a monotone as written, but it should be delivered using regular, spoken language. Owing to the difference in the registers of written and spoken language, the latter is easier to understand when heard. As is the case with justification in general, also the pronouncement should take place in a problem-oriented manner.

When pronouncing the decision, the judge should look at the relevant party and maintain eye contact. Also, questions should be asked during and after the pronouncement so as to ensure that the parties understand the decision. This is not to be taken to mean, however, that the pronouncement of the judgment would take the characteristics of a debate.

4.2.3 Aspect 3: Treatment of the parties and the public

Choice of aspect

The breakthrough of fundamental rights and human rights and the recent research on procedural justice have over the past decade brought new light on the issue of how the parties and the public are in fact treated in court. The earlier times of "old man judge" are inevitably past, even though they were clearly not without their advantages. Moreover, according to the current understanding, court proceedings are not merely a legal-technical issue, but rather a genuine interaction situation between the judge and those participating in the proceedings; for most of the latter, this may well be a unique experience. Trust in the court system will only arise if the persons participating in the proceedings are treated in an appropriate manner. Treatment has also an impact on how the parties commit to the result of the court's decision.

For all these reasons, the treatment of the parties and the public is a very important aspect of Quality Benchmarking. This aspect has its links to the aspect relating to the process, but the viewpoint is somewhat different. Where the aspect relating to the process stressed the encounter with the participants in the proceedings during an ongoing process, the present aspect or treatment pertains more to the stages preceding the hearing and also to more general customer service situations in the court. In this aspect, the quality criteria concerning the parties are supplemented with criteria concerning the public and the representatives of the media.

Choice of quality criteria

3.a) The first quality criterion relating to the present aspect of treatment pertains to all of the other criteria therein. Namely, *the participants in the proceedings and the public must at all times be treated with respect to their human dignity*. Therefore, regardless of the work of the judge becoming routine in some respects, and regardless the possibility of a certain judicial cynicism, the judge should not treat the participants in the proceedings as impersonal objects of judicial measures, but rather as individuals with thoughts, emotions and demands. This requirement is the same no matter what the person's role in the proceedings is.

3.b) The second quality criterion relating to the present aspect is that *appropriate advice is provided to the participants in the proceedings, while still maintaining the impartiality and equitability of the court*. The importance of advisory services is on the increase in the society at large; the courts should not be any exception in this respect.

According to the quality criterion, for instance, a party should be assisted in the filing of a case in accordance with the nature of the matter. Of course, it ensues directly from the principles of judicial impartiality and independence that the court cannot provide "attorney services or advice". If the person is in need of such services or advice, he or she should be directed to get in touch with a public legal aid attorney or a private attorney. It is also an element of appropriate advice that information brochures and forms relating to the proceedings are kept available and actively offered to the participants.

3.c) A person with business to a public agency or a private enterprise can at times be left to wander alone in the premises before finding the appropriate official or service attendant.

In order for this not to be the case in the courts, the third quality criterion relating to the present aspect requires that *the advising and other service of those coming to court begins as soon as they arrive at the venue* (Courthouse etc.)

There should be clear signposts and directions at the Courthouse and, if at all necessary, also an information desk. It is very important that, in addition to the designated customer service staff, everyone in the personnel of the Court is for their part responsible for such advising as can be provided without endangering impartiality, as well as for other services.

3.d) The importance of informative case management to the access of the parties to information on the proceedings has been discussed already in terms of the process (point 1.a). In the present aspect, the fourth quality criterion contains an overlapping requirement that *the participants in the proceedings are provided with all necessary information about the proceedings*.

Thus, for instance, the participants in court proceedings are entitled to know who is in charge of their case. For this reason, the docket list posted at the door of the Courtroom indicates the names of the Court members and that of the court clerk. If necessary, the members of the court should also be introduced to the parties in the beginning of the hearing.

Advances in Internet services offer new possibilities for the dissemination of information. It should already now be the case that the website of the Court is up to date and contains information about court proceedings and links to such information.

3.e) The fifth quality criterion in the present aspect emphasises the importance of communications and public relations in today's media society. Only few people have had personal contact to a court. Most people receive their information on court operations by way of the media. Accordingly, it is a quality criterion that *the communications and public relations of the court are in order, where necessary*. Successful, competent communications require that the Court has an up-to-date communications plan and the communications and PR efforts of the Court also proceed in accordance with the plan.

3.f) The sixth, and final, quality criterion relating to the treatment of the parties and the public requires that *the lobby arrangements at the Court are in accordance with the particular needs of various customer groups*. Thus, for instance, the complainants in criminal cases, the witnesses, and if necessary also the defendants have been provided the opportunity to wait for the hearing in their own lobby areas. For the witnesses and complainants, it is important that they can wait without any danger of duress. In e.g. drugs cases, the situation is often the same also with the defendants.

4.2.4 Aspect 4: Promptness of the proceedings

Choice of the aspect

The promptness of the proceedings means that cases are dealt with and decided in court as quickly as possible, without undue delays. The completion of court proceedings in a reasonable time is a goal both of domestic legislation and of international agreements. Accordingly, promptness is an important aspect of the achievement of a fair trial.

For the parties, the duration of the proceedings is indeed a matter of significance. Many of the cases dealt with by the courts pertain to the very core of a person's life: Children, family, livelihood, employment, home and security. Pending court proceedings – often the only such proceedings that a party

will be involved in during his or her lifetime – tend to occupy one's mind and crowd out the other important elements of leading one's life. Not least for such reasons of humaneness, it is important that no undue delays occur in court proceedings.

Procedural delays may cause problems also in respect of the realisation of a person's protection under the law. A decision issued at the end of a long-delayed process – even if otherwise of high quality – may at worst be so late that it has no real meaning to the parties any more. Moreover, knowledge of the slowness of the courts may also prevent the filing of necessary cases, and perhaps also attract the filing of unnecessary ones for the express purpose of causing delays; the same reason may affect also certain parties' propensity to appeal.

In addition to private individuals, the promptness of the proceedings is very important also to businesses and corporations. Pending proceedings may hamper the business activities of a company and cause uncertainty about the continuity of business relationships or even the entire operations of the company. From the societal point of view, the promptness of the proceedings will support the status and the fundamental task of the courts as guarantors of legal tranquillity.

Owing to its great significance, the promptness of proceedings is an essential quality requirement for court work, a self-evident aspect of Quality Benchmarking. That being said, and as will be seen in the aspects considered in these benchmarks, promptness cannot be the sole determining criterion, but it must be considered in balance with the other quality requirements. The speed of proceedings cannot be increased indefinitely without compromising the correctness of the decision and the impression that the participants form about whether the proceedings have been appropriate in the first place. Also the nature of the case has a direct impact on the speed at which it can be processed: Simple cases with limited material can be dealt with more speedily than complex cases with extensive material.

Choice of the quality criteria

4.a) According to the first quality criterion relating to the present aspect, *cases should be dealt with within the optimum processing times established for the organisation of judicial work*.

Optimum processing time, in this context, means the shortest period of time during which the proceedings can be brought to completion by progressing in accordance with the provisions on judicial procedure. For this reason, these outlines for optimum processing times take no account of the extent of the case. That being said, the yardstick here has been a common case whose extent is also average. The achievement of optimum processing times requires that, in each case, there are no periods where nothing happens to the case.

With regard to the processing time targets, the resources of the court have a more direct and more tangible effect than they have with regard to the achievement of other quality criteria. However, owing to the basic restrictions described above, the possible inadequacy of the resources available to the court have still not been taken into account when setting the optimum processing times.

The setting of optimum processing times does not go beyond the detail level of field of law (civil cases, criminal cases), even though within either field of law there are several case types with differing promptness requirements. Nevertheless, to examine the work of the court at the detail level of case type, instead of the general level chosen here, would make the benchmarking exercise so particular that its results would perhaps be less useful in the development of the operations of the courts. For the same reason, there has been no need to

take separate looks at civil cases that are closed during the written preparation from those that go into a hearing – nor indeed to apply any other more refined method of examining the cases stage by stage.

By virtue of these parameters, it should be noted that also the optimum processing times are to be evaluated at the level of the court, rather than of the individual judge. The cases pending with each of the individual judges are so different by their nature that, taking all of the factors with an effect on the processing time into account, it will not be possible to achieve the optimum times with every case, no matter how favourable the circumstances. This is so especially with abnormally large cases, where the criteria of promptness will have to be looked at on the basis of the particulars of the case, rather than any general considerations. That being said, it is of course possible also for an individual judge to use the optimum processing times as a yardstick for the processing times that he or she achieves with his or her own caseload.

First of all, optimum processing times have been defined for civil cases and disputed petitionary matters, the latter as referred to in chapter 8, section 4(1), of the Code of Judicial Procedure. Summary debt collection cases have not been included in the optimum processing times, owing to the basic framework adopted for these Quality Benchmarks. However, if a case that has been filed as a summary case later turns out to be disputed, its optimum processing time will be the same as with any other civil case. In addition, the newly introduced provisions on court-annexed mediation (Act 663/2005, which entered into force on 1 January 2006) have not been taken into account in the setting of the optimum processing times.

It has been determined that the optimum processing time for a civil case and a disputed petitionary case is four months. For this target to be achieved, the action (application for a summons) will have to be registered at once when it is filed with the court and the summons will have to be sent within one week of arrival. The time limit to be set for the delivery of the response can be two to three weeks, depending on the nature of the case. Once the response has been received, the time limit for an eventual rejoinder to be delivered to the court can be another two to three weeks. The preliminary hearing should be held within two months of the conclusion of the written preparation, and the main hearing should be held within two weeks of the preliminary hearing. Finally, the issue of the judgment, which closes the case for the court and thus determines the achievement of the optimum processing time, should take place within two weeks of the main hearing.

In addition to civil cases and disputed petitionary cases, optimum processing times have been defined also for criminal cases. Criminal cases have been divided into two groups: (1) Simple cases and (2) complex (not simple) cases.

Simple criminal cases are defined as confessed and also otherwise not significant crimes, where the complainant makes no civil claims and where there is no need for written preparation. Typical such cases include driving under the influence. Criminal cases that can be decided without a main hearing (in written proceedings) are also to be characterised as simple. The optimum processing time in a simple case is one month.

In contrast, the optimum processing time for a complex criminal case is two months. The processing of a case in this time frame requires that the inquiry about possible civil claims by the complainant is complete in two to three weeks. The main hearing should be held within two months of the filing of the case. As the judgment in criminal cases is normally pronounced at the end of the hearing, it has not been considered necessary to reserve

time for the drafting of the judgment and its issue from chambers in the definition of the optimum processing time for criminal cases. This is of course the situation also with simple criminal cases.

4.b) The second quality criterion relating to the present aspect requires that *the importance of the case to the parties and the duration of the proceedings at earlier stages have been taken into account when setting the case schedule*. Traditionally, the view in the courts has been that cases are dealt with in the order they are filed with the court. This, however, is a view that has for some time been somewhat removed from reality. Cases are designated to "process tracks" of various speeds already on the basis of the procedural legislation, as can be seen e.g. in the draft optimum processing times described above. In addition, the current workload of the judge has a considerable effect on the order of cases.

Taking these considerations into account, the achievement of the quality criterion requires that even though first-in-first-out is the rule of thumb, the scheduling of certain types of case takes account of the especially great importance of the case to the parties. Such fast-trackable case types are e.g. "mould house" cases, child custody cases, employment cases and the debt adjustment of private individuals. In addition, the justified requests by parties for fast-tracking should be taken into account. Moreover, the criterion can only be fulfilled if the prolongation of the process – meaning here not only the proceedings in the court just now pending, but also the preceding stages of casework – is taken into account as a reason for speeding up the consideration of the case.

4.c) Even if the proceedings have been prompt from the viewpoint of the court, the parties may have a different experience. Accordingly, the third quality criterion relating to the present aspect is that *also the parties feel that the proceedings have been prompt*. The difference in the viewpoints of the court and the parties relating to whether the proceedings have been prompt or not should be adjusted e.g. by explaining the stages of the process forming the overall processing time and the reasons for the same.

4.d) During the course of the proceedings, the court sets procedural time limits pertaining to the various stages of the process. In addition, the judge may agree informally with the parties that a given measure, such as the case summary in a civil case, will be completed by a given date. The fourth quality criterion in this aspect requires that *time limits that have been set or agreed are also adhered to*.

Thus, for instance, requests for extensions of time limits must be considered on their merits, so that an extension is not granted automatically, but only for a due reason. Also in this event, the extension should not be longer than a few weeks. The achievement of the criterion requires further that the statutory provisions on urgent hearings are observed.

4.2.5 Aspect 5: Competence and skills of the judges

Choice of the aspect

The judges and the other court personnel define by their own activities the standard of their work and thereby also the entirety of the court's operations. As a matter of fact, quality in adjudication is largely determined by the competence and skills of the judges and the supporting staff.

Even if the resources of the court were objectively adequate, the attorneys performed their duties without reproach and the provisions on judicial procedure were flawless,

quality in adjudication might still remain unachieved if the competence and skills of the judge leave something to be desired. Conversely, a competent and skilful judge may act in a manner that remedies some of the shortcomings encountered in the other areas. Hence, a competent and skilful judge is the ultimate guarantor of the protection of the parties under the law. Moreover, when the judges act competently and skilfully, also the general trust of the society towards the courts tends to increase.

The requirements put to the competence and skills of judges are now higher than they used to be in the past. This is partially the result of changes in the operating environment of the courts e.g. through legislative progress (fundamental rights, human rights, broad and open regulations, etc.) and partially the result of increasing and varying expectations towards the courts. When the general education standard of the population increases and the welfare society expands, individuals expect more and better from the courts, as they do also from other social institutions and private service providers. For all these reasons, it will not suffice that the judges are content with their current level of competence and skills; instead, they and their superiors will have to be constantly looking for new methods and solutions for the improvement and development of their competence and skills.

With a view to the above considerations, it is essential that the competence and skills of the judge form an aspect of Quality Benchmarking. By ensuring that the competence and skills of the judges are maintained and developed, we can have a direct influence on the level of quality in adjudication in the courts.

Choice of quality criteria

There are any number of requirements that could be imposed on the competence and skills of the judge. For instance, a judge must be upright, independent, knowledgeable of the law, judicious, adept with the use of legal sources, discerning, good at interaction and communication, co-operative, linguistically gifted and culturally aware.

It would of course be possible to assign these direct competence and skill requirements also as quality criteria. However, in the design of the present Quality Benchmarks, it has been deemed that such an approach would not be advisable, for a number of reasons. The number of individual requirements – albeit legitimate in themselves – is so large that reliable benchmarking would be difficult already for this reason. Moreover, the practical arrangement of this kind of benchmarking would be a very complicated operation. For these reasons, the quality criteria relating to the competence and skills of the judge are not comprised of the individual characteristics of a good judge, but rather of such indirect factors that are deemed to have a direct bearing on the improvement of judicial competence and skills. In addition, the aim of one of the quality criteria is to determine the impression that the persons participating in the proceedings have of the competence and skills of the judge, based on his or her conduct in Court.

5.a) Owing to the rapid changes in legislation, it will soon become impossible to discharge the duties of a judge unless he or she keeps up to date with the latest developments. Accordingly, the first quality criterion relating to the present aspect of Quality Benchmarking makes *the judges* themselves expressly responsible for the same, requiring that they *take care of the maintenance of their skills and competence*. To this end, the judges must e.g. peruse

new legislation and preparatory works, follow the latest case-law, and keep up to date with the most significant new legal literature.

5.b) In addition to self-paced individual study, it is important for the development and intensification of competence and professional skills that *the judges attend continued training sessions* as referred to in the second quality criterion. As a matter of fact, various and comprehensive continued training is currently on offer to judges on a number of topics and organised by a number of providers.

The achievement of the quality criterion requires that the judges participate actively in the training sessions organised by the individual courts or in the context of quality projects, as well as in the continued training sessions for members of the judiciary organised by the central administration of the courts or some other body responsible for judicial training. The optimum training volume for each judge has been defined as 8 to 10 days of continued training every year.

5.c) In order to ensure the effectiveness of the continued training undergone by the judges, the training should be properly planned and based on the individual competence and skill maintenance and development needs of the judges. Accordingly, the third quality criterion relating to the present aspect is that *the judges' participation in training is subject to agreement in the annual personal development talks*. The training needs and the agreement reached on the judge's participation in training should be listed in the court's training plan for each judge separately.

5.d) The prosecution service is already proceeding in the direction of prosecutorial specialisation in given crime types. More and more often, also attorneys tend to specialise into more precise fields of legal expertise. At the same time, the duties of the courts have become more varied and their proper discharge requires the possession of extensive special knowledge. In view of these considerations, it is reasonable that also the judges specialise.

Accordingly, the fourth quality criterion relating to the present aspect is that *the court has specialised judges*. In the general courts, the natural first-degree specialisation is that relating to field of law, that is, either civil cases or criminal cases. In addition, the achievement of the quality criterion requires also more refined specialisation in the Court, if necessary in view of the nature of the cases and if its size allows for the same. It is of course a given that it is more difficult to arrange for specialisation in a small court.

5.e) The achievement of the fifth quality criterion is important for the credibility of the judge and the trust that the society puts in the courts. Namely, *the parties and the attorneys should get the impression that the judge has prepared for the case with care and understands it well*. For instance, the parties and the attorneys are entitled to expect that the judge is well informed of the factual basis of the case and that the judge understands the point of the case.

Important elements in the formation of the impression of the judge is the case management of the judge, which should be clear and determined. Also, the judge should act with confidence, not timidity, in the proceedings. During the proceedings, the judge should be capable of interaction not only with professionals in the administration of justice, but also with laypersons. The judge should be able to describe the case and discuss it in "everyman's terms".

5.f) For the development of the competence and skills of the judges, it is very important

that they can have discussions on professional issues with other judges and also with prosecutors and attorneys. Such discussions open up the possibility of learning from one's peers; in addition, they are conducive to the uniformity of court practice both in substantive and in procedural matters.

Towards these goals, the sixth and final quality criterion relating to the present aspect is that *the judges participate regularly and actively in judges' meetings, in quality improvement conferences and also in other work of the Quality Working Groups*. Naturally, this requires that judges' meetings are in fact regularly held at the Court and that the matters to be discussed in the meetings have been prepared as the nature of the matter warrants.

4.2.6 Aspect 6: Organisation and management of adjudication

Choice of the aspect

As is the case in any organisation, the management of a court consists of a number of functions: Planning, resource allocation, personnel motivation, development of functions, direction, control and supervision, maintenance of personnel competence and the safeguarding of the capacity of the personnel to perform. More and more is being required of court management under the current circumstances of rapid change in the operating environment and of increases of the expectations that the society and the personnel put in the courts. Like all of the court's operations, also its management must be of high quality and efficiency.

The organisation and management of adjudication is a very challenging sector of court management owing to the independence of the judges. Organisation and management measures should not overstep the limits of the judge's independence and impartiality with respect to the decision in an individual case. That being said, those with supervisory authority in a court are still responsible for the organisation and management of the adjudication so that it serves the achievement of the court's objectives.

Successful organisation and management of adjudication and of other court functions lay the groundwork for the decision of the cases with regard to the protection of the parties under the law. In view of the expediency of process and the accrual of costs, management is very important to the parties and the society alike. A well managed court gives both the parties and the society at large an experience of trustworthiness and of a high standard of adjudication.

Because organisation and management have a very significant effect on the successfulness of the court's adjudication, it is justified to include them as an aspect of Quality Benchmarking. Owing to the basic framework of the benchmarks, also organisation and management are examined from the viewpoints that have a bearing to adjudication. Hence, the quality criteria under this aspect are not even intended to cover all of the organisational and management issues arising in a court.

Choice of quality criteria

6.a) As the demands on *the organisation and management of adjudication* are increasing in the ways described above, the first quality criterion relating to this aspect is that they *are taken care of with professionalism and* that they *support the discharge of the judicial duties of the court*. Professionalism, in this context, means e.g. that the court is managed with a view to its objectives and that operating principles have been adopted for the court.

The management of the court should strike a balance between the viewpoint of the participants of the proceedings, especially the parties, and the internal viewpoint of the

court. The latter requirement means that the chief of the court manages it in interaction with the judges and other personnel.

6.b) It is an important issue in view of the independence and impartiality of the courts that the assignment of cases to individual judges is appropriately organised. Hence, the second quality criterion relating to the present aspect is that *the assignment of new cases to the judges is methodical and carried out in a credible manner*.

Incoming cases should be assigned to the judges by lot or by some other method ensuring the appropriateness of the distribution. The assignment criteria should be pre-defined. The person doing the assignment should have no personal stake in the outcome, nor any influence on the same.

6.c) It was noted above, in the section pertaining to the aspect of competence and professional skill (point 5.d) that the court should have specialised judges.

It is a parallel requirement for the organisation and management of adjudication that *the specialised competence of the judges is also utilised in the processing of cases*. There are many judges who have obtained above-average knowledge in a given sector of the law e.g. by self-paced study or postgraduate study. For the parties, it is important that the specialised competence of judges be taken into account when they are assigned into specific duties and when the bases for the assignment of cases are being defined.

6.d) The procedural legislation makes it possible, and indeed necessary, to use court compositions larger than one judge, if the nature of the case so warrants. The reinforcement of the composition is primarily a means for aiming for the greater correctness of the decision. However, the internal working arrangements of the court may make it difficult, even impossible, to use reinforced compositions.

To prevent this from happening, the fourth quality criterion relating to the present aspect requires that *adjudication has been organised so that the use of reinforced compositions is* de facto *possible*. It should be possible to use reinforced compositions whenever the case is extensive or complicated in terms of evidence, the law or otherwise, notwithstanding the general workload of the court or issues relating to the resources of the court.

6.e) It has been noted above that professionalism in management involves also interaction with the personnel of the court. This, of course, applies also to the interaction between the judges and their superiors. However, usual conversation during coffee breaks and other informal contexts does not meet the criterion of professionalism. Instead, a methodical approach to the talks should be adopted. For this reason, the fifth quality criterion relating to the present aspect is that *personal development talks are held with every judge every year*.

Personal development talks mean methodical conversations, planned for in advance, on the development aspirations and requirements of the judge. A form, containing the topics to be covered, should be used in order to lend structure to the talks and to make it easier to prepare for them. For instance, the agreements reached in the talks on the training programme of a judge (point 5.c) should be put on record as a part of the personal development talks.

6.f) The whole of the fourth aspect of the Quality Benchmarks concerns the promptness of the proceedings. Measures are needed also on the part of the court management in order to ensure that cases are processed in a timely manner. The sixth quality criterion relating to the present aspect concerns precisely this point.

Accordingly, *the court should have a methodical system for the active monitoring of case progress and for taking measures to speed up delayed cases*.

Especially the progress of cases of long-duration should be monitored (e.g. cases older than a year). In order to achieve the quality criterion, the court should have prearranged mechanisms for intervening in possible undue delays with individual judges, arising e.g. from an excessive workload.

6.g) The seventh quality criterion relating to the present aspect is that the security of the participants in the proceedings and of the court personnel is guaranteed. Security issues have become more and more prominent in the courts over recent years.

The achievement of the quality criterion can be ensured by drawing up for the court a security plan, containing a risk assessment and covering the security-enhancing measures in use. The security plan should be kept constantly up to date.

6.h) The efficiency of adjudication in the long run requires that the management of the court takes due note of the well-being of the personnel. For this reason, the final quality criterion relating to the present aspect emphasises *the responsibility of the management of the court for the judges and other staff not being overloaded with work*.

With the increasing demands on the courts, the issue of well-being has become more and more important as a management consideration. In order to achieve the quality criterion, superiors at the court must see to it that the members of the staff do not overwork, but maintain a work/life balance. It is important in terms of burnout avoidance that the individual judges or other staff members bear no personal responsibility for caseload congestion arising from the inadequacy of resources, but that this responsibility is assumed by the chief of the court personally.

4.3 Point scale for analysis

In the main, the quality criteria are analysed by means of a six-point scale and a corresponding verbal assessment. The verbal assessment is an approximation of the achievement of the quality criterion. In order to refine this assessment and to improve the usefulness of the benchmarking results in the development of adjudication, it is necessary to use also numerical point values to the achievement of the criteria.

The characteristics of the quality criterion can be used in the awarding of the points and the verbal assessment of the achievement of a given quality criterion. Hence, the characteristics themselves are not set to any scale at all. The point scale for analysis and the verbal assessments based on the level of achievement of the criterion in question are as follows:

0 points	The criterion is not met at all (fail)
1	The criterion is met partially (pass)
2	The criterion is met satisfactorily (satisfactory)
3	The criterion is met well (good)
4	The criterion is met laudably (laudable)
5	The criterion is met in an exemplary manner (exemplary)

One of the quality criteria relating to the promptness of the proceedings, namely "The case has been dealt with within the optimum processing times established for the organisation of judicial work" (point 4.a), is set to

a different scale. On that scale, the points awarded for achieving the criterion are based on the mean length of proceedings in the relevant case type in the court in question.

The point total of the Quality Benchmarking exercise is the sum of the points awarded for the achievement of each quality criterion. Because the criterion relating to optimum processing times can yield 15 points, the maximum point total of the Quality Benchmarks is 210 points.

It is a basic premise of the Benchmarks that, with the exception of the processing times criterion, it is possible to receive the same number of points from each quality criterion. The criteria, or the aspects, have not been weighted in relation to one another, because this would have necessitated the setting of the criteria into an order of priority. This has been considered an unnecessary exercise, at least before any experience from the pilot project is on hand. This issue will be revisited once the usability of, and the reliability of the information from, the Benchmarks have been tested in practice.

The point total for the quality criteria and any changes therein have an indicative value only. The total points for an individual court are thus a snapshot of its development at a given point in time. However, the total points are less important than the points awarded for a single quality criterion or an aspect, because the Benchmarks have been designed primarily as a development tool and as an impetus for discussion on this topic. In addition, the total points of one court are not intended to be compared to those of another court. Any comparisons will require the more detailed analysis of the benchmarking results.

The following paragraphs describe the required level of achievement in the relevant quality criterion, in order to receive a given number of points.

The criterion is not met at all (0 points; fail)

This is a failing result, which means that the quality criterion, as described, is not achieved practically at all. This may ensue e.g. from the importance of the matter not having been understood for some reason or another, or from an attempt to meet the criterion which nonetheless has failed. For instance, the court cannot expend the resources to have a bailiff on duty for the duration of court days, even though this would in most situations be an essential prerequisite for the appropriate provision of information and advice to customers.

The criterion is met partially (1 point; pass)

The quality criterion, as described, is achieved for a restricted part. For instance, some of the characteristics of the criterion are met, but most of them are not met at all. Accordingly, there still are quite considerable defects in the achievement of the quality criterion.

The criterion is met satisfactorily (2 points; satisfactory)

The quality criterion, as described, is achieved to a considerable degree. About one half, or at least almost one half, of the conceivable characteristics of the criterion are met quite well. That being said, it is possible to be awarded 2 points even if there still are significant defects in a restricted part of the criterion. At this level, the operations of the judge and the court are already quite satisfactory.

The criterion is met well (3 points; good)

The quality criterion, as described, is achieved well and extensively, even though there still may be minor deficiencies in some individual characteristics of the criterion. This is the level that should be the goal for all judges and all courts; it is also attainable in practice.

The criterion is met laudably (4 points; laudable)

To be awarded 4 points, the conceivable characteristics of the quality criterion must be achieved in a laudable manner. In practice, there should be no scope for criticism as to the achievement of the criterion at all. A laudable performance will also serve as a model for others; it is evidence of a real effort having been made to develop the activity covered by the quality criterion in question.

The criterion is met in an exemplary manner (5 points; exemplary)

To be awarded the maximum, 5 points, the quality criterion must be achieved in an exceptionally impressive and exemplary manner. This result can be attained, but it is not envisaged that it will in fact be attained very often. The achievement of the quality criterion in an exemplary manner means e.g. that the court is a top performer also in an international comparison. It is also an active developer of judicial culture, by serving as a model for the aspirations of other courts and judges. The activity covered by the quality criterion in question is also under constant development with a range of innovative approaches.

4.4 Choice of the method of evaluation

There are five categories of evaluation method referred to in the Quality Benchmarks: (1) self-evaluation, (2) surveys, (3) evaluation by a group of expert evaluators, (4) statistics, and (5) statement by the court itself.

Taking due note of the nature of the work of the courts, it will be necessary to employ a number of these methods in order to gain a realistic and comprehensive view of the quality of the operations of the court. The choice of quality criteria in the benchmarks tends to the same direction, as the practicalities of the evaluation of the achievement of the individual criteria will no doubt be very variable.

The methods of evaluation will yield either objective data or more or less subjective data. The primary advantage of objective evaluation methods is that they provide a precise picture of the quality criterion in question. In contrast, however, they do not necessarily cover the criterion very broadly, and will therefore not serve as a basis for the planning of the necessary development measures, or indeed the conceiving of such measures.

The advantage of subjective evaluation methods is that they cover the quality criterion in question quite broadly. In contrast, however, the data obtained by these methods may be quite imprecise, or even false.

Self-evaluation means, in effect, that the judges themselves assess their own operations and those of their court in the light of the quality criteria in question. Self-evaluation is one of the most important methods proposed in these Quality Benchmarks. The data that can be obtained by this method is of course

largely subjective; however, when taken as a whole, the data will serve as a good and informed basis for the further evaluation of the quality criterion.

The other important evaluation method is the survey, which comes in a number of varieties: There are the extensive survey, the restricted survey, and designated surveys of Lay Judges, the courts, court personnel, and representatives of the media. The addressees of the extensive survey are the attorneys, prosecutors, and parties. In cases where an extensive survey is not needed, owing to the nature of the quality criterion, the survey will be restricted, that is, the parties will be excluded from the addressee group. Also the survey yields mainly subjective data. Especially the information received from a party may be coloured to a great extent by the outcome of the case, that is, whether the party has won or lost in his case.

With respect to certain quality criteria, the most useful evaluation method will be the use of a designated group of experts to perform the evaluation. The expert group is composed of a judge, an attorney, a prosecutor, a University professor (legal scholar), and a communications and PR professional. With respect to yet another group of quality criteria, the expert group will be more restricted than that, being composed solely of a judge, an attorney and a prosecutor. The evaluation result produced by the expert group will be subjective, but in view of the balanced composition of the group, it is still likely that their result will be a close approximation to the true standard of quality at the court.

There are many quality criteria where the preferred evaluation method is the use of statistics. Statistics are a form of objective data on the achievement of the criterion. For all that, they also require interpretation and cross-referencing with other data before meaningful conclusions can be drawn. Many of the necessary data series can be compiled directly from existing statistical systems, but there are others which will require the initiation of data collection.

The fifth method of evaluation is the statement obtained from the court itself, which will serve as the basis of the assessment of the points for the criterion in question.

4.5 Pilot project for the Quality Benchmarks

The implementation of the Quality Benchmarks will proceed by way of a pilot project. The pilot project will also yield useful information for the further development of the benchmarks. It is only through the practical experiences gained during the pilot stage that the final form of these Quality Benchmarks can be settled and ratified.

It was decided in the Quality Conference of 2005 that the pilot project would be implemented in the autumn of 2006. All courts in the jurisdiction of the Court of Appeal of Rovaniemi will participate. The practical implementation of the pilot project will be a task for the Quality Co-ordinator, assisted by a contact person in each of the courts of the appellate jurisdiction.

Most of the measurements required in the Quality Benchmarks will be carried out with an Internet-based application, Webropol. In practice, everyone responding to a quality survey will be able to do so at her own workstation. The software will compile the results and yield various summaries and reports. Data collection will thus be relatively easy and it will not give rise to noteworthy additional work or administration.

As regards statistical information, the pilot stage will confine itself to the already available information. Apart from the quality criterion on processing times, the statistical information will be used during the pilot stage without it being subjected to qualitative analysis. The material will serve in the future as a basis for the definition of a scale for the qualitative analysis of the statistics.

Bilaga 1. Description of the Quality Project
Bilaga 2. Quality Benchmarks (Table)

ANNEXES

The Quality Project was launched in 1999. All courts within the appellate jurisdiction of the Court of Appeal of Rovaniemi participate – at present, this means nine District Courts and the Court of Appeal itself – as do many stakeholders, such as private attorneys, public legal aid attorneys and prosecutors, and lately also police officers serving as heads of the pre-trial investigation of criminal offences. The Quality Project itself covers both civil cases and criminal cases.

According to the Constitution of Finland, the courts are divided up into the general courts, the administrative courts and the special courts. The general courts consist of the Supreme Court, the Courts of Appeal (6) and the District Courts (at present, 59). The administrative courts consist of the Supreme Administrative Court and the regional Administrative Courts (8). The three special courts are the Market Court, the Labour Court and the (social) Insurance Court.

The general courts have jurisdiction over all criminal cases and civil disputes, and more generally over all legal disputes that have not been expressly rendered subject to the jurisdiction of some other court. The administrative courts are mainly involved in the resolution of disputes arising from the public law relationships of the public authorities and private entities. Each of the special courts has clearly delimited jurisdiction over specific cases or case types.

The jurisdiction of the Court of Appeal of Rovaniemi is the Northernmost of the six appellate jurisdictions in Finland.

The objective of the Quality Project is to develop the functioning of the courts further and further, so that the proceedings meet the criteria of a fair trial, that the decisions are well reasoned and justified, and that the services of the courts are affordable to the individual customers. The main working method consists of systematic discussions among the judges and also between the judges and the stakeholders, for the purpose of improving the quality of adjudication.

The development work is steered by the Development Committee of the Quality Project; the term of the members of the Committee is three years. At present, the Development Committee is chaired by the Chief Judge of the largest District Court in the appellate jurisdiction; the membership consists of the President of the Court of Appeal, three District Judges, two attorneys, one prosecutor and one head of the pre-trial investigation of criminal offences. A Co-ordinator for Quality, selected from among the District Judges for one year at a time, is tasked to support the Working Groups for Quality, to implement the training, to maintain contacts with the various stakeholders, and to edit the Report on Quality, as described below.

Normally, four Working Groups for Quality are set up for each year; the membership consists of judges from each of the District Courts in the appellate jurisdiction, members of the Court of Appeal, and referendaries of the Court of Appeal. Also prosecutors, private attorneys, public legal aid attorneys, and heads of pre-trial investigation may serve as members in the Working Groups for Quality. The leading principle is that every judge participates in the work of the Working Groups.

The selection of the development themes is based on the magnitude of the problem of adjudication that is being addressed, its topicality, and its tangibility. The selection of the themes is finalised during the Quality Conference, which takes place every autumn, attended by the judges in the appellate jurisdiction, referendaries, trainee judges and stakeholder representatives. When the themes are being selected and the objectives set, due care is taken not to compromise the independence of the courts or the judiciary.

Normally, each Working Group for Quality is tasked to deal with one of the themes. The Working Groups map out the problems relevant to the theme, look into the practices adopted in the different District Courts, define a procedure that can be mutually accepted, and make a proposal for the harmonisation of the court practices. Follow-up measures are designed already when the objectives are being set.

The reports of the Working Groups are presented at the Quality Conference, they are discussed, and quality objectives, based on the reports, are set for the following year. The Report on Quality, containing the final reports, is distributed every year, free of charge, to the participants of the Quality Project, to all of the courts in Finland, and to the various stakeholders. It is also published on the judicial intranet and on the Internet (www.oikeus.fi/27723.htm).

The quality themes of the past years have been:

1999
1) penalty harmonisation in larceny offences
2) penalty harminisation in drunk driving offences
3) penalty harmonisation in violent offences
4) problems arising in the preparation of civil cases

2000
1) penal practice in drugs offences
2) management of evidence
3) follow-up of the proposals concerning the problems arising in the preparation of civil cases and the harmonisation of penalties in drunk driving offences
4) follow-up of the harmonisation of penalties in larceny offences and violent offences

2001
1) follow-up of the 2001 quality objective of decreasing the problems arising in the management of evidence
2) follow-up of the 2001 quality objective of harmonisation of penal practice in drugs offences
3) substantive case management by the judge in criminal cases (especially the right and the duty of the judge to clarify the case by asking questions)
4) case management in extensive civil cases; with a view to the minimisation of processing times and to dynamic proceedings

2002
1) follow-up of the 2002 quality objective of substantive case management by the judge in criminal cases
2) follow-up of the 2002 quality objective of case management in extensive civil cases
3) case management in debt adjustment cases; with a view to the minimisation of processing times and to dynamic proceedings
4) substantive case management by the judge in civil cases (especially the right and the duty of the judge to clarify the case by asking questions)

2003

1) drafting of reasons for the court's findings on evidence in civil and criminal cases
2) harmonisation of court practice relating to the selection of penalty type
3) harmonisation of court practice relating to the enforcement of suspended sentences
4) preparation of a model application for a summons (action) and a model response in a civil case on the basis of a supplied factual situation

2004

1) case management in debt adjustment cases and substantive case management by the judge in civil cases (follow-up of the 2003 quality objectives)
2) conduct of the judge in court as an element of procedural justice
3) preparation of a civil case by the parties
4) application of chapter 7, section 6, of the Penal Code

2005

1) drafting of reasons for the court's findings on evidence in civil and criminal cases and improvement of the substantive quality of the applications for summonses and the responses in civil cases (follow-up of the 2004 quality objectives)
2) harmonisation of court practice relating to the selection of penalty type and to the enforcement of suspended sentences (follow-up of the 2004 quality objectives)
3) case management in criminal cases
4) judges' co-operation in the case management of civil cases and the use of the three-judge composition in civil cases

2006

1. procedure and evidence in a case relating to the detention of a crime suspect and the imposition of a travel ban
2. conduct of the judge in court as an element of procedural justice (follow-up of the 2005 quality objective)
3. preparation of a civil case by the parties (follow-up of the 2005 quality objective and further development of the theme by the compilation of a checklist of measures to be completed during the preparation by the parties)
4. penal practice relating to violent offences (re-evaluation and update of the reports 3/1999 and 4/2000)

The Quality Project is supplemented by training, offered for 6–8 days per year. In addition to the quality themes of the year, the training has every year covered a selected field of substantive law, e.g. the general principles of criminal law, contract or tort.

The Quality Project has been recognised both by the Finnish and the international legal community. In 2005, the Finnish Bar Association awarded the Quality Project its prize for Legal Deed of the Year, in the form of Defensor Legis, a bronze by sculptor Veikko Myller, and an award certificate. Also in 2005, the Quality Project won the Council of Europe and the European Commission's competition The Crystal Scales of Justice. A total of 22 projects from 15 countries participated in this contest. The Quality Project was awarded the eponymous crystal sculpture and a diploma.

QUALITY BENCHMARKS FOR ADJUDICATION

Aspect	Quality criterion	Description
1) THE PROCESS	1.a) the proceedings have been open and transparent vis-à-vis the parties	• the proceedings have been predictable for the parties • the parties have been constantly informed of the current stage of the proceedings and of what will happen next • the presiding judge has practiced informative case management so as to advise the parties and the other participants of the course of the proceedings • the parties have been allowed to make their case and to present their grounds and evidence • the parties have been allowed to comment on their opponents' claims, grounds and evidence • the parties have been allowed to comment also on the information procured by the court ex officio
	1.b) the judge has acted independently and impartially	• the judge has decided the case solely on the material presented in courts and solely on the basis of the legislation in force and of other accepted sources of law • even though the judge has practiced effective and active case management (see 1.e), trust in the independence and impartiality of the court has not been compromised • the judge has treated the parties equitably • the judge has not been swayed by media pressure, the public opinion or any other outside influence
	1.c) the proceedings have been organised in an expedient manner	• the nature and the extent of the case have been taken into account in the organisation of the case • if necessary, the presiding judge has promoted the effective preparation of a civil case by the parties • the hearing schedule has been agreed on with the parties/attorneys • if the court has several courtrooms or courthouses, the choice of venue has been based on the required technical equipment and the accessibility of the venue to the parties. Branch courthouses are used not only in criminal cases, but also in civil cases if this is notably advantageous to the parties • the parties have not been required to appear in person, unless their presence has been necessary to further the inquiry or to promote a settlement • before the cancellation of a main hearing in a civil or a criminal case, the possibility to hold a hearing on a part of the case has been carefully looked into, so that only the remainder need be taken up at a later hearing • the composition of the court follows the nature of the case. All simple or easy cases are transferred from judges to junior judges, trainee judges and clerical staff (delegated powers are used at a maximum). In contrast, reinforced compositions are used whenever the nature of the case so requires; reinforced compositions have not been avoided owing to the resource constraints of the court

	Point scale	Evaluation methods
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • survey of attorneys, prosecutors and parties (“extensive survey”)
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• statistics on pleas of disqualification • extensive survey
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey • statistics on hearing cancellations (separate for advance cancellations and cancellations in the hearing)

Aspect	Quality criterion	Description
1) THE PROCESS (cont'd)	1.d) active, but non-coercive, measures have been taken to encourage the parties to settle (civil cases and the civil liability issues in criminal cases)	• the judge has kept the possibility of settlement a live topic throughout the written preparation, preparatory hearing and main hearing • the judge has thoroughly explained to the parties the benefits and advantages of settlement vis-à-vis a judgment, • the judge has refrained from coercion or compulsion of the parties towards a settlement • in the interests of settlement, various resolution techniques have been applied if so warranted by the nature of the case (discussion with all parties and attorneys together, discussion with the attorneys only, discussion with one party only without the other party present etc.) • mediation has been offered equitably and impartially • the need and the possibility of transferring the case to court-annexed mediation (Act 663/2005) have been looked into
	1.e) the process has been managed effectively and actively (both procedurally and substantively)	• the presiding judge has seen to it that the proceedings are structured and scheduled as a coherent whole • procedural deadlines set by the court have not been extended as a matter of course, without due reason • in civil cases, the summary of the written preparation has been sent to the parties well in advance of the preparatory hearing • in the preparation of the case and, in criminal cases, no later than in the presentation of the case, the disputed and undisputed facts have been clearly demarcated and the course of the events described in so far as relevant • the presiding judge has actively put the necessary questions so as to ensure that the case is dealt with thoroughly • the presiding judge has exercised case management so as to rectify obvious mistakes by the parties • the presiding judge has seen to it that material not germane to the case is not included in it • procedural coercive measures have been utilised to the extent warranted by effective progress of the case
	1.f) the proceedings have been arranged and carried out so that a minimum of expenses is incurred by the parties and others involved in the proceedings	• in a civil case, the plaintiff's application for a summons and the defendant's response are clearly structured • the written preparation of a civil case has not been unduly prolonged; in the main, a preparatory hearing has been called after the response, without requesting an additional comment from the plaintiff • the case has been prepared and is ready for the main hearing after a single preparatory hearing • whenever possible, the case has been transferred from written preparation directly to a main hearing, without a preparatory hearing • the case has been decided solely on the basis of the written preparation whenever possible • only the necessary evidence has been accepted and the evidence has been taken in in a concentrated manner. "Excess evidence" has been avoided by rejecting clearly unnecessary evidence

	Point scale	Evaluation methods
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • statistics on settlements and the stages of proceedings where settlement is reached • extensive survey
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey excluding the parties
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey, excluding the parties • statistics of comment requests and numbers of hearings per case • statistics of preparatory hearings by telephone, persons heard in court by telephone and videoconferences

Aspect	Quality criterion	Description
1) THE PROCESS (cont'd)	1.f) the proceedings have been arranged and carried out so that a minimum of expenses is incurred by the parties and others involved in the proceedings (cont'd)	• modern technology (e-mail, telephone, video etc.) has been used and utilised during the proceedings to the maximum allowed by the law, so as to avoid unnecessary costs • the comments of the client, and not only of the attorney, have been procured on the reasonableness of the claim for legal costs of the opposing party, in so far as feasible • in order to reduce the "cost risk", the rules of "reasonable cost adjustment" have been applied in so far as possible (Code of Judicial Procedure, chapter 21, sections 8a and 8b)
	1.g) the proceedings have been organised in a flexible manner	• the scheduling of the proceedings takes note of the justified requirements of the parties and the attorneys (dates/times) • the practicalities of the proceedings have been discussed with the parties and their attorneys • technical means have been utilised to the fullest extent (see 1.f above) (for instance, it can be arranged with a witness that he or she is called to the court by telephone when his or her turn to testify comes up) • the clients have been given the chance to leave the court as soon as their presence is no longer necessary • urgent matters take precedence over other matters (see 4.b below)
	1.h) the proceedings have been as open to the public as possible	• the issue of open/closed hearing has been dealt with in open court • when decisions restricting the openness of the proceedings are made, the restrictions concern only those parts of the proceedings where a closed hearing is strictly necessary • when orders on the secrecy of the trial materials or the decision are made, overly extensive orders are avoided and secrecy is restricted to what is strictly necessary • public summaries of secret decisions are produced, indicating the main thrust of the case and the reasons for the decision • even though openness is ensured in the proceedings, it has also been guaranteed that personal privacy is not thereby violated nor the smoothness of the proceedings compromised
	1.i) the proceedings have been interactive	• the participants in the proceedings feel that they have been allowed freely to make their case • the participants have been treated so that they feel that they have been heard (e.g. eye contact, clarifying questions etc.) and understood • in addition to formal hearing, it has also be ensured that the participants feel that they have been genuinely heard

	Point scale	Evaluation methods
		• statistics of decisions made solely on the basis of the written preparation • statistics of cases decided after a main hearing without an intervening preparatory hearing • statistics of legal costs
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey excluding the parties • statistics on the use of technical means (see 1.f)
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • survey of the media • extensive survey excluding the parties • statistics on decisions restricting the openness of the proceedings • statistics on public summaries
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• extensive survey

Aspect	Quality criterion	Description
2) THE DECISION	2.a) The decisions are just and lawful	• it is clear on the face of the decision that it is in accordance with the law in force and that it is based only on the material presented in court • in addition to legislation, the prevailing case-law and other accepted sources of law (preparatory works, literature, "real arguments" etc.) have been taken into account in the decision, as have the characteristics of the case at hand • the recommendations of the Quality Project relating to penalty practice and procedure have been taken note of in the decision, as points of comparison for the judge's own practices and usages
	2.b) The reasons for the decisions have convinced the parties, legal professionals and legal scholars of the justness and lawfulness of the decision	• the parties and the legal professionals have experienced the decisions to be both just and lawful
	2.c) The reasons of the decisions are transparent	• the reasons indicate transparently the grounds on which the decision is based • if there have been more than one seriously considered alternative, all of these have been covered in the reasons • the reasons comment also on arguments against the eventual outcome, as well as indicate why the arguments for the outcome have prevailed in the case at hand (pro & contra) • the reasons describe or at least list the sources of law referred to (see 2.a above). Positions taken in legal literature, however, have been described only where the decision of the case has required scholarly argumentation.
	2.d) The reasons of the decision are detailed and systematic	• the reasons have been drafted in a problem-oriented manner (the reasons indicate which relevant issues are at dispute and which are not. Only the directly pertinent evidence is discussed in relation to each disputed issue) • positions have been taken on all evidence that has been accepted and on all issues at dispute • different legal issues have been settled separately and in a sensible order

	Point scale	Evaluation methods
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • statistics on appeal rates (number of appeals over number of decisions open to appeal) • statistics of overturn rates • statistics of complaints filed with the overseers of legality
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• extensive survey
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey • expert group evaluation (expert group comprising a judge, an attorney, a prosecutor, a law professor and a PR and communications professional)
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey • expert group evaluation (for the composition of the expert group, see 2.c)

Aspect	Quality criterion	Description
2) THE DECISION (cont'd)	2.e) The reasons of the decision can be understood	• plain language is used in the decision, so that also an outside reader can easily understand the main thrust of the decision • general language is used, legal terms have been avoided or their meaning is explained • the clarity of the decision has been improved by the use of headings and a consistent structure
	2.f) The decision has a clear structure and is linguistically and typographically correct	• the structure of the decision makes clear distinctions between the background of the case, evidence, reasons, and outcome • the decision is adequately concise • the decision contains no linguistic or typographical errors and it is also otherwise well written • the layout of the decision is considered
	2.g) The pronouncement of the decision has been understood	• instead of reading out the text in a monotone, the decision is given in spoken word • it is ensured by questions that the parties understand the decision • the parties have been given the chance to ask questions, if they do not understand all of the decision • the decision has been pronounced in a problem-oriented manner by looking at the relevant party and by maintaining eye contact
3) TREATMENT OF THE PATIES AND THE PUBLIC	3.a) The participants in the proceedings and the public have been treated with respect to their human dignity	• the judges do not treat the participants in the proceedings as impersonal objects of judicial measures, but rather as individuals with thoughts, emotions and demands – no matter what their role in the proceedings
	3.b) Appropriate advice is provided to the participants in the proceedings, while still maintaining the impartiality and equitability of the court	• the parties are informed of the person in charge of the case and of case reassignments • the inquiries of the persons participating in the proceedings have been answered without delay • information brochures and forms relating to the proceedings are kept available and actively offered to the participants in the proceedings • if necessary, the parties have been exhorted to seek the assistance of a public legal aid attorney or a private attorney • attorney services or advice have not been offered, but assistance e.g. in the filing of a case has been given in accordance with the nature of the matter

	Point scale	Evaluation methods
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey • expert group evaluation (for the composition of the expert group, see 2.c)
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey • expert group evaluation (for the composition of the expert group, see 2.c)
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey • survey of Lay Judges
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey

Aspect	Quality criterion	Description
3) TREATMENT OF THE PARTIES AND THE PUBLIC (cont'd)	3.c) The advising and other service of those coming to court begins as soon as they arrive at the venue (Courthouse etc.)	• directions at the Courthouse are clearly signposted • there is an information desk at the Courthouse • the entire personnel of the Court is responsible for advising and other services, in so far as possible without compromising impartiality
	3.d) The participants in the proceedings have been provided with all necessary information about the proceedings	• information on the stages of the proceedings and the scheduling has been provided to the parties and to others participating in the proceedings • the composition of the court (at least the presiding judge and the court clerk) and the contact details of the court have been notified to the parties and others summoned to court already in the documents sent to them • the docket list posted at the door of the Courtroom indicates the names of the Court members and that of the court clerk • if necessary, the members of the court have been introduced to the parties in the beginning of the hearing • it has been ensured that the participants in the trial are informed of the course of the proceedings; if necessary, the presiding judge has told them about the same and about their role in the hearing • brochures and billboards are in use • the website of the Court is up to date and contains information about court proceedings and links to such information
	3.e) Communications and public relations are in order, where necessary	• The Court has an up-to-date communications plan and the communications and PR effort of the Court proceeds in accordance with the plan
	3.f) The lobby arrangements at the Court are in accordance with the particular needs of various customer groups	• the complainants in criminal cases, the witnesses, and if necessary also the defendants have been provided the opportunity to wait for the hearing in their own lobby areas (for the witnesses and complainants, it is important that they can wait without any danger of duress; the situation is the same also with "fearful defendants") • it has been ensured that no disturbance is caused by intoxicated persons or others

	Point scale	Evaluation methods
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• media survey • statement by the court on the existence of the communications plan
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey

Aspect	Quality criterion	Description	
4) PROMPTNESS OF THE PROCEEDINGS	4.a) The case has been dealt with within the optimum processing times established for the organisation of judicial work	Optimum processing times (stages): 1. Civil cases (excluding summary debt collection cases) and disputed petitionary matters under chapter 8, section 4(1), of the Code of Judicial Procedure • registration of the action (at once), first perusal = 1 week • time limit for a response = 2 to 3 weeks, depending on the nature of the case • time limit for an eventual rejoinder = 2 to 3 weeks • preliminary hearing within 2 months of the end of the written preparation • main hearing within 2 weeks of the preliminary hearing • judgment within 2 weeks of the main hearing Thus, the optimum processing time for a civil case and a disputed petitionary case is 4 months. 2. Criminal cases 2.1 Simple criminal cases (DUI etc.) • confessed crimes, no civil claims or no need for main hearing (written procedure) • main hearing and judgment within 1 month Thus, the optimum processing time for a simple criminal case is 1 month. 2.2 Complex criminal cases • inquiry about possible civil claims 2 to 3 weeks • main hearing within 2 months of the filing of the case Thus, the optimum processing time for a complex criminal case is 2 months. NB: The achievement of optimum processing times requires that, in each case, there are no periods where nothing happens to the case	

	Point scale	Evaluation methods
	<u>Civil cases (excluding summary debt collection cases) and disputed petitionary matters under chapter 8, section 4(1), of the Code of Judicial Procedure</u> Under 4 mos = 5 pts 4 to 6 mos = 4 pts 6 to 8 mos = 3 pts 8 to 10 mos = 2 pts 10 to 12 mos = 1 pt Over 12 mos = 0 pts Simple criminal cases Under 1 mo = 5 pts 1 to 2 mos = 3 pts 2 to 3 mos = 1 pt Over 3 mos = 0 pts Complex criminal cases Under 2 mos = 5 pts 2 to 3 mos = 4 pts 3 to 4 mos = 3 pts 4 to 5 mos = 2 pts 5 to 6 mos = 1 pt Over 6 mos = 0 pts	• self-evaluation by the judges about mean processing times (at first) • statistics on processing times

Aspect	Quality criterion	Description	
4) PROMPTNESS OF THE PROCEEDINGS (cont'd)	4.b) The importance of the case to the parties and the duration of the proceedings at earlier stages have been taken into account when setting the case schedule	• even though the cases are normally dealt with first-in-first-out, the scheduling of certain types of case takes account of the especially great importance of the case to the parties, e.g. "mould houses", child custody cases, employment cases, debt adjustment • the express provisions on the promptness of proceedings are observed • the justified requests of the parties for fast-track hearing are taken into account • if the process has been prolonged at some stage (e.g. pre-trial investigation or a lower court), the promptness of the proceedings before the court is taken into specific attention	
	4.c) The parties feel that the proceedings have been prompt	• even if the proceedings have been prompt from the viewpoint of the court, it has been ensured that they have been prompt also from the viewpoint of the parties • the difference in the viewpoints of the court and the parties has been adjusted e.g. by explaining the process and the reasons for time being consumed	
	4.d) The time limits that have been set or agreed have been adhered to	• requests for extensions of time limits have been considered on their merits, so that an extension is not granted without due reason and also in this event the extension is not longer than a few weeks • no automatic extensions are granted for written responses • the statutory provisions on urgent hearings have been complied with	

	Point scale	Evaluation methods
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey, excluding the parties
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• extensive survey
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • extensive survey

Aspect	Quality criterion	Description
5) COMPETENCE AND PROFESSIONAL SKILLS OF THE JUDGE	5.a) Judges take care of the maintenance of their skills and competence	• judges follow new legislation and preparatory works and the latest case-law, as well as keep up to date with the latest legal literature in their field
	5.b) Judges attend continued training sessions regularly	• judges participate actively in the training sessions organised by the individual courts or in the context of the Quality Project • judges participate actively in continued training sessions for members of the judiciary, organised by the central administration of the courts or some other body providing judicial training • each judge attends continued training sessions for 8 to 10 days every year (optimum training volume)
	5.c) Judges' participation in training is subject to agreement in the annual personal development talks	• the training needs and the participation in training have been listed in the court's training plan for each judge separately
	5.d) The Court has specialised judges	• judicial specialisation in criminal and civil cases is in use in the Court • also more refined specialisation is in use in the Court, if necessary in view of the nature of the cases and if the size of the court allows for the same
	5.e) The parties and the attorneys have the impression that the judge has prepared for the case with care and understands it well	• the judge is well informed of the factual basis of the case • the judge understands the point of the case • the judge knows the provisions applicable in the case, the relevant case-law and legal literature; the judge is competent to discuss the case with other professionals in the administration of justice • the case management of the judge is clear and determined • the judge acts with confidence in the proceedings; no timidity • the judge is capable of interaction also with laypersons (description of the case and discussion in "everyman's terms") • the judgment has been pronounced clearly and comprehensibly

	Point scale	Evaluation methods
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • court-level statistics
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • survey of the courts
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• statement by the Court
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• extensive survey

Aspect	Quality criterion	Description
5) COMPETENCE AND PROFESSIONAL SKILLS OF THE JUDGE (cont'd)	5.f) Judges participate regularly and actively in judges' meetings, in quality improvement conferences and also in other work of the Quality Working Groups	• judges' meetings are held regularly at the Court (e.g. monthly) • in addition to administrative matters, the meetings deal also with adjudicative matters, especially those proposed by the judges themselves • the matters to be discussed in judges' meetings have been prepared as the nature of the matter warrants • minutes are kept of the judges' meetings • the judges take personal responsibility of the consideration of matters in a judges' meeting
6) ORGANISATION AND MANAGEMENT OF ADJUDICATION	6.a) The organisation of adjudication and the management of the court proceed with professionalism and support the discharge of the judicial duties of the court	• the court is managed with a view to its objectives • operating principles have been adopted for the court • the management of the court strikes a balance between the viewpoint of the customers and the internal viewpoint of the court • the management proceeds in interaction with the personnel • in the organisation of adjudication and the management of the court, it has been ensured that the necessary skills and competence are available in the court
	6.b) The assignment of new cases to the judges is methodical and carried out in a credible manner	• incoming cases are assigned to the judges by lot or by some other method ensuring the appropriateness of the distribution • the person doing the assignment has no influence on the outcome • the assignment criteria have been pre-defined • the person doing the assignment has no personal stake in the outcome • there are written instructions on the grounds on which the regular assignment process can be sidestepped (e.g. exceptionally large cases)
	6.c) The specialised competence of the judges is utilised in the processing of cases	• the specialised competence of judges is taken into account when they are assigned into specific duties and when the bases for the assignment of cases are being defined

	Point scale	Evaluation methods
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • court-level statistics
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • expert group evaluation (expert group comprising a judge, an attorney and a prosecutor) • declaration by the court
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • declaration by the court

Aspect	Quality criterion	Description
6) ORGANISATION AND MANAGEMENT OF ADJUDICATION (cont'd)	6.d) Adjudication has been organised so that the use of reinforced compositions is de facto possible	• it is possible to use reinforced compositions whenever the case is extensive or complicated in terms of evidence, the law or otherwise • adequate resources are available for the use of reinforced compositions
	6.e) Personal development talks are held with every judge every year	• the personal development talks are methodical and they have been planned in advance • a form, containing the topics to be covered, is used in order to lend structure to the talks and to make it easier to prepare for them • the agreements reached in the talks are put on record
	6.f) The court has a methodical system for the active monitoring of case progress, making it possible to take measures to speed up delayed cases	• the progress of cases of long duration is monitored (e.g. cases older than a year) • the judges discuss the court's caseload and processing time statistics for every quarter • discussions are held at least once a year with every judge on his or her personal caseload and processing time statistics • the court has prearranged mechanisms for intervening in possible undue delays with individual judges, arising e.g. from an excessive workload
	6.g) The security of the participants in the proceedings and of the court personnel is guaranteed	• the court has an up-to-date security plan, containing a risk assessment and covering the security-enhancing measures in use (e.g. participation in security training, inspections on arrival to the court, closed circuit TV, access control, bailiff on duty, attack alarms, emergency exits, availability of a secure courtroom) • the participants in the proceedings feel that security has been guaranteed
	6.h) It is ensured by the management of the court that the judges and other staff are not overloaded with work	• the superiors have seen to it that the members of the staff do not overwork, but maintain a sensible work/life balance. • every employee of the court has the chance self to see to his or her well-being at work • the time requirement of training has been taken into account in the assignment of cases to the judges • if the court is objectively underresourced, the responsibility for the concomitant caseload congestion has been assumed by the chief of the court personally

	Point scale	Evaluation methods
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• statistics on reinforced compositions
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • declaration by the court
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • statement by the court
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • statement by the court • extensive survey
	Achievement None = 0 pts Partial = 1 pt Satisfactory = 2 pts Good = 3 pts Laudable = 4 pts Exemplary = 5 pts	• self-evaluation by the judges • statistics on absences due to health reasons