



Ministry of Justice

# Justice sector performance measurement

Experiences from the  
Netherlands

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## Historical context

Critics from society on the functioning of the judiciary

Long duration of proceedings and backlog of cases

Problems related to access to justice (especially due to the complicated structure of the judicial organization)

Quality of justice was not measured



Resulted in the implementation of the reform of the Dutch judiciary (1998 – 2002)



## 2 trajectories in the reform

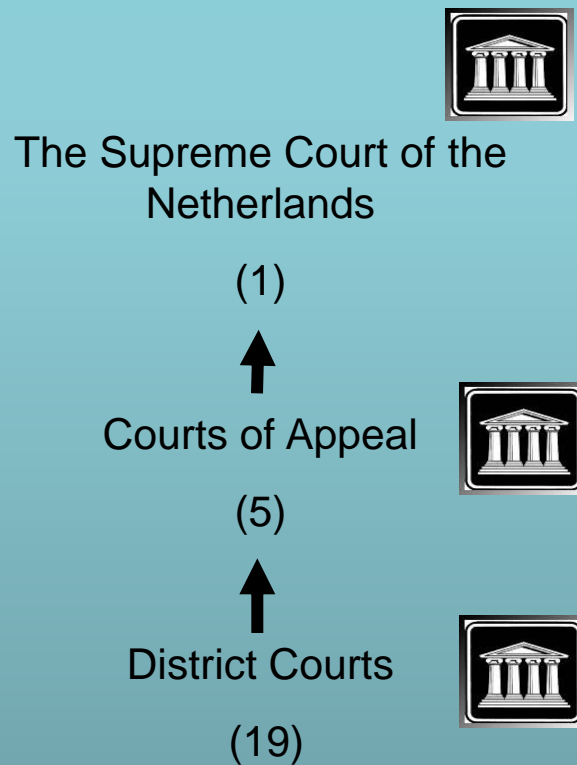
Reforms initiated by the ministry of justice. Examples are:

- The creation of a council for the judiciary
- Integration of the municipal courts into the district courts
- Introduction of an objective model for financing the judiciary
- Change of ministerial responsibility for the judiciary

Reforms initiated by the judiciary itself (Project Reinforcement Judiciary). Examples are:

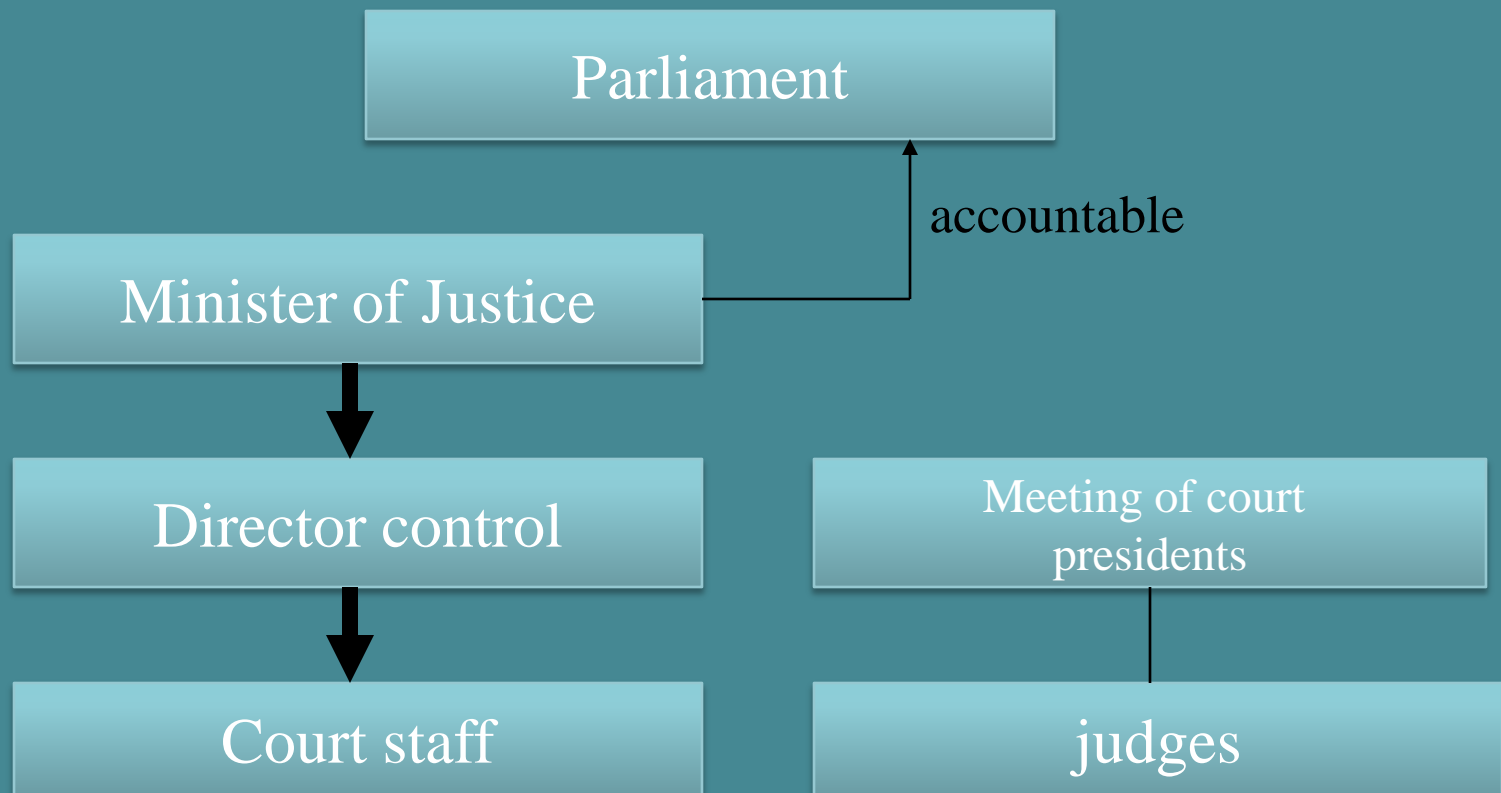
- The formulation of personnel policies for the judiciary
- Courtroom of the 21st century
- Project Quality

# The Judicial structure for civil, criminal and certain administrative law cases



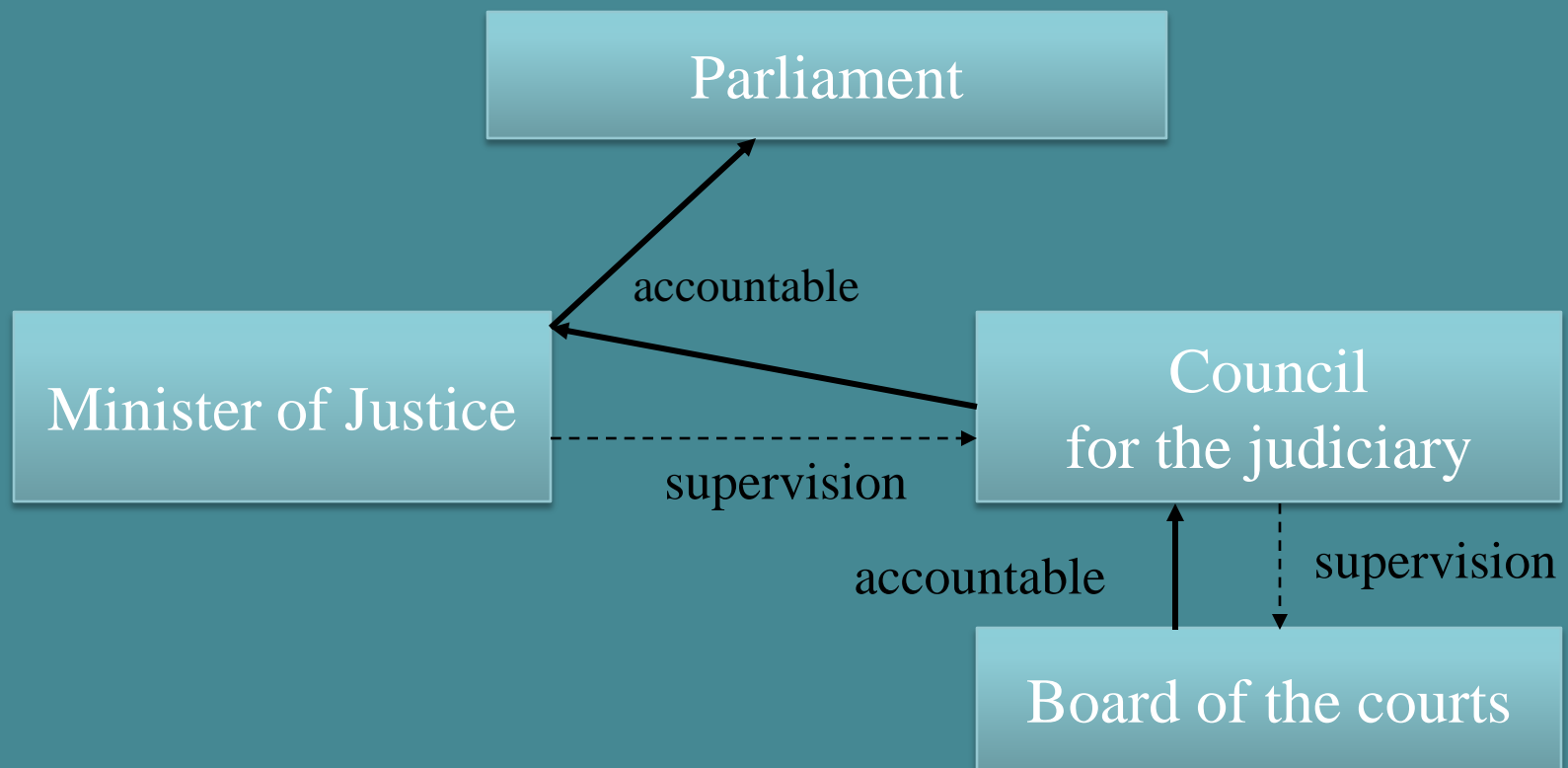


## Situation before 1-1-2002





## Current situation





## Ministerial responsibility

Political responsibility for the Judiciary in general

Conditions for the functioning of the judicial system (legislation)

Supervision on the Judicial Council

Sufficient Budget for the Judiciary including the Supreme Court

(A modest role in the nomination of judges and prosecutors)

The collective agreement on the salary for judges and prosecutors



## Council for the judiciary (responsibilities)

preparing the budget for the Council and the courts jointly;

allocating budgets from the central government budget to the courts;

supporting operations at the courts;

supervising the implementation of the budget by the courts;

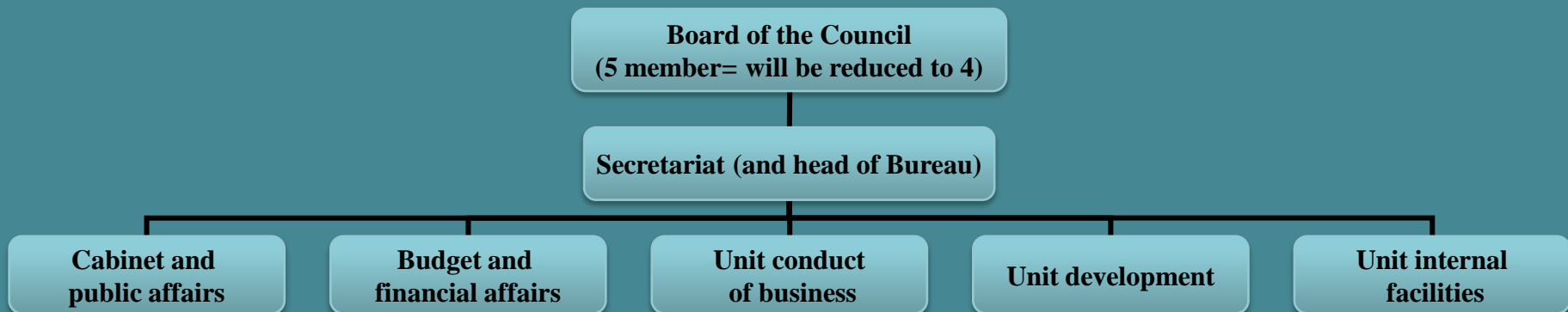
supervising operations at the courts;

nationwide activities relating to the recruitment, selection, appointment and training of court staff. See: Law on courts, section 91





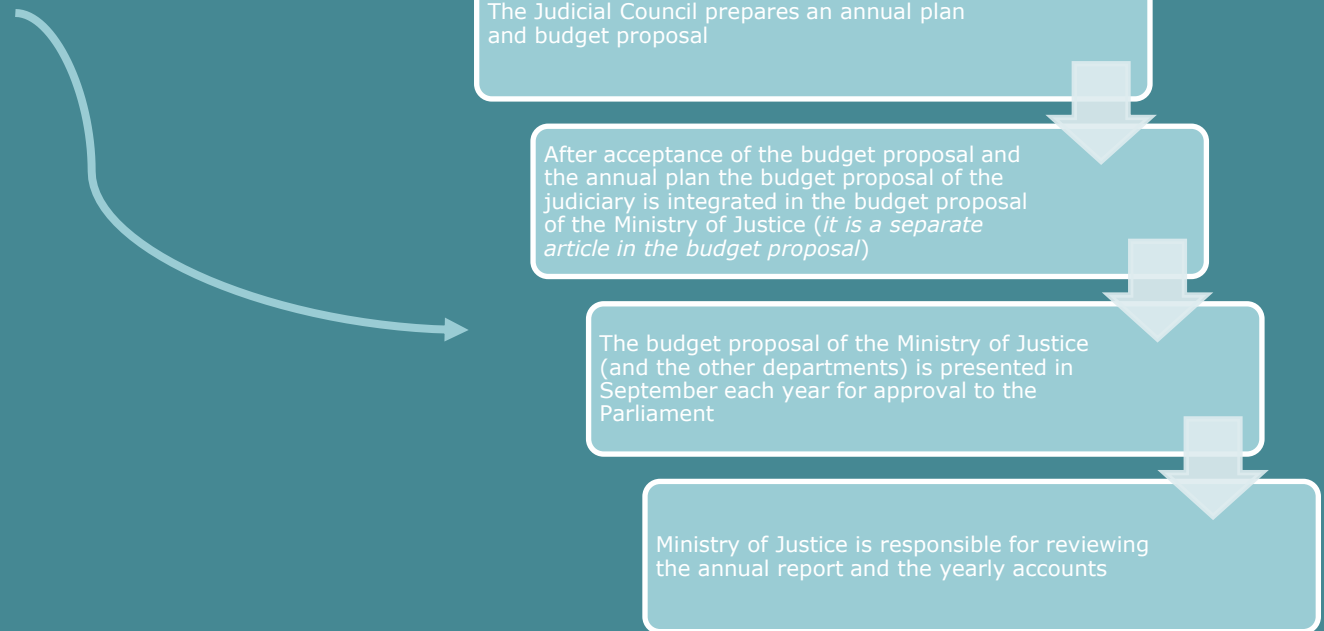
# Council for the judiciary





## Financing of courts and performance measurement

- This is arranged in the Decree of 28 January 2005 containing new rules on the funding of courts
- As a part of this decree the following model of funding and allocation of budget is used





## Elements in the decree

There is a system for measurement of the output of the courts (number of cases resolved per case category)

There is a price measurement system for the courts

There is a system for measuring the workload of the courts

The Council of the judiciary develop and manage a quality system for the judiciary

The minister of Justice is responsible for the development and management of a model for forecasting the inflow of cases



# System for measurement of the output of courts

Tabel 13a: rechtbanken, aantal afgehandelde zaken versus de bestuursafpraak, 2008

Productgroepen bij rechtbanken	3 grote steden			middelgrote rechtbanken						overige, kleinere rechtbanken						totaal rechtbanken					
	Amst	sGrav	Rott	Arnh	Breda	Haarl	sHert	Utr	Zwo	Alkm	Almelo	Assen	Dordr	Gron	Leeuw	Maastr	Midd	Roerm	Zutph	2008	2007
Civiel recht	96%	101%	95%	93%	88%	94%	90%	97%	95%	96%	100%	95%	97%	94%	108%	103%	89%	94%	94%	96%	100%
Bestuursrecht	95%	86%	105%	96%	119%	104%	91%	89%	89%	99%	97%	88%	101%	84%	84%	103%	87%	96%	103%	95%	93%
Vreemdelingenkamer	72%	98%	78%	63%	50%	65%	73%	69%	79%	n.v.t.	79%	76%	69%	68%	n.v.t.	72%	65%	78%	71%	74%	89%
Belastingrecht	n.v.t.	114%	198%	109%	111%	88%	171%	88%	119%	86%	454%	n.v.t.	136%	n.v.t.	110%	187%	134%	146%	133%	110%	97%
Strafrecht	92%	111%	99%	80%	107%	98%	101%	96%	97%	98%	99%	108%	88%	100%	90%	96%	119%	107%	108%	99%	95%
Kantonzaken	101%	106%	119%	114%	123%	117%	107%	104%	113%	115%	106%	107%	104%	132%	123%	114%	109%	106%	110%	112%	102%
<b>Totaal</b>	<b>98%</b>	<b>105%</b>	<b>112%</b>	<b>105%</b>	<b>112%</b>	<b>105%</b>	<b>102%</b>	<b>100%</b>	<b>105%</b>	<b>109%</b>	<b>103%</b>	<b>103%</b>	<b>97%</b>	<b>119%</b>	<b>115%</b>	<b>108%</b>	<b>104%</b>	<b>103%</b>	<b>105%</b>	<b>106%</b>	<b>100%</b>

Productgroepen bij rechtbanken	3 grote steden		
	Amst	sGrav	Rott
Civiel recht	96%	101%	95%
Bestuursrecht	95%	86%	105%
Vreemdelingenkamer	72%	98%	78%
Belastingrecht	n.v.t.	114%	198%
Strafrecht	92%	111%	99%
Kantonzaken	101%	106%	119%
<b>Totaal</b>	<b>98%</b>	<b>105%</b>	<b>112%</b>

# length of proceedings



	2005	2008	Norm	% within the norm	Norm 2010: % within the norm
District court: municipal court department					
Civil litigious cases	16	19	6 months	81	75
Civil non-litigious cases	1	1	15 days	92	90
Family law cases	4	5			
Criminal law (offence)	8	7	1 month	90	80
District court: civil department					
Civil litigious case	82	61	1 year	62	70
Civil non-litigious case	5	6	2 months	70	90
Divorce case	17	16	2 months	61	50
Request to the child judge	7	8	3 months	90	90
Police judge (criminal law case)	5	5	5 weeks	86	90
Severe criminal law case	14	15	6 months	86	90
District court: admin. Law dep.					
Standard admin. law procedure	43	46	9 months	46	70



## Pending cases (forecast)

	2009	2010	2011	2012	2013	2014
Appeal courts						
Civil law	607	3495	6972	11309	16375	22222
Criminal law	0	0	6042	14042	22667	31863
Fiscal cases	0	675	1557	2795	4147	5647
District courts						
Civil law	0	19772	47044	89173	141273	203475
Criminal law	0	0	0	6038	14780	26167
Administrative law	347	5667	20706	38875	60833	87000
Municipal court cases	89629	328506	603773	966345	1392496	1887368
Fiscal cases	0	721	2794	5825	9834	14942

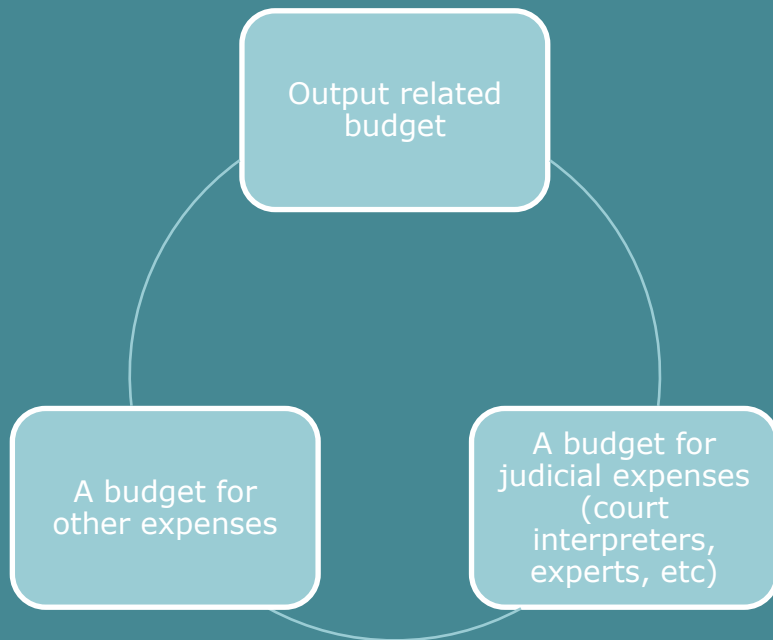


## Workload model judges and court staff (Lamicie)

	Minutes per case (judge)			Minutes per case (staff)		
	Appeal court	District court	Municipal court section	Appeal court	District court	Municipal court section
I. Civil law cases						
Commercial law cases :						
Decision employment dismissal case with defence			303			205
Decision commercial case with defence	1.745	807	118	1.201	619	411
Decision Article 2 + hearing, plea	1.745	1.726	516	1.201	998	605
Decision commercial case in district court concerning appeal		966			489	



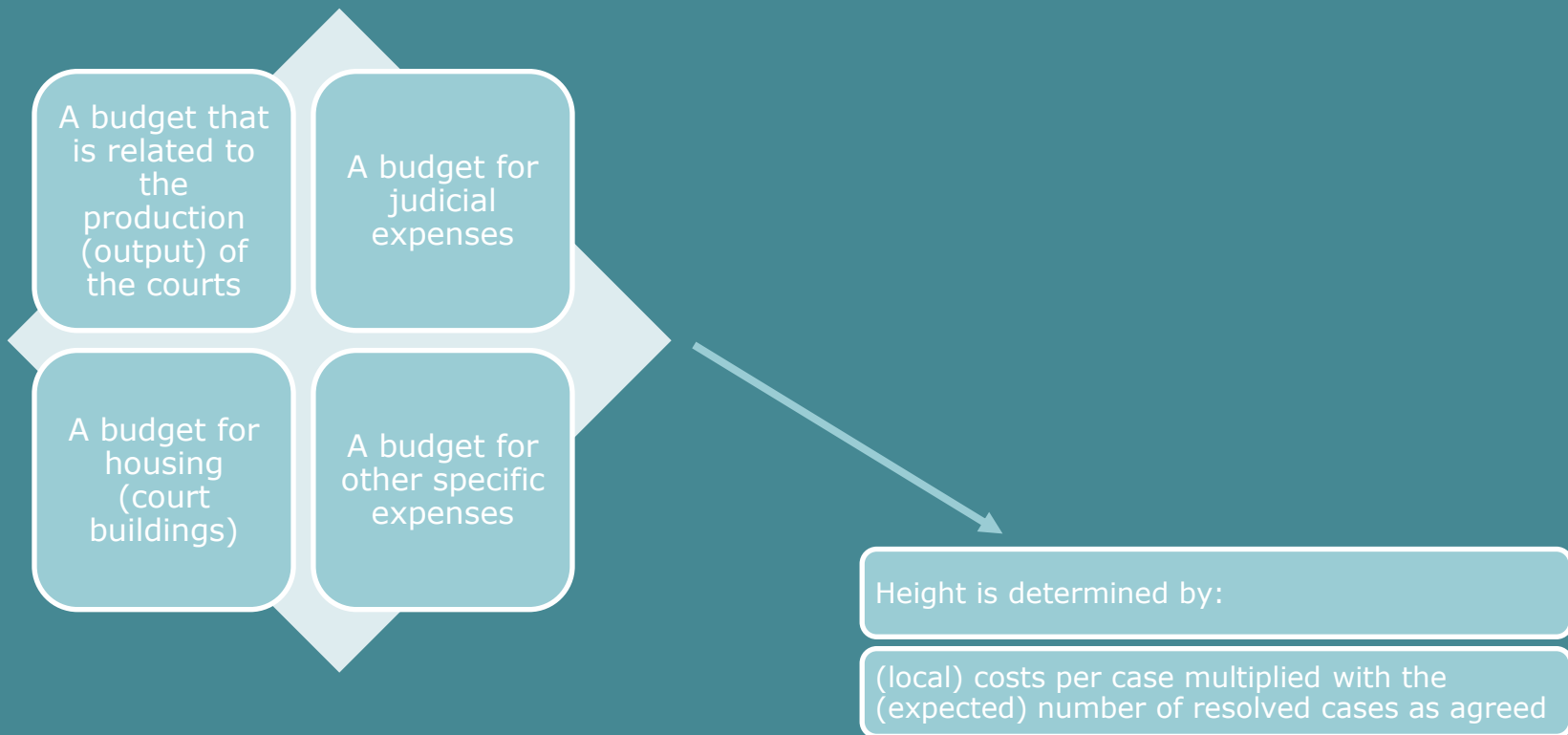
# Budget components of the judiciary (as a whole) and the individual courts





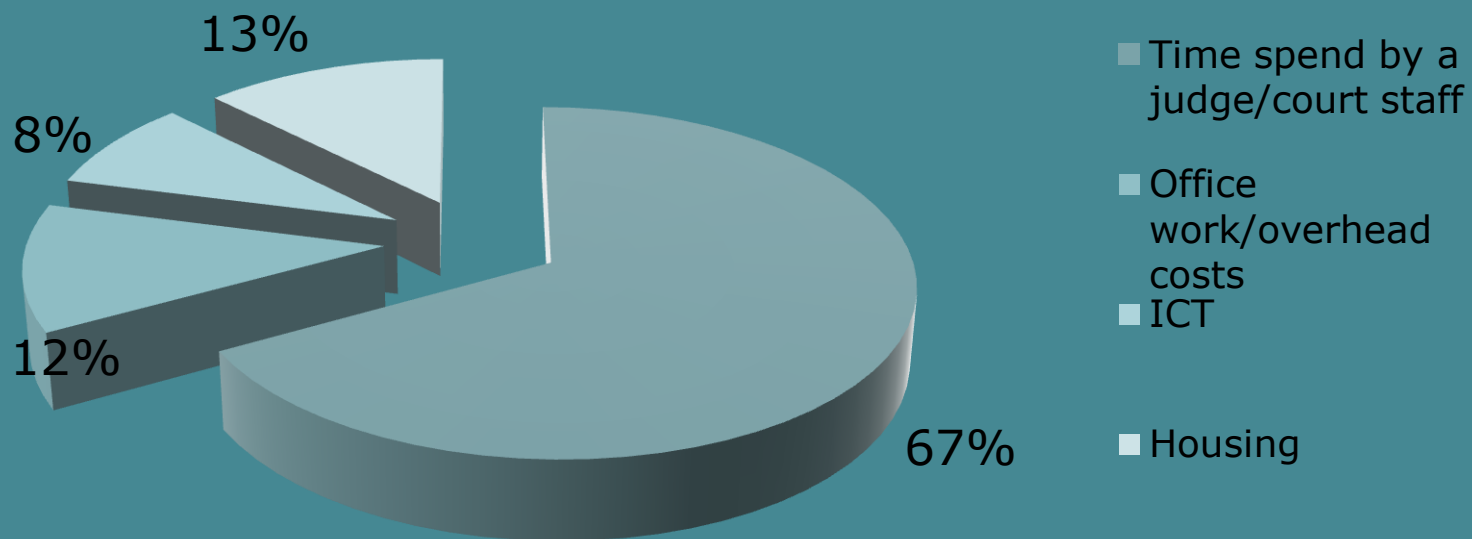


# Elements for the budget of the courts





## Price/cost per case





## The capital of a court is composed of:

Operating reserve  
(this is meant to  
cover certain  
(financial) risks in  
the operation of  
courts)

Statutory reserve (as  
defined in Article  
2:365 of the Civil  
Code)

Undistributed result

(the aggregate of the  
operating reserve and  
the undistributed result  
of the court must not  
exceed five percent of  
the average annual  
income of the court  
calculated over the last  
three years)



## Incentives for the court

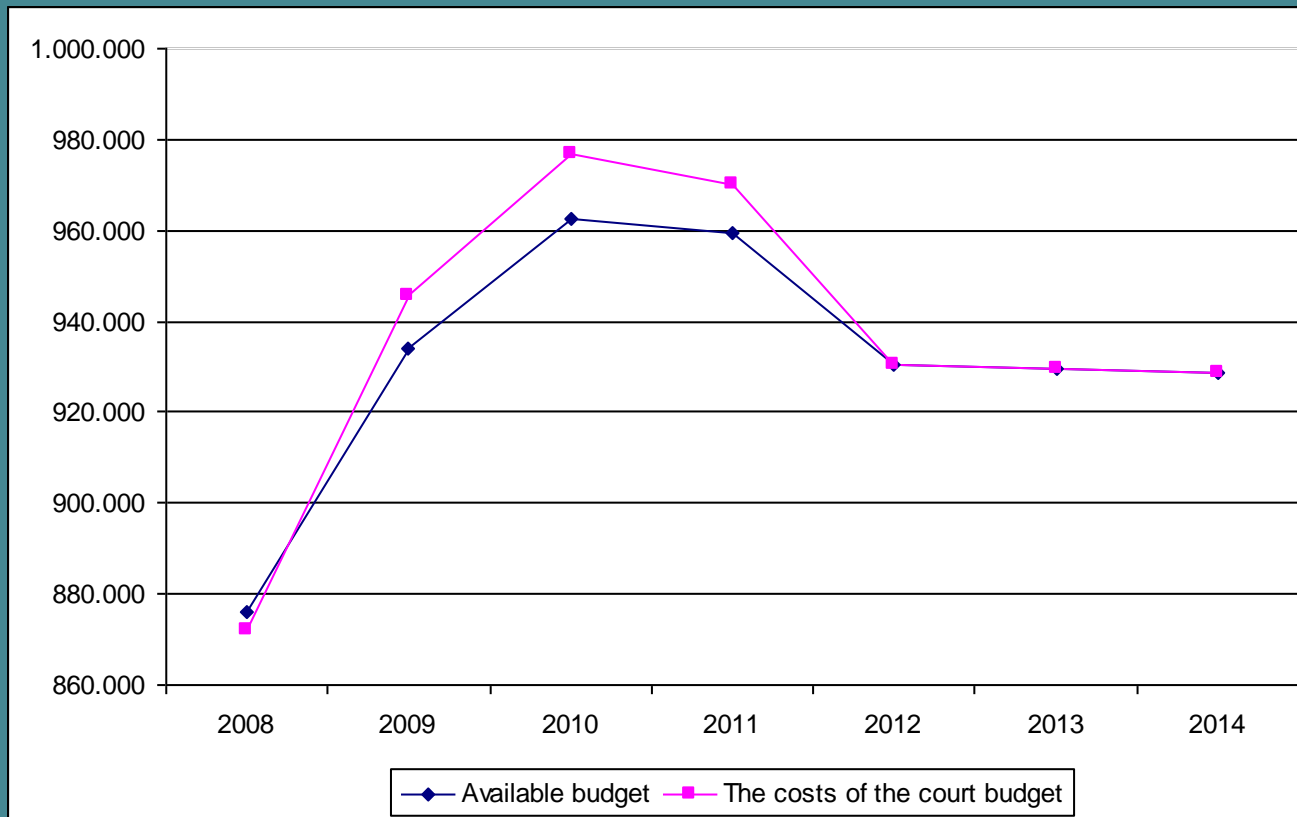
Any operating deficit of the court must be debited to its operating reserve

Any operating surplus (more realized production) must be credited to its operating reserve (up till a specific limit)

The output related funding allocated to the court is increased or reduced if the number of cases disposed by the court per product group is higher or lower than the amount agreed with the Council for the Judiciary for that year

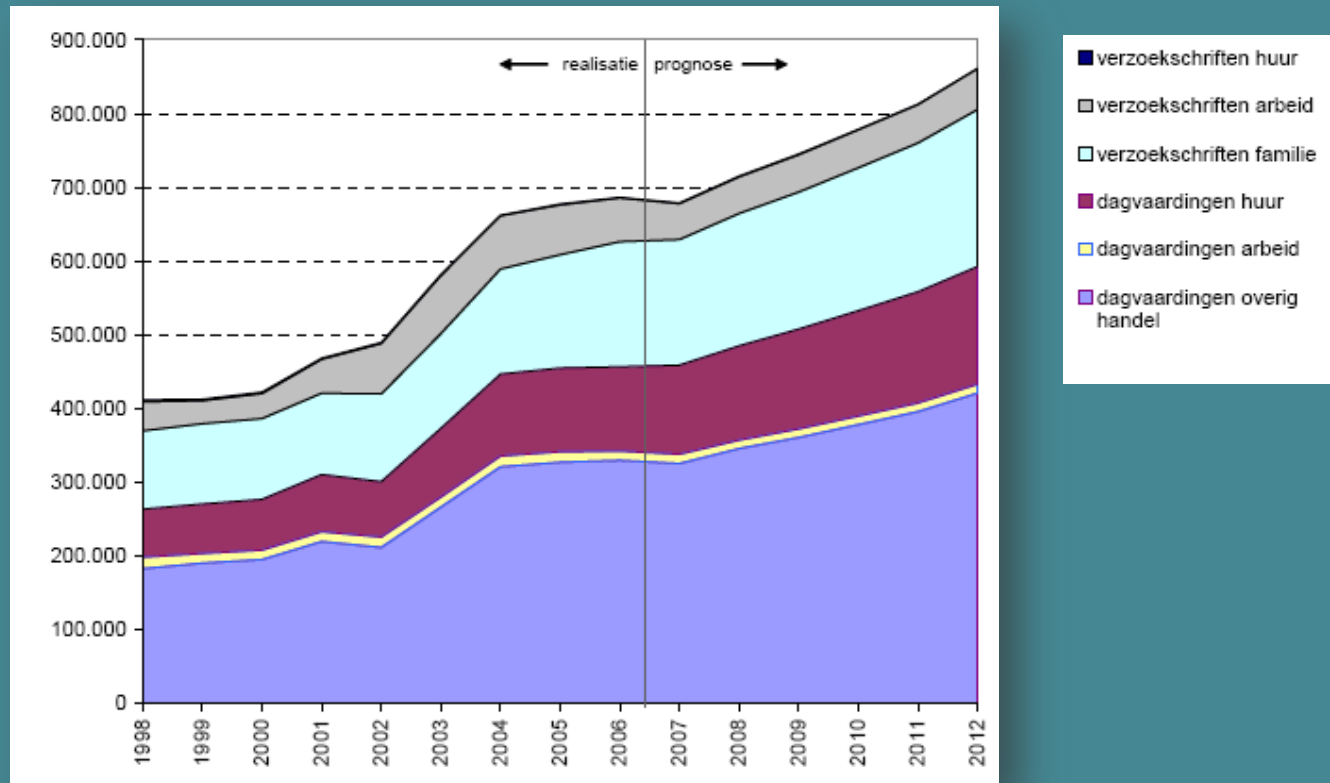


# Development in the budget for the judiciary

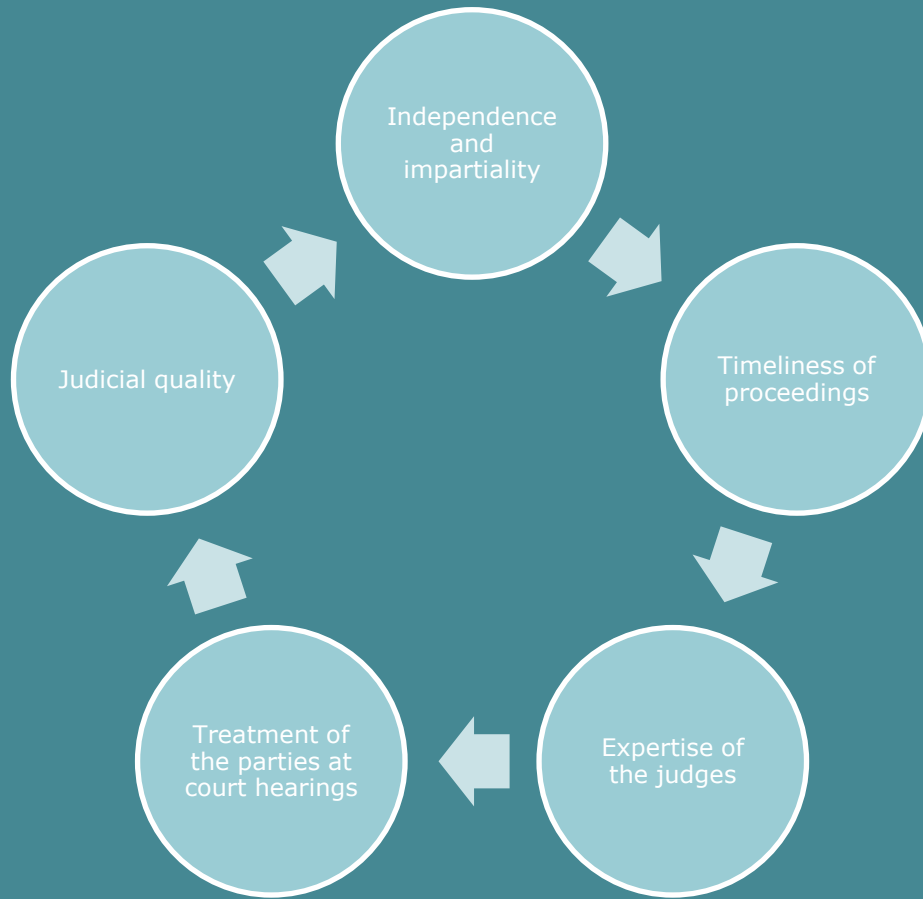




## Forecast inflow of cases (an example)



# Quality indicators for evaluating courts (and judges): measurement system court quality





## Normative framework:

- Quality regulations
- Measurement system for court quality

## Measuring instruments:

- Court-wide positioning study
- Client satisfaction survey
- Visitation
- Audit

## Other elements:

- Complaints procedure
- Peer review

