

Towards excellent courts: the development of the International Framework for Court Excellence¹

Dr Pim Albers

Dear participants of the summit. I have to apologize for the fact that I am not able to attend this important conference; however I hope that you all have enjoyed the first part of the conference with interesting presentations about the role of the judiciary in a democratic society, the role of the judge and court automation.

I was invited to give a brief presentation on the development of court performance standards and the use of a global tool to assess the quality in the courts, which is called the International Framework of Court Excellence.

In 2007 it was one of the senior judges of the Singapore Subordinate Courts which took the initiative to create a team of international experts responsible for setting up of a universal system to assess the quality and performance of the courts, irrespective of the type of courts (specialized courts, courts of general jurisdiction, religious courts, tribunals) and their geographic location. Every court in the world should profit from the work of the *International Consortium of Court Excellence*.

This consortium is composed of the US National Center for State Courts, the US Federal Judicial Center, the Singapore Subordinate Courts, the Australasian Institute of Judicial Administration assisted by the European Commission for the Efficiency of Justice of the Council of Europe and the World Bank.

As a part of the development process of the international framework of court excellence, we have learned from various experiences of countries which are applying a court quality system. For example we have looked at the US Trial Court Performance Standards, the US Courtools, European quality systems (applied in Finland, the Netherlands), Australian tools and the Sin-

¹ Speech presented at the Courts and Society Summit (Kiyv, 20-22 April 2010) organized by USAID

gapore Court quality standards. Based on these experiences a new model or Framework was established.

One of the central elements of the Framework is that it should not be too complicated to handle. Previous experiences showed that the model itself should be 'compact' and easy to use. Sophisticated and time-consuming models, such as the US Trial Court Performance Standards, should be avoided. Another lesson we have drawn from experience is related to the level of flexibility. Courts should have the freedom to select topics that are important for their improvement of the organization instead of applying a model where you must implement *all* the necessary improvement measures at once. Given limited personnel and financial resources of courts, a more programmatic approach is recommended. One of the good examples what we have seen in this respect are the US Courtools. In fact courts are free to select the tools that they want to use. If they want to apply all the 10 tools that's okay, if they want to use only three of them that's fine too. This idea of freedom and flexibility we have tried to incorporate in the International Framework for Court Excellence.

The main elements of this Framework for Court Excellence are concentrated around 7 areas of court excellence:

First of all excellent courts must have strong *leadership*, which implies proactive management, a high external orientation and an openness for innovation. Excellent courts must have *plans and targets* set in terms of court performance and quality standards too. Also, they have *fair, efficient and effective court proceedings*. Moreover, in these *courts human, material and financial resources are properly managed* and take into account the latest knowledge in this area. In contrast with 'traditional' courts, in excellent courts much attention is given to the *client needs and satisfaction*. This can be showed in the manner how parties are treated by the courts, but also in the way how these courts collect information about the level of satisfaction of the services delivered by the court. Of course in excellent courts

there is a guarantee for *access to justice*. Not only in terms of affordability to start a court proceeding, but in terms sufficient courts in the vicinity for parties too. Needless to say that the success of excellent courts is reflected by a *high public trust and confidence* in the judiciary.

The seven areas of court excellence are not randomly picked, because when you look at the various court quality systems in the world these same aspects that are related to court performance and court quality can be found in these models as well. What is important to note too is the fact that the seven areas of court excellence are connected with universal values of courts. Based on experiences, what we have found as members of the consortium is that excellent courts take in their daily professional live several court values into account, varying from: equality (before the law), fairness, impartiality, independence of decision making towards transparency, accessibility, timeliness and certainty. Some of the courts that I have visited present these values to the visitors in their court buildings (for example on posters or leaflets) or at court websites. Especially to give the visitors a guarantee that court values are important and are taken into account during court proceedings.

Of course, when you start with the 'journey towards court excellence' it is important that practical guidance and assistance is provided. That is why in the International Framework for Court Excellence a description is given of the requirements that are necessary to start with the exercise. Lessons from other countries can be found in the Framework report too.

To see where you are standing with your court and to identify points of improvements a *self assessment questionnaire* is included in the Framework. All the seven areas of court excellence are listed and for each of them detailed assessment areas are given. Courts can use this questionnaire to check how far they are on their journey towards court excellence.

The main question you may have is: does it work and is it not too complicated to implement? The answer is yes for the first part of the question and no to the latter part. It does work and

the time-investment is worthwhile if you want to become an excellent court that is well prepared for the increasing demands from the society.

Already one of the courts in Australia, the Land and environment court in New South Wales, has applied the Framework and in the United States the Framework is endorsed by the US conference of court administrators and the conference of chief justices.

I can imagine that, listening to my presentation, you might be curious to find more about International Framework of Court Excellence and the experiences of different countries in the use of court quality models. For that purpose we have created a dedicated website: www.courtexcellence.com. At this site you will find not only the detailed report of the Framework, but reference material too. Summaries of the report have already been translated in different languages and may be translated in Ukrainian language as well.

Ending my presentation, I wish you all a very successful continuation of the Summit and if you have concrete questions concerning the Framework or other international experiences in the field of court quality I am happy to provide the answers.

Thank you for your attention!

