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Courts Performance Management

Final Report

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2. EXECUTIVE SUMMARY

2.1. RATIONALE

Attention to the results of court activities is more than just a polite gesture to the outside world. For the nation's courts, failure to highlight performance goals and measure them undermines the judiciary's proclaimed ability and need to govern its own affairs. In that regard, four reasons for embracing performance measurement can be highlighted:

The first reason is that public and some official perceptions and beliefs are not always accurate about how work is getting done by the court and its staff. As a result, positive anecdotes and personal accounts are dismissed by court critics who interpret the behavior and record of the courts in terms of their own personal and perhaps negative experiences. In contrast to endless debate over conflicting perceptions, performance data provide observers and insiders with evidence against which to test the reality of assumptions relating to the performance of the courts. Performance evaluations reveal whether what we think is going on is in fact taking place.

A second attractive aspect of performance assessment is the capacity to identify and focus on areas of greatest importance to a broad and diverse audience. Multiple indicators permit courts to respond to the varied concerns of constituents, including litigants, attorneys, witnesses, jurors, the public, and funding authorities.

Fostering greater creativity among court staff is another reason for clarity on desired outcomes. When court leaders and managers state explicitly what matters most, court staff become more easily engaged in determining how to make it happen. This is done by standardizing the ends rather than dictating the means to achieve them.

The value of performance data for preparing, justifying, and presenting budgetary requests constitutes a fourth reason why court president and senior administrators should consider performance assessment as a standard management practice. Performance assessment's focus on multiple goals and corresponding measures makes clear that courts use resources to achieve multiple ends. Information on how well the court is doing in different work areas provides essential indicators of whether goals are being achieved, which ones are being met more fully than others, and which ones are marked by poor or unacceptable performance. As a result, courts can articulate the reasons why some activities will require one or a combination of: tighter management oversight, improved administrative practices, more resources to support promising uses of new technology, or different configurations of personnel. In this manner, performance assessment is a critical foundation for building evidence-based requests for new initiatives and additional resources. Performance assessment across a spectrum of goals establishes a natural priority of emphasis and shields courts from the criticism that budget requests are the product of some individual judge's or administrator's personal preference mainly because budget proposals will flow from meeting the goal agreed-upon.

2.2. METHODOLOGY

The approach suggested by the Project to the Ukrainian stakeholders for building their judiciary performance management system was based primarily on **data science, or advanced inferential**

statistics covering dimensions of time, cost efficiency and productivity with quality dimension is planned for next stage, as the most demanding.

Framework of Excellence

The suggested approach is **compatible** with more “bottom-up” or “quality measurement” approaches, such as international **Framework of Excellence** etc.

Based on comparative experience, however, the Project is cautious about Ukraine’s capacity to apply it.

- Our estimate is that, with the best efforts, it will take Ukraine **5 to 10 years** and a lot of funds to start producing and complying with **indicators** envisaged in this framework.
- Moreover, even if Ukraine manages to apply this system, it would get **only additional 20% of insight** of the judiciary performance, while **we** have already **managed produce some 80%** of insight with the existing data.
- This statement is based also on comparative experience in the **advanced jurisdictions** mentioned bellow, **none** of whom have yet integrated the Framework of Excellence into their performance management systems.

Having said that, some **piloting** of certain individual “**quality**” **indicators** (such as, proportion of revoked / quashed judgments on appeal, peer review of reasoning of judicial decisions etc.) can be commenced in the **near future**, with the advice of EU and other donors.

Delphi¹

No choice was made to use **Delphi** or other possible (“accounting” etc.) method based on two principles: a) **results orientation** and, b) need to follow “**best comparative practices**” - namely, follow what works in **practice**, and not merely in theory. The advanced jurisdictions in question are Austria (*PAR system*), Germany (*PEBSY*), Sweden (*human resources allocation module*), the Netherlands (*cost-per-case*), Norway, etc.

None of the named countries applied **Delphi** since it was considered **biased and subjective** towards the internal corporate interests of judges. Only data science (statistical approaches including **regression**) can provide **scientific evidence** whether there is a link between **resources (budget and judges) and output (number of solved cases per case type)**, and that measure is called coefficient of determination (R^2). In Ukraine this link was rather strong (above 80%), meaning that this approach can very strongly be argued as usable to manage performance. On the contrary, it has **not** been shown that a judiciary performance management system with **Delphi method worked in practice**, even though it sounds appealing purely on theoretical grounds. The Project expert, for instance, has witnessed failed attempts to apply Delphi in Montenegro, Croatia, Bosnia and Herzegovina and other jurisdictions.

¹ The Delphi method is a structured communication technique or method, originally developed as a systematic, interactive forecasting method which relies on a panel of experts. The experts answer questionnaires in two or more rounds.

The validity of our chosen approach is also **corroborated by statements** of **Georg Stawa**, current **President of CEPEJ** (international short-term expert of the Project; among his other missions, he took part at the Orientation Course of the new Supreme Court on 14 October 2017 in Kyiv), that (exact quote):

*“Delphi is considered a costly method, **leaving doubts about the value for invested money**, despite the fact it has to be retuned permanently, causing maintenance efforts as well - which by the way is one of the reasons, why Austria is leaving the path of similar method more and more.*

*One more reason to rely on **data science (statistical approaches including regression)** is that it is a **transparent** method, being able to be followed by judicial professionals and therefore more acceptable. If able to be followed, understand and accepted, the political impact of being a solid base of allocation of resources is **based on clear objectives** and **not on time-consuming subjective negotiations** of any form. The further extension at a later stage of high-level approaches, such as **Framework of Excellence**, is **always possible** along the sophistication of the development.*

*Following the **path of data science-based scientific evidence** will make the Ukrainian judiciary **fit for the future.**”*

2.3. FUTURE STEPS

- A. **Oversee** the SJA and HCJ local **capacity** to maintain and use statistics collection and BI system.
- B. Following managerial concepts applied in **advanced judicial administrations** of the Netherlands, Germany, Austria, Scandinavian countries, the interactive Business Intelligence system can be **deployed at the court level**, guiding managerial decisions of the court president and measuring the activities and productivity of **each court**, while strengthening the HCJ responsibility to set general parameters, **avoiding micromanagement**.
- C. HCJ to develop and apply **performance-based budgeting** methodology based on the BI system.
- D. Consider **adding quality indicators** at the court level (N.B. This is **very long process** in practice, **not yet fully implemented** even in **advanced** European jurisdictions mentioned above).

3. BACKGROUND

On 17 March 2015, the Judicial Reform Council (JRC) adopted the Justice Sector Reform Strategy and Action Plan (JSRSAP). JRC is leading the reform efforts at the policy-setting level under the Administration of President of Ukraine (APU). Past reform attempts in the justice sector in Ukraine have often failed to deliver on their promises due to the absence of real meaningful institutional reforms accompanying the legislative changes, coupled with the absence of adequate strategic framework linked to the financing needs. No meaningful *medium-term budget framework* (MTBF) process can be put in place as long as the Ukrainian justice and other public institutions **are not fixing targets to improve their performance** as part of their annual institutional budgetary requests.

The primary aim of the judiciary should be *focus on results*, which must guide change in business processes and institutional frameworks, with relevant feedback linkages, quality policy and *performance management systems* as key institutional accountability tools. In that regard, *performance management system* should lay down platform for business process engineering that creates service-oriented courts and justice culture, *sector budget*, program and performance-based budgeting in the justice sector, and *EU support* to justice sector reforms in pre-accession and non pre-accession settings. The project missions were supposed to mend the above gaps and further develop institutional capacities by way of introducing performance management system with the State Judicial Administration (SJA) and High Council of Justice (HCJ) and other stakeholders, and laying basis for full application of *program budgeting and performance-based* (results-based) budgeting approaches at the *institutional and central sector levels*.

4. NEEDS AND GAPS

Considering magnitude of expected change that is being implemented through the Justice Sector Reform Strategy, judicial reform faces imminent risk of failure, unless quantitative performance management system and policy-building capacity is developed and introduced **through five stages**, which are described below. In addition, even before quantitative performance system is put in place, employees at all levels in judiciary (decision makers especially) need to clearly understand linkage between requested resources (budget and personnel) and performance of their respective institution.

Building on experience from previous missions in Ukraine, observations, challenges, needs, gaps and recommendations are listed below for each of the abovementioned five stages:

Stage 1: Bureaucratic data collection

It appears that

- a. There is no unified and coordinated approach in collection, analyses and maintenance of data;
- b. Vast amount of human and financial resources is spent on manual collection of data for purposes of usually late reporting, with no evidence of use of data for policy / decision making;
- c. There is a dire need of establishing streamlined data collection process to be used vertically (within and above institutions) and horizontally (between institutions). Data should be collected and processed in relation to normative framework described below.

Stage 2: Normative Framework (standards and goals)

- a. There is dire need to establish quantitative performance standards using scientific methods considering;
 - i. global data,
 - ii. national data, and
 - iii. court level data.
- a. Court level data should be used to produce quantitative indicators in following three dimensions:
 - i. time,
 - ii. cost efficiency / productivity, and
 - iii. quality.
- b. Describing examples of judicial normative framework from other countries is simply not enough.
- c. Normative framework cannot be developed through debate only. Scientifically obtained evidence must be obtained to support setting the standards and goals.
- d. Oversimplification will lead to bias and simply wrong normative framework.

Stage 3: Institutional Capacity building

- a. ICT systems, offices and staffing responsible for monitoring and evaluation should be adjusted to meet the needs of judiciary and citizens of the Ukraine and in accordance to normative framework;
- b. There is dire need of strengthening the capacity of staff dealing with the collection, analyses and interpretation of the data;
- c. There is dire need to provide long-term training for staff dealing with the collection, analyses and interpretation of the data, demonstrating use of sciences like mathematics and statistics in turning existing data into actionable knowledge;
- d. There is dire need to provide training to staff dealing with the collection, analyses and interpretation of the data in policy drafting process.

Stage 4: Monitoring and Evaluation

- a. Monitoring in judiciary is reactive, mostly reacting on *ad hoc* basis;
- b. Currently, vast amount of data is presented in the SJA reports, but data are mostly irrelevant for management of courts or judiciary. Due to such approach, managerial diagnostics and treatment processes at the court level are totally paralyzed.
- c. Monitoring and evaluation should be performed and data should be benchmarked against set standards (normative framework) at the global, national and court level. In that regard, procedures for standardized reporting, including reporting period, content, level and drafting of policies should be developed and introduced;
- d. Statistical system based on the available court data should be established to:
 - i. enable stakeholders to monitor the performance of the justice sector (and courts);
 - ii. monitor the impact of legal and judicial reform aimed at improving performance;
 - iii. provide government with performance data for policy and managerial decision;
 - iv. enable evidence-based decision-making;
 - v. allocate financial and human resources among the courts fairly.

Stage 5: Accountability and Action

- a. There is no solid track record of using statistics for short/medium/long – term planning purposes or decision making;

- b. There is dire need for introducing court level decision making process based on standardized reporting practices. This change in decision making would turn Ukraine judicial management culture from reactive to proactive, eliminating and preventing problems at its source;
- c. Employees at all levels in judiciary (decision makers especially), need to clearly understand linkage between budget and performance;
- d. Drafting legal framework and rulebooks comes at the end, after all above issues are addressed, discussed and agreed on.

After performing several visits to some of the key judicial institutions in Ukraine in the past and after conducting meetings during previous missions and after reviewing background documents related to Ukraine judicial reform (see Appendix III), author of this document was able to make assessment of needs of Ukraine judiciary in relation to introducing backbone of the performance management system and building policy-making capacity aimed at improving the judicial service to Ukraine citizens. In fact, almost all observations shared in this document have been verbally confirmed by representatives of the institutions visited.

In regards to the first phase of introducing Performance Management System in judiciary, related to *Bureaucratic data collection*, “State Judicial Administration of Ukraine” is in charge of “*organizing the keeping of court statistics, case management, and archiving and supervising the state of case management in courts of general jurisdiction*” and as such has unused opportunity to be central institution for developing and maintaining the Performance Management System to be used for human resources allocation and performance based budgeting.

“State Judicial Administration of Ukraine” is in the process of overhaul of the judicial statistics system (see Appendix IV) correctly recognizing some (but only some!) of the weaknesses listed in the chapter above. However, the concept of the new judicial statistics system has serious shortcomings², which will, if they remain unaddressed, produce new statistical system which will be just another bureaucratic exercise, with no real policy making or managerial value. In addition, long-term costs of introducing such a system will be significant, considering size of the judicial system in Ukraine (634 courts and 9,000 judges). Unfortunately, after reviewing court statistics and corresponding analyses for 2016 and first half of 2017 produced by the SJA, no significant improvement was made in regards to using statistics for establishing performance management system that can be used to manage judiciary.

Interestingly, in September 2015 USAID FAIR project published document “Court Performance Evaluation: A Manual for Using Citizen Report Cards in Courts” presenting the Citizen Report Card (CRC) methodology which provides a platform for active interaction (through surveys) between courts and court users, helping courts facilitate open and proactive discussions on their performance, empowering civil society organizations in monitoring courts, and enabling policymakers and courts to plan and set priorities. This approach collects only data on court user perception of court and a judge performance and as such is very important to measure perception of court users. However, issue of nonexistent scientifically developed performance management system similar to one used in advanced judicial administrations of Germany, Austria, Netherlands, Sweden, Norway etc. based on the actual court data obtained from the case management systems still remains unaddressed.

² Elaboration on shortcomings of the new statistical system concept is beyond the scope of the assignment and this report.

It needs to be clearly stated that observations and comments made related to USAID FAIR activities are by no means intended to diminish USAID FAIRs impressive efforts in establishing various survey practices, but to emphasize significant existing gaps in building advanced performance management system within the court and judiciary which could hopefully be addressed by joint donors' intervention. In that regard, the noteworthy initiative was launched in May 2015 by the Council Judges of Ukraine by creating "A working group for development of standards of judicial workload so far as number of cases, as well as standards of ratio between number of court supporting staff and number of judges" (see Appendix V). These standards represent backbone of performance management system. However, risk of imminent failure is associated with similar initiatives. Namely, referring to international experiences in this field, if only method of "debate and judge's experience" is used to set standards of judicial workload, with no mathematical and data science support using historical performance data to calibrate and guide their decisions and recommendations, working group would certainly produce biased performance management system that will further weaken capacities for fair and informed policy and decision-making in judiciary.

Example of scientifically produced statistically significant mathematical model which represents "standards of judicial workload" is presented in the table below. The table presents average number of minutes (marked red) needed to resolve certain major case types and is produced on limited sample of three-year data (2012-2014) obtained from limited number of courts in Ukraine.

<i>Resolved cases</i>	<i>Minutes</i>	<i>Standard Error</i>	<i>t Stat</i>	<i>P-value</i>	<i>Lower 95%</i>	<i>Upper 95%</i>
<i>Civil cases</i>	186 min.	21	9	0.0000	145	227
<i>Criminal cases</i>	99 min.	13	8	0.0000	73	125
<i>Administrative offences cases</i>	109 min.	19	6	0.0000	71	147
<i>Administrative plus Other cases</i>	32 min.	8	4	0.0001	17	47
<i>Intercept</i>	129,904	32,945	4	0.0001	64,698	195,111

The mathematical approach with limited sample was used to illustrate importance of scientific approach in dealing with "standards of judicial workload". **In essence, setting "standards of judicial workload" is more mathematical than legal problem.** This quantitative approach was recognized and used by judicial administrations of Germany, Austria, Norway, etc. in building their performance management systems.

5. MITIGATING ACTIONS, ADDRESSING NEEDS AND GAPS

The project had systematic approach in undertaking Key Steps in addressing needs of Ukraine judiciary and close gaps described in previous chapter, as follows:

Stage 1: Statistics and Data Handling -> 5 **trainings** for officials of the High Council of Justice (HCJ), High Qualification Commission (HQC), State Judicial Administration (SJA), Council of Judges (CJ) and other Ukrainian counterparts on **how to collect and analyze relevant data** about court performance.

Stage 2: Performance Standards -> 4 **key performance standards** developed in consultation with Ukrainian stakeholders, to kick-start the system based on simple and ready-to-use criteria, in line with **CEPEJ** recommendations and **best European practices** (Austria, Germany, Netherlands, Norway, Sweden etc.), focusing on **workloads (clearance rate), disposition time, productivity and cost-efficiency**. **More room** for further criteria to be **added** is **open**, once this initial system is used extensively.

Stage 3: Data Analysis and Capacity Building -> data from **650 1st instance courts local general courts** for the period from **2012 to 2016 were collected**, calculating “minutes per case” and “cost per case” and allowing to perform diagnostics at the level of each individual court by way of the “**Courts Rating**” approach, which measures the **production of services and case handling** by the courts **against the use of court resources**. 10 additional workshops and round-tables presenting the above methodologies and tools were conducted, involving the leadership and representatives of HCJ, HQC, SJA and other stakeholders (Output: **650 Excel spread-sheets** with data over the above **5 years** period).

Stage 4: Monitoring and Evaluation -> custom-made **Business Intelligence (BI) dashboards** were designed for transforming data into **actionable knowledge**. **Unlimited usage rights** of the dashboards were **granted to the beneficiaries, subject to covering maintenance costs**. This in turn allows almost **real-time** tracking of courts performance under the above performance standards, and should play a role in establishing the case for change in the courts’ **budgetary process**, determining strategic priorities of Ukraine’s judiciary with the support of a strong evidence base.

Stage 5: Accountability and Action -> Administration of President were presented and started **using** the BI dashboards, to be used in the on-going courts **remapping (restructuring)**. At the same time, the HCJ are considering using the BI dashboards for shift towards **performance-based budgeting** process.

6. HIGHLIGHTS OF KEY PERFORMANCE TRENDS IN LOCAL GENERAL COURTS 2012-2016

Using the Business Intelligence dashboards, data from **first instance** local general courts³ for the **whole of Ukraine** are presented here as an example of statistics, identifying **major changes** in inputs (**budget and judges**) and outputs (**number of solved cases**) over the five-year period of 2012-2016.

6.1. CONCLUSION I: COURT BUDGET DOUBLED WHILE NUMBER OF SOLVED CASES WAS CUT BY 24%

Year	Total number of judges	Executed Court budget including (CAPEX) - UAH	Pending cases on January 1	Incoming cases	Solved cases	Pending cases on December 31	Inactive judges
2016	4,471	3,682,648,352	315,243	2,658,098	2,563,320	410,021	740
2015	4,407	2,583,503,193	612,503	2,459,855	2,367,420	704,938	730
2014	4,270	1,936,586,989	997,333	3,099,417	3,099,188	997,562	165
2013	4,480	2,367,360,095	932,393	2,912,819	2,838,475	1,006,737	318
2012	4,228	1,858,951,537	1,266,388	3,169,292	3,368,610	1,067,070	133
2016 vs. 2012	6%	98%	-75%	-16%	-24%	-62%	456%

In the 2012-2016 five-year period, the 605 first instance local general courts budget **resources** (or inputs) **doubled**, and numbers of judges on the **payroll increased by 6%**. Interestingly, 16.5% (or **740 judges**) of the total number of judges in the whole of Ukraine were reported as “inactive” during 2016; the fact that these positions are still being budgeted and paid for drastically **reduces cost-efficiency**. In the same period, number of **solved cases** (or output) **decreased by 24%**. Similarly, **workloads** (number of incoming cases) **also decreased by 16%**, while number of **pending cases** at the year-end **decreased by 62%**⁴ compared to 2012.

6.2. CONCLUSION II: DRASTICALLY REDUCED NUMBER OF SOLVED CASES IN ALL TYPES OF PROCESSES, EXCEPT CRIMINAL

Year	Total Solved Cases	Solved Civil Cases	Solved Criminal Cases	Solved Administrative Cases	Solved Administrative Offences
2016	2,563,320	964,040	873,418	77,797	647,813
2015	2,367,420	1,108,992	567,552	78,451	612,425
2014	2,838,475	1,273,407	761,578	118,644	684,846
2013	3,099,188	1,387,737	676,407	137,430	897,614
2012	3,368,610	1,373,927	570,064	483,787	940,832
2016 vs. 2012	-24%	-30%	53%	-84%	-31%

³ Originally, 650 courts were analysed, but due to insufficient data for some regions the final result included 601 court for period 2012-2015, while in 2016 data for four additional courts were added also.

⁴ Follow up work with the SJA is needed to clarify number of pending cases (backlog) data since some inconsistencies were detected.

The most significant **reduction** in number of **solved** cases is in the **administrative** jurisdiction. Number of solved administrative cases dropped by **84% in the five-year period**, followed by a drop in solved administrative offences (-31%) and civil cases (-30%). Number of resolved criminal cases increased (+33%) in the same period. The aggregated **decrease** in solved cases in all case categories is **-24%** from 2012 to 2016.

6.3. CONCLUSION III: FINANCIAL IMPLICATIONS – EUR 122 MILLION VALUE LOST IN A FIVE-YEAR PERIOD

Year	Number of judges	Modelled Judges based on output (solved cases)	Theoretical savings judges	Inactive judges	Executed court budget excluding CAPEX UAH	Modelled budget based on output (solved cases) UAH	Theoretical savings UAH
I	II	III	IV=III-II	V	VI	VII	VIII=VII-VI
2016	4,471	3,611	860	740	3,502,657,507	1,544,786,426	1,957,871,081
2015	4,407	3,468	939	730	2,540,051,986	1,513,445,054	1,026,606,931
2014	4,480	3,833	647	318	2,354,471,995	1,647,929,729	706,542,266
2013	4,270	4,197	73	165	1,896,497,484	1,810,591,679	85,905,806
2012	4,228	4,218	10	133	1,846,660,086	1,846,660,086	0
Total	21,856	19,327	2,529	2,086	12,140,339,058	8,363,412,974	3,776,926,084

Assuming that first instance local general courts in the whole of Ukraine maintained productivity and cost efficiency at the level of year 2012, and assuming that the resources (budgets and judges) were distributed based on output (number of solved cases), mathematical models produced under the Court Rating umbrella estimated that theoretical **savings of UAH 3,776,926,084 (or about EUR 122 million) could have been made during the five-year period**. Instead, the *status quo* in resource use produced no such effect.

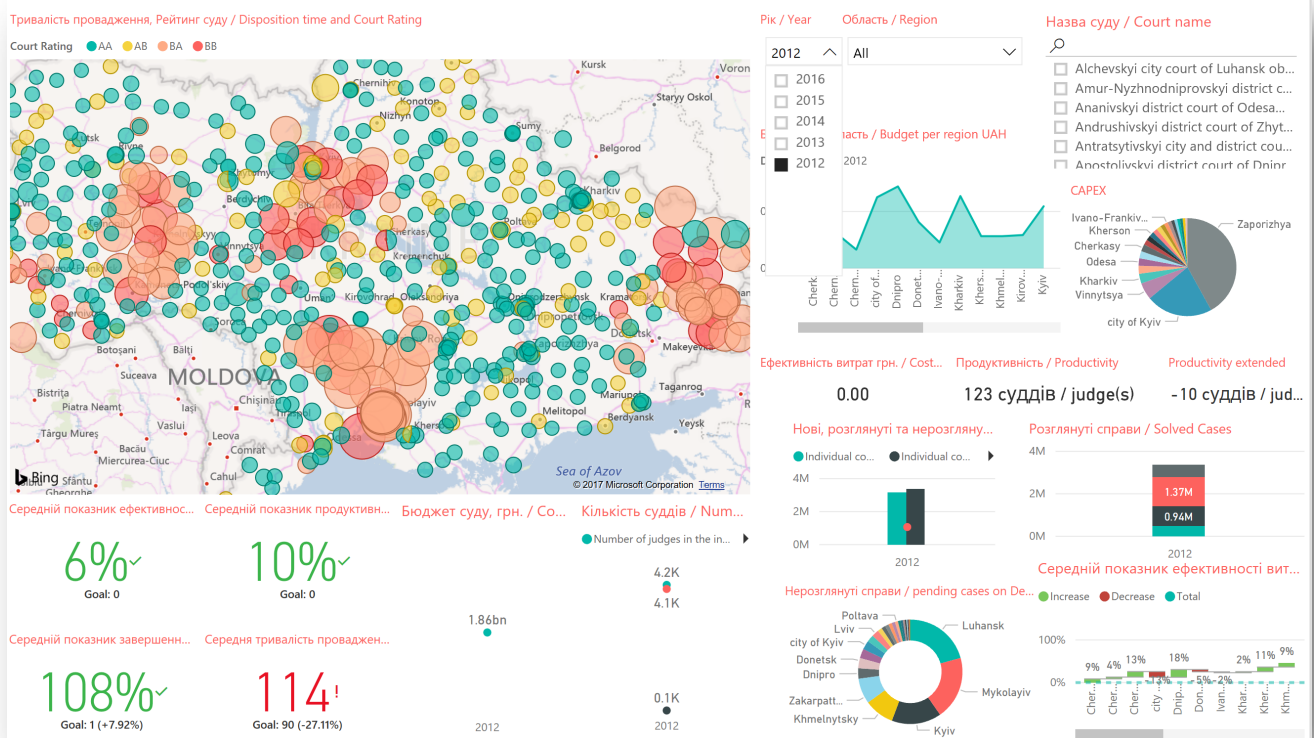
In addition, number of annual judicial **salaried positions could have been reduced by 2,526** in total during the five-year period. In 2016, the number of 4,471 judicial posts in the first instance local general courts could have been reduced by 860 (or about 19%), **if the number of judicial posts** was determined by **output** (number of solved cases) rather than inputs (salaries /payroll to be maintained). Interestingly, 740 judges are already reported as “inactive” in the first instance local general courts but still on a payroll of the courts. These are mostly “5 year probation period judges” under the old judicial appointment system, who are *de facto* not operational but create a burden financially.

6.4. SNAPSHOTS AND EXAMPLE OF USE OF BUSINESS INTELLIGENCE (BI) SYSTEM

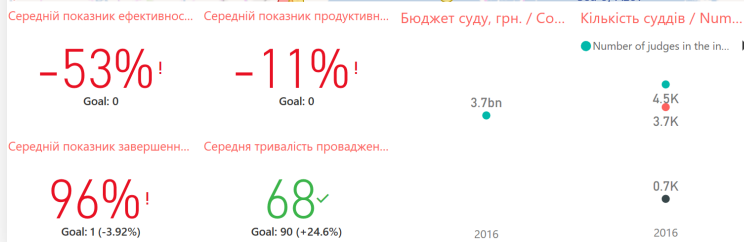
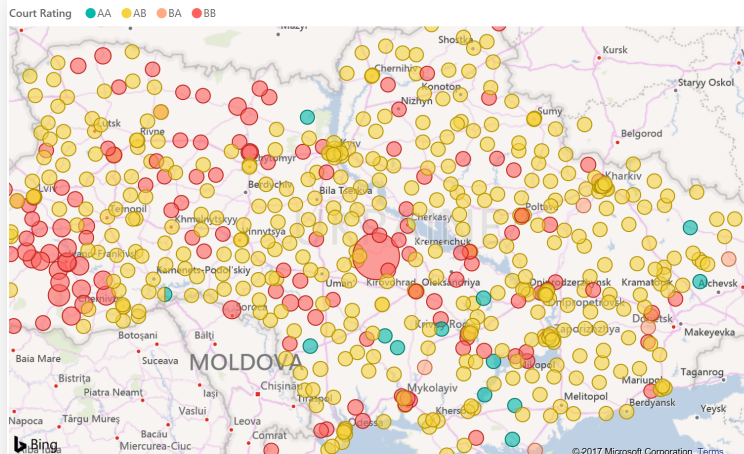
The delivered BI system turns existing data into actionable knowledge by calculating position of individual courts in one of the below categories. The Court Rating system transforms complex mathematical models into understandable “**traffic light**” signals, which **should guide policy-making processes as well as managerial decisions at the courts level**:

- AA **Green color: good performance and use of resources**
Action to consider: recognize good performance among peers (other courts)
- AB **Yellow color: good performance due to surplus resources**
Action to consider: reassign resources to courts in need due to workload (BA courts)
- BA **Beige color: low performance probably due to insufficient resources**
Action to consider: assign additional resources
- BB **Red color: low performance despite sufficient resources**
Action to consider: review management practices in the court as well as analyze sufficiency of the workload (number of incoming cases).

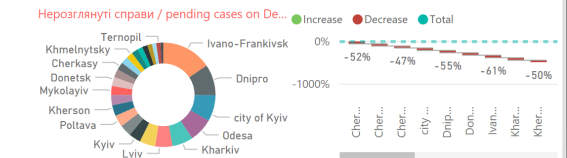
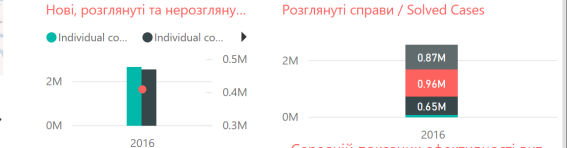
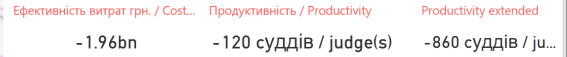
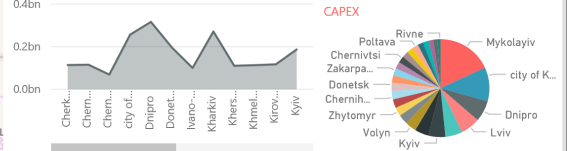
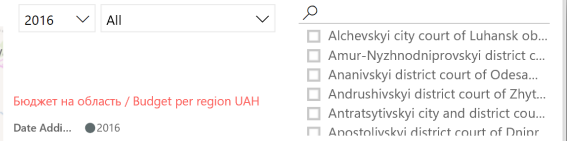
Figures 1, 2 and 3: *Business Intelligence Dashboards, attesting good performance in 2012 (with few “heat spots”), deterioration in performance in 2016 and overall view for a five-year period*



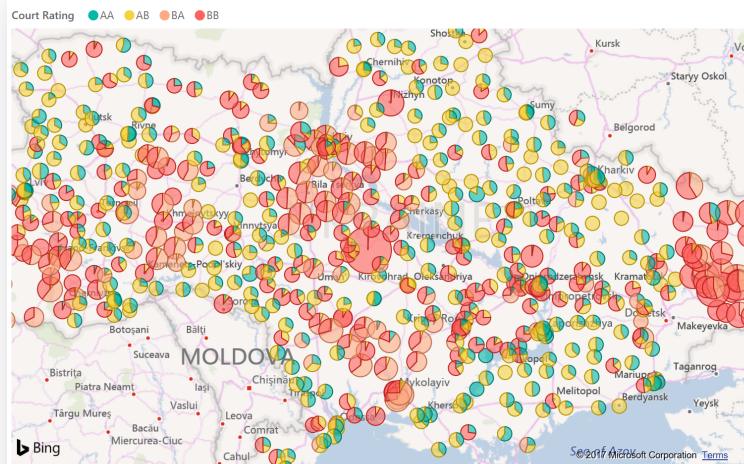
Тривалість провадження, Рейтинг суду / Disposition time and Court Rating



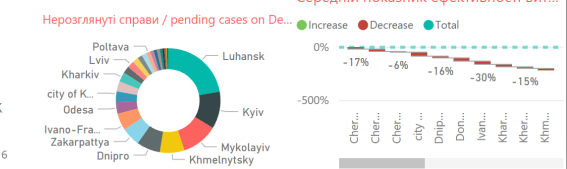
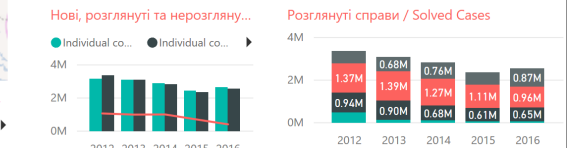
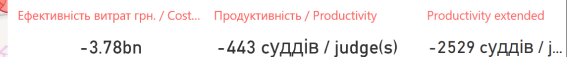
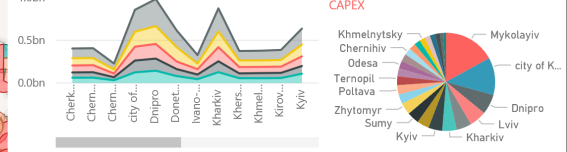
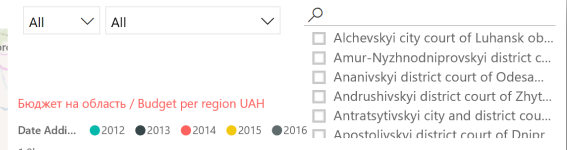
Рік / Year Область / Region



Тривалість провадження, Рейтинг суду / Disposition time and Court Rating



Рік / Year Область / Region



6.5. DELIVERED BUSINESS INTELLIGENCE (BI) SYSTEM AND FUTURE STEPS

Policy makers (Administration of President, HCJ etc.) can **now** have **evidence** of the following:

- umbrella performance management system providing “helicopter” overview to policy makers,
- enables stakeholders to monitor the performance of the justice sector (and courts);
- monitors the impact of legal and judicial reform aimed at improving performance;
- provides government with performance data for policy and managerial decision;
- establishes platform for business process reengineering,
- creates service oriented courts and judicial culture.
- enables evidence-based decision-making;
- allocate financial and human resources among the courts fairly;
- rewards innovation and improvements;
- able to detect micro inefficiencies.

Current Status

- **Umbrella performance** management system covering time, cost efficiency and productivity, based on the **already available data** from SJA.
- Through three annual iterations, **SJA staff was trained** how to annually **collect** data needed for the system. Data for 2016 collected, processed and added to the system including new data related to number of **inactive judges** per court and **precise court geo-spatial locations**. The Business Intelligence dashboards were **deployed** at the **Strategic Planning Unit of HCJ**. Trainings were being delivered to the Strategic Planning Unit of HCJ on how to use Business Intelligence dashboards to obtain evidence for possible further policy making processes at HCJ (**inspections, missions to “bad courts” by “good courts”, management training courses, budgetary increases/decreases, additional human resources, IT support etc.**⁵).
- Compared to most judiciaries of the Council of Europe member states, even at current stage of development, BI dashboards and Court Rating system offer superior foundation for policymaking to the HCJ and other stakeholders.

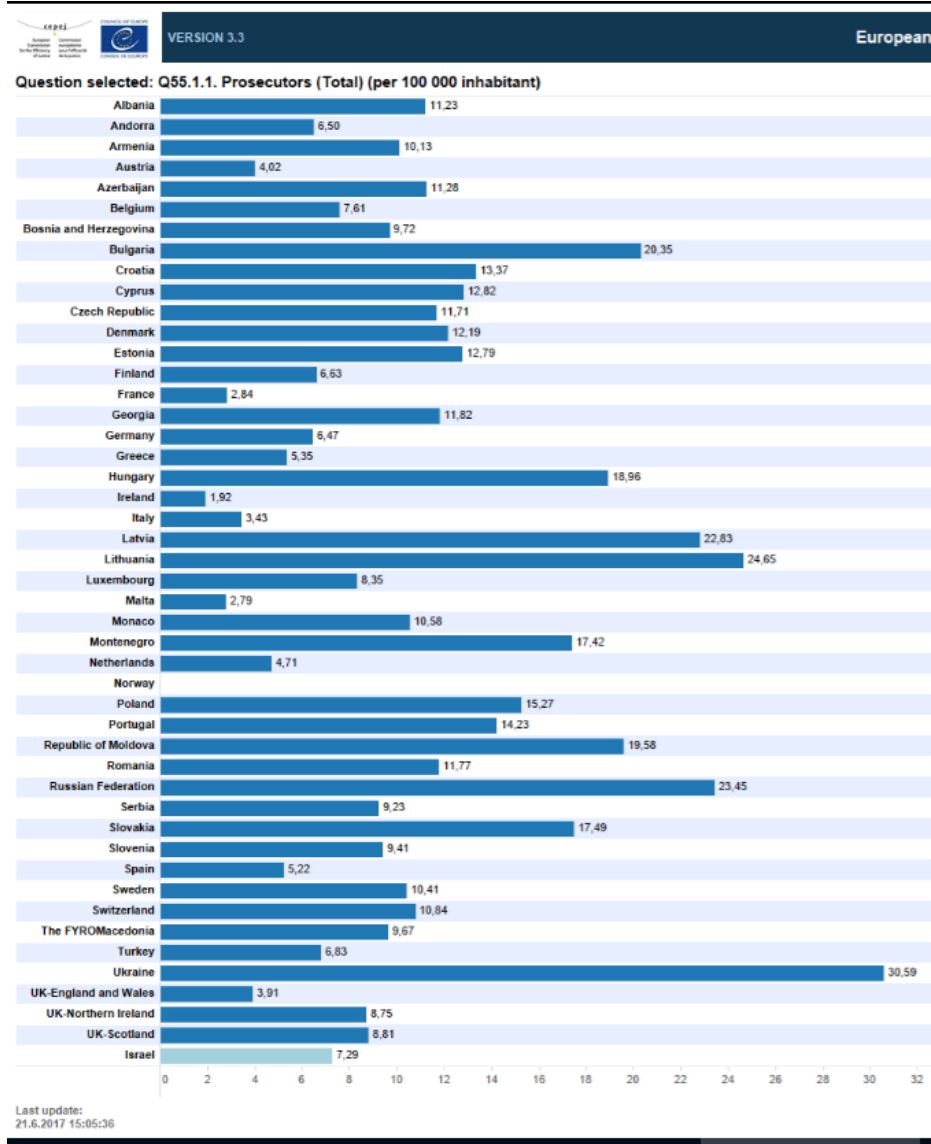
Future Steps

- **Oversee** the SJA and HCJ local **capacity** to maintain and use statistics collection and BI system.
- Following managerial concepts applied in **advanced judicial administrations** of the Netherlands, Germany, Austria, Scandinavian countries, the interactive Business Intelligence system can be **deployed at the court level**, guiding managerial decisions of the court president and measuring the activities and productivity of **each department**, while strengthening the HCJ responsibility is to set general parameters, **avoiding micromanagement**.
- HCJ to develop and apply **performance-based budgeting** methodology based on the BI system.
- Consider **adding quality indicators** at the court level (N.B. This is **very long process** in practice, **not yet fully implemented** even in **advanced** European jurisdictions mentioned above).

⁵ For example, in the Council for the Judiciary in the Netherlands, the use of performance management system includes areas, such as personnel (HR) policy, IT and the use of new information technologies, buildings/accommodation, procurement and tenders, communications, and personnel and organisation. **In each of these areas, the court boards are responsible for their own organisation, while the Council's responsibility is to set parameters, support the courts with specialised expertise, promote cooperation between the courts, and initiate national projects and policies.** Examples of such national policies include further recruitment and selection of new judges; judges' training programmes; digitisation of the Judiciary etc.

7. PERFORMANCE MANAGEMENT IN THE GPO

In regards to General Prosecutor Office (GPO), according to European Commission for Efficiency of Justice (CEPEJ), Ukraine has by far the highest number of prosecutors per number of inhabitants of all member states of Council of Europe.



Having in mind size of the prosecution office system and public expenditures related to its functioning, Ukraine should have sophisticated data-science based performance management system measuring performance of the prosecution in terms of providing service to society while clearly defining key performance indicators involving dimensions of time, cost efficiency/productivity and quality.

However, in spite of fact that shockingly huge amount of data is collected related to functioning of prosecutor's offices, performance management system is practically nonexistent. Namely, major building block of performance management system like clear definitions of outputs and outcomes were simply disregarded creating the paralyzing atmosphere where any data-driven decision making is practically impossible. Such approach resulted in rather strange and unusual situation where key performance indicator of success of prosecutor office is "approved budget per prosecutor" with no

consideration on output (i.e. number of cases handled and in which timeframe in relation to resources used).

Essentially, POs are putting emphasis on activities performed by public prosecutor (i.e. execution of court decisions, consideration of appeals, preparation of information for mass media and governmental authorities) trying to present activities as outputs or results. It appears that statistical data are collected for sole purpose of making excuses and for requesting more budget funds with no clear evidence related to outputs.

Performance Management System of POs should be developed using scientific methods through following stages:

- 1 Bureaucratic data collection
- 2 Establishing normative framework (or performance standards) using data science
- 3 Institutional capacity building
- 4 Introducing Monitoring and Evaluation function
- 5 Defining accountability and action

During the meeting with the representatives of GPO, the expert was informed that 20 member working group was formed to produce performance framework for the prosecutors and they started the work. However, almost all members (except one who is economist) of the working group are with legal background and it appears that they unanimously support the “action based” rather than “output based” approach to performance management. In attempt to try to influence this futile approach, expert presented example of Swedish Prosecution Authority where clear outputs and key performance indicators are presented.

Result model – the Swedish Prosecution Authority

Performance of the Swedish Prosecution Authority, in comparison with last year's performance and the performance targets

Type of crime	Prosecutions-Indicator 1			Prosecuted persons			Prosecutions-Indicator 2			Case flow-Indicator 1			Case flow-Indicator 2			Case flow-Indicator 3		
	Percentage			Number			Percentage			Days			Percentage			Days		
	2006	2007	Trend	2006	2007	Trend	2006	2007	Trend	2006	2007	Trend	2006	2007	Trend	2006	2007	Trend
Violence	42	40	↓	16 833	16 236	↓	86	85	↓	28	39	↑	64	56	↓	105	122	↑
Drugs	86	85	↓	16 689	15 937	↓	93	92	↓	20	34	↑	73	59	↓	76	92	↑
Economic	33	36	↑	805	865	↑	92	92	↔	59	41	↓	45	67	↑	459	428	↓
Environment	13	10	↓	382	295	↓	81	82	↑	54	46	↓	53	48	↓	261	255	↓
Fines	85	84	↓	19 511	24 409	↑	89	89	↔	19	38	↑	70	53	↓	40	45	↑
Other	59	57	↓	67 939	69 686	↑	90	89	↓	24	34	↑	67	59	↓	108	108	↔
Total	60	59	↓	122 159	127 428	↑	90	89	↓	24	36	↑	68	58	↓	113	123	↑

Definitions:

Prosecutions*- Indicator 1: Percentage of prosecuted persons in relation to all suspects who are subject of any decision by a prosecutor

Prosecutions*- Indicator 2: Percentage of prosecution decisions in relation to the total number of decisions concerning prosecution

Case flow -Indicator 1: Average number of days from a registered, completed investigation to the decision concerning prosecution

Case flow - Indicator 2: Percentage of crime suspicions decided on within 15 days from the registered, completed investigation

Case flow - Indicator 3: Average number of days from a reported crime (to a prosecutor) to any final decision.

* The terms "prosecuted" and "prosecution" which are used here also include decisions on summary penalties by fine and waivers of prosecution



It was agreed that expert try to prepare data collection sheet and deliver it to the GPO where policy makers will decide whether they will support activities of producing scientific performance management system that should be used to establish goals and steer GPO functioning for the benefit of society. For the fourth time during the last three years, the expert delivered the data collection sheet but the reply from the GPO was never received.

8. RECOMMENDATIONS

Considering all the above, the following actions are recommended:

1. Considering the new competences of the High Council of Justice⁶ (HCJ), recognize their role in leading the judiciary in performance management, budget, strategic planning, regulatory development and communication and continue to further develop strategic function in line with competences,
 - a. Try to introduce policy making process within the HCJ,
2. Constantly update the Administration of President on key facts and trends and continue in assessing current gaps in capacity of judicial sector institutions related to introducing performance management in connection to steering, managing and financing judiciary (and its reforms) along facts and figures,
3. Depending on the capacity of institution to manage change, directly work with interested and motivated stakeholders in judiciary (SJA, HCJ, HQC) with an aim of introducing reporting practices, using Court Rating methodology and further developing Business Intelligence dashboards,
 - a. Continue working with the SJA on 2017 data that should reflect the remapping of courts and continue adding some of the missing data,
 - b. Introduce methods and provide training for performance based calculation of human resources and budgets,
4. At the request of the Supreme court (SC), try to use data science to develop backbone of the performance management system within the SC,
5. Continue work with the GPO discussing the data to be collected in implementing the Data Science approach and building the system for analyzing performance of prosecutors' offices in Ukraine.

Finally, considering above made observations and recommendations, one clear statement needs to be made.

6

- Approve the number of judges in courts,
- Approve the Regulations on the Integrated Judicial Data System, the Regulations on the State Judicial Administration of Ukraine and standard regulations on its territorial governance
- Participate in the allocation of funds from the State Budget of Ukraine for administrative expenses of courts and judicial agencies and institutions,
- Upon submission from the State Judicial Administration of Ukraine, approve standard requirements for staffing, financial, technical and other support to courts,
- Approve the distribution of budget appropriations between courts except the Supreme Court.

As elaborated in the report, targeted institutions simply lack institutional capacity and knowhow to perform entrusted mandates related to performance management, budget and strategic planning in line with EU best practices. In that regard, the project should consider providing support and conducting a separate, more targeted missions for SJA, HCJ, SC and GPO.

If this issue remains unaddressed it would present an imminent and significant risk to successful implementation of the JSRS (since many outputs of the JSRS are dependent on institutional capacity of target institutions) and for a long-term functioning of subject institutions.

Adis Hodzic
November 2017

“Stand out firmly for justice”

APPENDIX I – CLOSING MEETING AGENDA



EU Project “Support to Justice Sector Reforms in Ukraine”

Final Conference

23 November 2017

09:30 - 13:30

Kyiv, Radisson Blu, Yaroslaviv Val Street 22

Hour	Speakers, Topics
09:30 – 10:00	Registration, Coffee
10:00 – 10:20	Press Briefing
10:20 – 10:40	<p>Introductory Remarks</p> <p>Thomas Frellesen – Chargé d’Affaires a.i., Delegation of the European Union to Ukraine</p> <p>Oleksii Filatov – Deputy Head of Administration of President</p> <p>Nicole Cochet – Director General, JCI</p>
10:40 – 12:00	<p>Presentation of Project Results and Expected Follow - Ups - 1</p> <p>Dovydas Vitkauskas – EU Project Team Leader</p> <p>Sergii Koziakov – Chairman of High Qualifications Commission of Judges</p> <p>Serhii Shkliar – Deputy Minister of Justice</p> <p>Project Expert Presentations</p> <p>Reda Moliene, Head of the National Court Administration of Lithuania on EU Support to Judiciary Selection and Evaluation</p> <p>Katilin Popov on EU Support to Enforcement Reform</p>
12:00 – 12:10	Coffee Break
12:10 – 13:10	<p>Presentation of Project Results and Expected Follow -Ups - 2</p> <p>Eric Svanidze, Representatives of HCJ and MoJ (Policy Development and Implementation in Justice Sector, Justice Sector Reform Strategy and Action Plan), Presentation of Justice Sector Reform Strategy and Action Plan Implementation Monitoring and Donor Coordination Tools</p> <p>Gintaras Svedas on EU Support to Ministry of Justice Reform</p> <p>Jean Lagadec, Marc Willers on EU Support to Procedural Legislation Reform</p> <p>David Perry on EU Support to Probation Reform</p> <p>Kestutis Sabaliauskas on EU Support to Registers and e-Justice</p>
13:10 – 13:30	Discussion
13:30	Lunch

Simultaneous interpretation will be provided

APPENDIX II – MANDATES

<p>Ministry of Justice</p>	<ol style="list-style-type: none"> 1) ensure implementation of the state legal policy, policy with regards to the adaptation of the legislation of Ukraine to the EU law; 2) ensure representation of the interests of the state in the courts of Ukraine, protection of the interests of Ukraine in the ECtHR; 3) ensure expert support to justice; 4) ensure international legal cooperation, compliance and implementation of the legal obligations of Ukraine under international agreements.
<p>High Council of Justice</p>	<p>According to the Constitution (article 131):</p> <ol style="list-style-type: none"> 1) forwarding submissions on the appointment of judges to office or on their dismissal from office; 2) adopting decisions in regard to the violation by judges and Prosecutors of the requirements concerning incompatibility; 3) exercising disciplinary procedure in regard to judges of the Supreme Court of Ukraine and judges of high specialized courts, and the consideration of complaints regarding decisions on bringing to disciplinary liability judges of courts of appeal and local courts, and also Prosecutors. <p>L A W O F U K R A I N E On the High Council of Justice? Section I GENERAL PART Article 3. Functions of the High Council of Justice</p> <p>1. The High Council of Justice shall have the following functions:</p> <ol style="list-style-type: none"> 9) Decide on transfers of judges to other courts or temporarily assign judges to other courts of the same level and jurisdiction 11) Approve the number of judges in courts, 12) Approve the Regulations on the Integrated Judicial Data System, the Regulations on the State Judicial Administration of Ukraine and standard regulations on its territorial governance 15) Participate in the allocation of funds from the State Budget of Ukraine for administrative expenses of courts and judicial agencies and institutions, 16) Upon submission from the State Judicial Administration of Ukraine, approve standard requirements for staffing, financial, technical and other support to courts, 17) Approve the distribution of budget appropriations between courts except the Supreme Court,
<p>High Qualification Commission of Judges</p>	<p>According to the Law on the Judiciary and Status of Judges (article 91): High Qualifications Commission of Judges of Ukraine shall:</p> <ol style="list-style-type: none"> 1) maintain data about the number of judicial positions in courts of general jurisdiction; 2) register data about the number of administrative positions in courts of general jurisdiction; 3) conduct a selection of the candidates for first appointment to judicial position; 4) forward to the High Council of Justice recommendation to appoint a candidate to judicial position in order to further submit a respective motion to the President of Ukraine; 5) provide or refuse to provide recommendation to appoint/elect candidate to a lifetime position; 6) determine the need for state order for professional training of candidates for a judicial position at the National School of Judges of Ukraine; 7) take decision on removing a judge from his office due to initiated criminal proceedings against the judge based on reasoned resolution of the Prosecutor General; 8) review petitions and information on disciplinary responsibility of judges of local courts and courts of appeal and if there are grounds open disciplinary cases as well as execute disciplinary proceedings; 9) make decisions based on the results of disciplinary proceedings and provided there are grounds impose disciplinary sanctions on judges of local courts and courts of appeal.
<p>State Judicial Administration</p>	<p>According to the law on the Judiciary and the Status of Judges (article 146):</p> <ol style="list-style-type: none"> 1) represent courts in relations with the Cabinet of Ministers and the Verkhovna Rada of Ukraine during preparation of draft law on the State budget of Ukraine;

	<ol style="list-style-type: none"> 2) ensure adequate conditions for the operation of courts of general jurisdiction, the High Qualifications Commission of Judges of Ukraine, the National School of Judges and bodies of judicial self-government within its authority specified by this law; 3) study the practical aspects of the operation of courts, develop and submit, in the manner prescribed by the law, proposals on ways to improve that practice; 4) study court staff related issues, make forecasts of the need for specialists, and request the training of relevant specialists; 5) ensure necessary conditions for raising the professional level (continuous training) of judges and court staff; create a system of professional development (continuous training); 6) organize the keeping of court statistics, case management, and archiving; supervise the state of case management in courts of general jurisdiction; 7) prepare materials for forming proposals for court budgets; 8) organize computerization of courts for purposes of administration of justice, case management, and informational and normative support for the operation of courts; and provide for the functioning of automated case management/document flow system in courts; 9) provide for the operation of automated system which determines the member of High Qualifications Commission of Judges of Ukraine; 10) provide for the keeping of a Unified State Register of Court Decisions and Register of E-mail Addresses of government bodies, their public officers and officials; 11) interact with relevant bodies and institutions, including those of other countries, with the aim of improving organizational support for courts.
National School of Judges	<p>According to the law on the Judiciary and the Status of Judges (article 82):</p> <ol style="list-style-type: none"> 1) organization of practical training of candidates for a judicial position; 2) training of judges: appointed to the judicial position for the first time; elected to a lifetime judicial position; appointed to administrative positions in courts; 3) periodical on-going training of judges to improve their professional level; 4) training of court staff; 5) scientific research in issues concerning judiciary improvement; 6) study of international experience of organizing court operation; 7) scientific-methodological support of the operation of court of general jurisdiction, the High Qualifications Commission of judges of Ukraine and the High Council of Justice.

APPENDIX III – DOCUMENTATION REVIEWED

Ukraine related documents

1. Mandates of relevant institutions (legal framework);
2. Strategy of Justice Sector Reform 2015-2020 (EU);
3. Justice Sector Reform Strategy (JSRS) Action Plan (EU);
4. The State Judicial Administration of Ukraine: Structural Assessment and Recommendations (USAID);
5. Court Performance Evaluation in Ukraine: 2012 Pilot Testing Results (USAID);
6. Court Performance Evaluation: A Manual for Using Citizen Report Cards in Courts, (USAID) FAIR Justice Project, 2015;
7. Accountability and Effectiveness of Ukrainian Judiciary Functioning: Civil Service Component (EU).
8. Councils for the Judiciary - European Network of Councils for the Judiciary (ENCJ) Report, 2010-2011
9. Funding of the Judiciary – ENCJ Report, 2015-2016
10. Courts Funding and Accountability - Final Report of the ENCJ Working Group, 2006-2007
11. International Framework for Judicial Support Excellence, International Consortium for Court Excellence, 2015

APPENDIX IV – CONCEPT OF COURT STATISTICS REFORMING

CONCEPT of court statistics reforming and improvement of court statistical reporting

I. General provisions

The Concept of Court Statistics Reforming and Improvement of Court Statistical Reporting (hereinafter referred to as the “Concept”) sets forth the goal, tasks and main areas of operation of the State Judicial Administration of Ukraine related to the improvement of the processes of collection, processing, analysis, disclosure and official publication of the statistical data related to the operation of the judicial system operations, and the status of justice administration in Ukraine.

The aim of court statistics reforming in Ukraine is promotion of efficient functioning and transparency of court system of Ukraine through the collection of high-quality statistical data essential for making substantiated management decisions and reporting on the status of justice administration in Ukraine.

The main provisions of the Concept are based on the key purpose of court statistics, which entails the formation of high-quality statistical data to meet the information needs of the Ukrainian judiciary at the national level, local level and a court level (internal use).

Statistical data can be used for generalisation of court practice, serve as a basis for correction of mistakes related to the application of existing laws of Ukraine by courts, and, if necessary, for amendment of these laws to improve the organisational work directed at a higher level justice administration.

Furthermore, the Concept envisages the satisfaction of needs of external users (other authorities, business entities and individuals) in high-quality statistical data and informing the general public through publication of the statistical data related to the justice administration in Ukraine.

Improvement of the statistical data collection and processing should be combined with implementation and further use of innovative technologies in courts.

II. Scope and areas of the court statistics reform

1. Statistical reporting should be clear and understandable, easy to use and contain generalised indicators related to justice administration in Ukraine.

The foregoing entails the following tasks:

improvement the list of statistical reporting indicators for analysis of justice administration of by the judiciary in Ukraine;

using the experience of the countries that are represented at the International Consortium for Court Excellence and have efficient level of justice administration (in particular, Singapore, USA, Netherlands and UK), and recommendations of the European Commission for the Efficiency of Justice (hereinafter referred to as the “CEPEJ”);

development of a unified system of core indicators of the justice administration status, which include:

1) number of cases and materials remaining unsettled as of the commencement of the reporting period;

2) number of cases and materials received during the reporting period;

- 3) number of cases and materials considered during the reporting period;
- 4) number of cases and materials considered during the reporting period;
- 5) number of cases and materials remaining unconsidered as of the end of the reporting period;
- 6) number of cases with suspended proceedings;
- 7) percentage of settled cases:
number of considered cases divided by number of cases received during the reporting period;
number of considered cases divided by number of cases under consideration during the reporting period;
- 8) number of cases in which proceedings were closed within 2 months;
- 9) number of cases in which proceedings were closed within 2 to 6 months;
- 10) number of cases in which proceedings were closed within 6 to 12 months;
- 11) number of cases in which proceedings were closed within 12 to 24 months;
- 12) number of cases in which proceedings were closed within the term exceeding 24 months;
- 13) average period of case consideration by types of proceedings;
- 14) number of cases in which the consideration term was not met;
- 15) number of judgements cancelled under the appeal (cassation) procedure;
- 16) number of judgements modified under the appeal (cassation) procedure;
- 17) number of judgements which remained unchanged under the appeal (cassation) procedure;
- 18) average monthly number of cases and materials received by one judge by types of proceedings;
- 19) average workload per judge (number of cases and materials being considered during the reporting period divided by the actual number of judges);
- 20) average workload per judge (number of cases and materials being considered during the reporting period divided by number of judges according to the staff list);
review of the statistical data allocation by case categories, definition of the most common categories.

2. The court statistics should ensure the harmonisation of the core indicators for comparison of the assessment values related to the functioning of judicial systems worldwide.

This requires:

harmonization of the core court statistical indicators of Ukraine with the CEPEJ Guidelines on Judicial Statistics, and, in particular, continuous calculation of the following indicators:

- 1) percentage of settlements (number of considered cases divided by number of cases received during the reporting period);
- 2) average case consideration period based on the types of proceedings;
- 3) average workload per judge (number of cases being considered divided by actual number of judges).

use of the case categories which are as close as possible to those recommended by the CEPEJ and are typical for all the Council of Europe member states for review of the statistical data allocation by case types.

3. Court statistics should ensure data correspondence to the statistic information quality requirements.

This implies:

ongoing assessment of the level of correspondence of court statistics indicators to the core criteria of the quality assurance framework of the European Statistical System, in particular:

correspondence/relevance, accuracy/reliability, timeliness and punctuality, accessibility, clarity, consistency/coherence and correspondence/comparability.

4. Court statistics should ensure the collection of the reliable data on the courts level.

This requires:

improvement of the procedures for registration and formation of indicators necessary for further automation of information processing by courts;

formation of the case records using the court's automated document management system during the registration of procedural documents or in course of certain activities related to the case;

input of all proceedings-related documents into the court's automated document management system using a built-in text editor and special templates that have relevant fields for input of the indicators from the of case records (such list of indicators is contained in the contents of each proceedings-related document). The template of each proceedings-related document should be disseminated by the developer of the court's automated documents management system in form of a basic setting enabling easy customization for every user;

improvement of the procedure for registration of actions of users of the court's automated document management system, who are responsible for the case data entry into the list;

enabling the court's management to promptly obtain reports for any period which would provide information about the current situation at the court in order to analyze the productivity, efficiency and quality of judicial procedures;

resolving the court staff issues which entails the employment of specialists with relevant educational background and skills to deal with the court statistics;

conducting events (training, workshops, internship etc) aimed at specialist training, improvement and refreshment of knowledge and skills, advanced training for the court staff responsible for the on-site court statistics and document flow, and organisation of trainings for responsible court personnel using convenient and accessible videos explaining any modes of operation of the court's automated document management system.

5. Procedures of statistical data collection and processing should be continuously improved.

This stage implies:

providing courts with the computer equipment capable to run modern applications, including the Internet access;

ensuring the use of common applications throughout all stages of statistical reports formation;

adjusting the monitoring mechanism for proper compliance with the rules of data collection, processing and analysis to ensure a fair and transparent system;

ensuring formation of an automated statistical report upon full and error-free entry of the relevant indicators from the list of court case records. Providing the possibility of information storage with substantiation of any errors present in the report for objective reasons for further analysis;

introduction of the procedure for signing official statistic reports with electronic signatures of the responsible official. Sending of hard copies of any official statistical reports to any addressee shall be limited to cases envisaged by law;

introduction of the mechanism for transmission and receipt of the official statistical reports within the court's automated document management system from local general courts to territorial offices of the State Judicial Administration of Ukraine and from other courts to territorial offices of the State Judicial Administration of Ukraine and to higher specialized courts, to ensure the shortest possible timeline for automated formation of official statistical reports at the national and regional levels;

development and implementation of mechanism for formation of a separate database for storage of official statistical reports ranging from reports of local general courts to the Ukraine-wide reports. The information related to the statistical reports kept in this database shall be used for automated formation of statistical bulletins (analytical comparative tables) upon the development and application of the relevant mode.

6. Operation of the court's automated document management system should be efficient.

This implies:

bringing initial registration of court cases and materials in line with the court's automated document management system taking into account the applicable laws;

implementation of the documents routing procedure, which envisages regulation of actions related to document routing, ensures timely document creation and control of the full processing cycle with simultaneous input of indicators necessary for formation of statistical reports;

ensuring the timely and full data input into the centralized databases of the court's automated document management system;

establishing the quick response from the technical support centre and the State Judicial Administration of Ukraine in case of detecting any defects in the program, including mandatory notification on the processing results;

implementation of the software update procedure and ensuring of ongoing monitoring of the updates for a repeated update in case of any failure. Any updates made in courts should be automatic. All courts should have a common (up-to-date) software version.

7. Improvement of the efficiency of operation of the State Judicial Administration of Ukraine related to collection, processing and analysis of statistical data and reduction of workload on the staff.

The implementation of the above entails the following measures:

optimization of the procedure of data provision of to the legal entities who are external users of court statistics outside of the court system of Ukraine through a mechanism of sustainable regulation of cooperation between the State Judicial Administration of Ukraine and users of court statistical data, in particular, conclusion of long-term agreements (or memorandums of cooperation) with indicating which kind of information shall be provided by the State Judicial Administration of Ukraine and the timelines applicable to such information provision. Information may be given to external users of court statistics in form of consolidated statistical reports data sheets or may be sent electronically as a defined list of information about court cases for further formation of additional statistical reports by the recipients.

granting to the internal users of the court statistics of full access to relevant centralized databases within the court's automated document management system for further generalisation of court practice using the user report generation mode (by any list of indicators for any reporting period);

optimization of periodicity of the provision of court statistics to users;

introduction of the "available data" term for court statistics users outside the court system as such that are available in the court system of Ukraine within the existing processes of statistics and collection and processing system and do not require any additional materials or human recourses for collection and processing;

application of common approaches to formation of initial records and report forms, and simplification of mechanisms for information transmission and exchange.

8. Needs of court statistics users should be met.

This implies:

considering the needs of users of court statistics when concluding long-term agreements on periodical provision of statistical data;

publication of official statistical reports and indicators related to the justice administration in Ukraine on the official website of the Ukrainian judiciary in form of simple tables at least once a year;

publication of official statistical court reports on the dedicated websites within the official website of the judiciary of Ukraine at least once a year.

9. Court statistics should support the court performance evaluation process.

For this purpose, jointly with the Council of Judges of Ukraine and other judicial self-government bodies finalise the court performance and take into account the needs of the court performance evaluation system at the time of approval of the list of statistical indicators.

APPENDIX V – WORKING GROUP FOR DEVELOPMENT OF STANDARDS OF JUDICIAL WORKLOAD

COUNCIL OF JUDGES OF UKRAINE

01601, Kyiv, Lypaska 18/5, tel. (044 277-76-29, FAX (044 277-76-30)

May 5, 2015

Kyiv

DECISION

No 63

Having listened and discussed information provided by the Head of the Committee for Budget Planning, Financial and Logistics Support of the Council of Judges of Ukraine B.S. Monich about the creation of the joint working group for development of standards of judicial workload so far as number of cases, as well as standards of ratio between number of court supporting staff and number of judges in accordance with Articles 124,128,131 of the Law of Ukraine “On the Judicial System and the Status of Judges” and the Provision on the Council of Judges of Ukraine approved with the decision X of the special congress of judges on September 16, 2010 (with amendments), the Council of Judges of Ukraine

d e c i d e d:

With purposes of implementation of paragraph 3 of the decision of the Council of Judges of Ukraine of 12.03.2015 No 15, to create a working group for development of standards of judicial workload so far as number of cases, as well as standards of ratio between number of court supporting staff and number of judges, consisting of:

Bohdan S. Monich

Yurii P. Kolomiets
(on consent)

Yaroslav B. Pokotylo
(on consent)

Head of the Committee for Budget Planning, Financial and Logistics Support of the Council of Judges of Ukraine

Chief Financial Specialist of the Division for Financing the Judiciary, Local Administrations and Self-governance of the Department for Financing Public Authorities within the Ministry of Finance of Ukraine

Head of Financial Planning Division of the State Judicial Administration of Ukraine.

Head of the Council
of Judges of Ukraine.

/signature/

V. Simonenko