

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

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1. Description of the scheme

The Quality Project was launched in 1999. All of the courts in the jurisdiction of the Court of Appeal of Rovaniemi — nine District Courts and the Court of Appeal itself — participate, as do the stakeholder groups consisting of advocates, public legal aid attorneys and prosecutors. The Quality Project covers both civil matters and criminal matters.

The *objective* of the Quality Project is to develop the functioning of the courts so that the proceedings meet the strictest criteria of fairness, that the decisions are well reasoned and justified, and so that the services provided by the court are affordable to the individual customers. The main working method consists of systematic discussions among the judges and between the judges and the stakeholders, aiming for improvements in 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 jurisdiction of the Court of Appeal; the membership consists of the President of the Court of Appeal, four District Judges, two advocates and one prosecutor. 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 constituencies, and to edit the *Report on Quality*, as described below.

Four Working Groups for Quality are set up for each year; the membership consists of judges from each of the District Courts in the jurisdiction of the Court of Appeal, members of the Court of Appeal, and referendaries of the Court of Appeal. Also prosecutors, advocates and public legal aid attorneys 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 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 jurisdiction of the Court of Appeal, referendaries, trainee judges and representatives of stakeholder groups. 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 development 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 reports in their final form, is distributed every year to the participants of the Quality Project, to all of the courts in Finland, and to the various stakeholder groups. It is also published on the judicial intranet and on the Internet (www.oikeus.fi/27723.htm. English summaries are included).

Some of the quality objectives relating to civil matters concern the clarity of the application for a summons (the action) and the response, the substantive management of the case by the judge, the management of evidence, technical case management, and the drafting of reasons for the court's findings on evidence. The discussions have covered also the conduct of the judge in the hearing as an element of procedural justice and the preparation of a civil case by the parties themselves. Progress towards the objectives has been monitored in follow-up reports.

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 covered a selected field of substantive law, e.g. contract or tort.

The Development Committee has drafted also a proposal for a set of *Quality Benchmarks*, which will undergo an evaluation, beginning in 2006

(www.oikeus.fi/31367.htm). The Benchmarks will later be available also in English.

2. Description of the effects of the scheme on the workings of the court

Legislative amendments and the learning of practical procedures by way of doing has led to a situation where the judges serving in the District Courts have become fragmented as a professional body. Normally, the judges sit alone, with no contact to their colleagues, and with virtually no knowledge of procedures adopted by them. For all practical purposes, the transfer of judicial tradition from more senior judges to younger ones has ceased. As a matter of fact, procedures may have diverged not only from one court to another, but also from one judge to another.

The core idea of the Quality Project is to influence the main factor in the quality of adjudication, that is, the professional skill and competence of the judge. The judges serving in the jurisdiction of the Court of Appeal of Rovaniemi, and in the past few years also the prosecutors and the advocates, have participated in the Quality Project extensively. Co-operation among the courts in the jurisdiction of the Court of Appeal has increased, and with it also the interaction between the judges. The result has been an increase in communication, debate. Discussions among the judges and also with stakeholders have been conducive to broadening horizons, to maintaining competence, and to furthering the uniformity of judicial practice. Moreover, the discussions and the supplementing training have brought about skill improvements and thus also improvements in the quality of judicial procedure and of judgments.

Some of the effects of the Quality Project are: The creation of a culture of communication among the judiciary and the broader constituency in the administration of justice; an increase in contacts; the commitment of the participants to the development of adjudication; an adjustment of attitudes; and an increase in consistency. Multi-faceted and many-formed discussion on the results of one's own work has begun and the need for development has been internalised. Attitudes towards change have shifted to a positive direction. In practical terms, this means that the problems and the weaknesses are being investigated, as well as that improvements are being proposed and implemented. The Quality Project enjoys the

support of the judges serving in the jurisdiction of the Court of Appeal. The utilisation of the final reports of the Quality Project, which are published in print, promotes consistency. The follow-up reports indicate that there have indeed been increases in consistency. Moreover, there are also certain indications that the quality work has reduced the parties' propensity to appeal.

Some of the tangible effects are: The applications for a summons and the responses have improved in quality, the preparation of civil cases has improved also in other respects, the practical procedures relating to the trial have become more uniform and the management of evidence has improved.

It has been realised in the Quality Project that successful administration of justice requires co-operation among all of the actors. The judges, the advocates and the prosecutors have begun to respect one another's work to a greater extent than may have been the case before.

It can validly be anticipated that when the quality of the work increases, there is a corresponding decrease in its difficulty and burdensomeness.

The Quality Project in the jurisdiction of the Court of Appeal of Rovaniemi has served also as a model and a catalyst for the later quality projects launched in other Court of Appeal jurisdictions in Finland.

One of the most significant achievements in the Quality Project has been the preparation of the Quality Benchmarks.

3. The Quality Benchmarks

The Quality Project will continue in new years, with new themes. One new element, to be implemented in pilot form in 2006, is the set of Quality Benchmarks of adjudication. The Benchmarks will form a basis for the quality work of future years, as well as for the monitoring of developments in quality.

The preparation of the Benchmarks began in 2003, as a part of the Quality Project. From the first, the main point of the Quality Project has been that the judiciary agrees among itself on the development objectives relating to the quality of adjudication. It was therefore only natural that the measurement of eventual

quality improvements became a relevant issue soon after the launch of the Quality Project.

The proposal for the Quality Benchmarks was recently completed. It consists of an explanatory memorandum and a set of benchmarks for the measurement of quality in adjudication, presented in table form. The Quality Benchmarks are an unprecedented event in the history of judicial development in Finland.

The primary purpose of the Benchmarks, and of the evaluation carried out with them, is to serve as a tool for the continuous improvement of the activities of the courts. Another important use for the Benchmarks is as a tool for judicial training. In addition, they provide a common framework for discussions about the quality of adjudication, both among the judges themselves and with the broader constituency in the administration of justice. An additional use for the Benchmarks is for opening the concept of adjudication and the debate relating to adjudication also to the greater public. The benchmarking results may in some cases serve also as an “alarm”, if there is something clearly amiss in the workings of a particular court. And finally, the benchmarking results provide the management of the court with data for use in support of resource requirements in the annual performance negotiations with the Ministry of Justice. The Benchmarks have not been designed for use as a means of supervision or control of the judges.

The Benchmarks have been designed with the premise that the quality of adjudication is measured primarily from the point of view of the parties and the other participants in judicial proceedings. This external viewpoint of the Quality Benchmarks is supplemented by a number of quality criteria relating to the workings of the court from the point of view of its own staff and of practical arrangements (internal viewpoint). By conscious choice, the Quality Benchmarks look at adjudication at micro level — at the “customer interface” — where the interaction of the customer and the judge takes place.

The preparation of the Quality Benchmarks began with the identification of those aspects of adjudication — fields of assessment — whose quality was to be measured. Next, a number of quality criteria were established for each field of assessment. And finally, the quality criteria were clarified by way of examples.

The proposed Quality Benchmarks consist of six fields of assessment, which comprise a total of 40 quality criteria, as follows: 1) procedure (9 criteria); 2) judgment (7 criteria); 3) treatment of the parties and the other participants in the proceedings (6 criteria); 4) promptness of the proceedings (4 criteria); 5) professional skill and competence of the judge (6 criteria); and 6) organisation and management of adjudication (8 criteria).

Besides the quality criteria — that what is measured — the Quality Benchmarks contain another essential element, that is, the points to be awarded in the assessment. In addition, there are five categories of assessment methods to be used in the context of the Quality Benchmarks: 1) self-assessment; 2) surveys; 3) expert assessment; 4) statistical analysis; and 5) statement by the court itself.

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