Handle with Care
Deliverable 1.2
Report - The evaluation and development of quality of justice in Finland

Project partners
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The evaluation and development of the quality of justice in Finland

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1. The institutional context

This section provides a description and overview of the judicial structure, organisation and the judicial administration in Finland.

1.1. Judicial structure overview

Finland is one of the few countries in Europe where the central administration of the courts is a task for the Ministry of Justice. In general, the Ministry of Justice maintains the legal order and legal safeguards and oversees the structures of democracy and the fundamental rights of citizens. The Ministry is responsible for the drafting of legislation, the operation of the judicial system and the enforcement of sentences.¹

The independence of the courts is guaranteed by the Constitution of Finland. The constitutionality of laws is examined in advance. This takes place in the Parliament (Constitutional law committee). The goal of this parliamentary control is to prevent in advance that laws that are in conflict with the constitution are enacted in the ordinary legislative procedure. There is no constitutional court, but the courts and other authorities are under an obligation to interpret legislation in such a way as to adhere to the constitution.²

Finnish jurisdiction consists of general courts for civil and criminal matters, administrative courts, and special courts. The types and number of courts are presented in table 1.

Table 1: Types and number of courts in Finland

<table>
<thead>
<tr>
<th>General courts</th>
<th>Administrative courts</th>
<th>Special courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>27 District Courts</td>
<td>6 Administrative Courts</td>
<td>The High Court of Impeachment</td>
</tr>
<tr>
<td>5 Courts of Appeals</td>
<td>1 Supreme Administrative Court</td>
<td>The Market Court</td>
</tr>
<tr>
<td>1 Supreme Court</td>
<td></td>
<td>The Labour Court</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Insurance Court</td>
</tr>
<tr>
<td>33</td>
<td>7</td>
<td>4</td>
</tr>
</tbody>
</table>

The prosecution service, the Legal aid service, the Enforcement of judgements and Systems of sanctions all operate separately from the courts under the mandate and administration of the Ministry of Justice.

² See more: Ministry of Justice of Finland. The Judicial System of Finland. 
http://oikeusministerio.fi/en/index/theministry/thjudicalsystemoffinland.html
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General courts for civil and criminal matters

Finland is divided into 27 judicial districts, each with a District Court. The districts vary greatly in size, both in terms of population and of area. A District Court is made up of a Chief Judge and a number of other professional Judges.

In civil cases, the proceedings start with a pre-trial phase. Most disputes are resolved already at this phase. If not, the case will be continued under the direction of the Judge in oral preparation. At this stage, the parties must notify all their claims and their arguments, as well as the evidence they intend to substantiate. Unless there is an amicable settlement during the pre-trial phase and preparations, a main hearing will be held in which witnesses and testimonies will be heard. One single Judge presides over the pre-trial procedures and the decision is given either by composition of one or three Judges depending on the case requirements.3

In criminal cases, the court is composed of one presiding professional Judge and two lay members (volunteers elected by the municipal councils). One Judge alone tries minor cases. Some criminal cases can also be dealt with in the composition of three Judges. A simple criminal case can be solved also in a purely written procedure. The prerequisite is that the defendant admits the crime and agrees that the case can be solved in the written procedure. A potential victim of the crime also needs to give permission to written procedure.4

The greatest volume of cases dealt by the District Courts concern petitionary matters. These include e.g. divorce, bankruptcies and the adjustment of the debts of private individuals. Such matters are normally decided in chambers without a hearing being held.

The second instance in an ordinary case is the Court of Appeal. In the Courts of Appeal, three Judges hear the cases. After preliminary preparation, the case can be resolved either after hearing or in written procedure. The third and final instance is the Supreme Court. Its most important task is to establish precedents. The Supreme Court hears both civil and criminal appeals, but cases are admitted only under certain conditions. The case is decided in a composition of five members. If the matter is important in principle and has far-reaching consequences, it is decided in a plenary session or in a reinforced composition of eleven members. At the moment, there are altogether 18 judge members in the Supreme Court5. Usually, the cases are decided based on written materials; the Supreme Court may, however, also conduct oral hearings and inspections.6

Administrative jurisdiction

The Administrative Courts hear appeals of private individuals and corporate bodies against the acts of the authorities. An appeal is usually first heard by a regional Administrative Court. The Administrative Courts hear, for example, tax, municipal, construction, social welfare, health care, immigration, as well as other administrative cases. In certain of these, the appeal must be preceded by a complaint to a separate lower appellate body. The procedure is mainly

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written. The Administrative Courts also conduct oral hearings. They have to be held whenever it is necessary for the resolution of the case or when a party so requests. The Supreme Administrative Court finally decides the legality of the acts of the authorities. The bulk of its caseload consists of appeals against the decisions of the Administrative Courts. Five Judges hear the cases. The Supreme Administrative Court may conduct also inspections or oral hearings. In addition to its purely judicial tasks, the Supreme Administrative Court supervises, on a general level, the lower judicial authorities in the field of administrative law.7

Special courts
The High Court of Impeachment (which has been convened only a few times) hears criminal cases relating to offences in office allegedly committed by a member of the Council of State, the Chancellor of Justice, the Parliamentary Ombudsman or a member of either the Supreme Court or the Supreme Administrative Court. The Market Court hears disputes regarding public acquisition, competition between firms and improper marketing. Depending on the nature of the case, the rulings of the Market Court are open to appeal before the Supreme Administrative Court or the Supreme Court. The Labour Court hears disputes relating to collective agreements on employment relationships and on civil service relationships. Its decisions are not subject to appeal. Disputes relating to individual employment relationships are heard by the general courts and individual civil service relationships by the Administrative Courts. The Insurance Court considers certain cases falling within the field of social insurance, e.g. occupational accident insurance and pensions. Such cases are usually first heard by an appellate board, whose decisions are then subject to appeal to the Insurance Court.8

The key figures related to the annual budgets of the whole Finnish justice system and the courts are presented in table 2. Table 3 presents the number and gender of Professional Judges and Presidents in Finnish courts.

Table 2: Annual budget of the Finnish justice system and the courts9

<table>
<thead>
<tr>
<th>Annual public budget allocated to the whole Justice system</th>
<th>911 956 000 euros (1.7% of total public expenditures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual approved budget of all courts</td>
<td>277 295 000 euros</td>
</tr>
<tr>
<td>Annual implemented budget of all courts</td>
<td>276 441 062 euros</td>
</tr>
</tbody>
</table>

Table 3: Number and gender of court Judges and Presidents10

<table>
<thead>
<tr>
<th>Court Presidents</th>
<th>Number</th>
<th>Male (%)</th>
<th>Female (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Instance Presidents</td>
<td>37</td>
<td>28 (73%)</td>
<td>9 (25%)</td>
</tr>
<tr>
<td>2nd Instance Presidents</td>
<td>5</td>
<td>4 (80%)</td>
<td>1 (20%)</td>
</tr>
</tbody>
</table>

### Table 1.1: Professional Judges in the Supreme Court of Finland

<table>
<thead>
<tr>
<th>Category</th>
<th>Supreme Presidents</th>
<th>Professional Judges</th>
<th>1st Instance Professional Judges</th>
<th>2nd Instance Professional Judges</th>
<th>Supreme Professional Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2</td>
<td>988</td>
<td>758</td>
<td>186</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>473 (48%)</td>
<td>356</td>
<td>28</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>515 (52%)</td>
<td>402</td>
<td>16</td>
</tr>
</tbody>
</table>

### 1.2. Key functions in the administration of justice

The mandate of the Ministry of Justice covers: Courts, Criminal sanctions agency, Office of the Prosecutor general and prosecutor's offices, National administrative office for enforcement and Enforcement offices, Legal aid offices, European institute for crime prevention and control affiliated with the United Nations, Training institute for prison and probation services, Office of the Bankruptcy ombudsman, Legal register centre, Office of the Ombudsman for children, Office of the Non-discrimination and Equality ombudsman, Office of the Data protection ombudsman and Sámi Parliament. As an addition, several boards and committees operate under the mandate of the Ministry of Justice. The Ministry of the Interior is responsible for the police.

The Ministry of Justice of Finland has a Law drafting department, a Department of judicial administration and a Criminal policy department. There are also different units, which do not form a separate department. The organization (departments and units) of the Ministry of Justice is presented in Figure 1.

Figure 1: Organization of the Finnish Ministry of Justice.

The task of the Law drafting department is the legislative drafting. One important duty is to assist other Ministries in preparing draft statutes. There are separate units for advising on EU

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law and legislative editing. A considerable amount of the department's work concerns the legislative cooperation within the EU as well as other international collaboration in addition to different national projects.\textsuperscript{14}

The Department of judicial administration is responsible for the preparation and implementation of issues relating to all judicial administration. The Department of judicial administration is responsible for the preconditions for the operation of the courts, the enforcement units and the legal aid offices. Important responsibilities include tasks relating to employer and personnel management and personnel training, premises, leases and performance management within the sector. The Ministry of Justice manages the general organisation and development of judicial administration in Finland through legislation and different kinds of administrative measures.\textsuperscript{15}

Department of criminal policy is responsible for the strategic planning and direction of criminal policy and the monitoring and assessment of the functionality of the criminal law system. Furthermore, the department performs tasks in relation to crime prevention and international crime prevention cooperation. The duties also include drawing up strategies for the enforcement of penalties, strategic guidance of the Criminal sanctions agency, and preparing legislation on the enforcement of penalties. The central administration unit of the Criminal sanctions agency is responsible for directing the practical operations of the agency. The tasks of the department also include resource management and other issues regarding the Prosecution service.\textsuperscript{16}

The Unit for democracy, language affairs and fundamental rights promotes and monitors the realisation of the right to vote and the general prerequisites for citizen participation. The unit is responsible for arranging national elections, municipal elections and referendums. The unit also takes care of the duties assigned to the Ministry of Justice in the Act on Political Parties. The tasks of the unit include promoting and monitoring the realisation of the linguistic rights and taking care of the duties assigned in the Language Act. The Media and communications unit is responsible for the Ministry's external and internal communication. The Administrative unit is responsible for general administration. The Economy unit prepares the budget for the administrative sector and monitors its implementation. The Information management unit is responsible for the general guidelines for the information management of the administrative sector.\textsuperscript{17}

The Finnish Bar Association is an organization whose activities the Attorneys-at-Law Act of 1958 regulates.\textsuperscript{18} The structure of the Bar is regulated in the By-laws of the Bar Association, which the Ministry of Justice has confirmed by a separate decision. The association has about 2,000 members. Only members of the Bar Association may use the professional title “attorney-at-law”. The Bar Association is actively involved in public discussion on judicial issues by giving expert statements (for example concerning Ministry of Justice, European

\textsuperscript{14} See more: Ministry of Justice of Finland. The organization. \url{http://oikeusministerio.fi/en/index/theministry/organization.html}

\textsuperscript{15} See more: Ministry of Justice of Finland. The organization. \url{http://oikeusministerio.fi/en/index/theministry/organization.html}

\textsuperscript{16} See more: Ministry of Justice of Finland. The organization. \url{http://oikeusministerio.fi/en/index/theministry/organization.html}

\textsuperscript{17} See more: Ministry of Justice of Finland. The organization. \url{http://oikeusministerio.fi/en/index/theministry/organization.html}

Union and Parliament of Finland). The Bar Association (together with universities and other educators) provides its members and their employee’s continuing education. According to the rules of proper professional conduct, every member of the Bar must spend at least 18 hours per year in developing their professional skills. The Disciplinary board oversees the fulfilling of this education requirement. The Bar Association has a Code of Conduct (professional and ethical standards of legal profession), which all members must follow.

There are also several permanent and temporary boards and committees operating under the Ministry of Justice, for example Advisory Board for ethnic relations, Advisory Board on personal injury matters, Advisory Board on civil society policy, Advisory Board on language affairs, Advisory Board for bankruptcy ombudsman, Advisory Board for ombudsman for children, Advisory Board for non-discrimination ombudsman, Consumer disputes board, Names board, Data protection board and Judicial appointments board. The main function and task of the boards is to promote and give recommendations on issues related to their area of expertise and assists offices and officials on their area of expertise.

1.3. Current issues in the administration of justice

In 2010, there were large reform, which halved the number of District Courts in Finland (from 54 to current 27). In the year 2018, the number of District Courts is planned to be furthermore dropped to 20. The aim of the reform is to achieve sufficient size of the courts and sufficient number and variety of cases in each court in order to maintain the availability and quality of services in a changing environment. The aim is to form administratively larger entities in order to distribute and organize the work and resources more effectively, enable better use of information systems (e.g. remote access and audio recording), utilize and improve personnel skills and competences effectively and harmonize working methods and practices between courts. The aim is also to centralize the handling of very basic and uncontested claims to fewer courts. This will have impacts on the resource and personnel levels between courts. The reform is also expected to bring needed savings under strict financial pressures. The population is increasingly concentrating to the southern parts of Finland. The reform will, however, aim to maintain sufficient geographical court network and recognition of minority language. The decreasing need for personal interaction and improvement of electronic communications have also enabled the reform.

The establishment of a Judicial Administration Council separate from the Ministry of Justice has been in political debate for few decades in Finland. The decision concerning whether or not the Judicial administrative council will be established will be made in near future. At the moment Finland is the only Nordic country, which does not have separate central administration authority for courts. There is a clear consensus in Finland that the judicial system operates effectively and that the courts are independent. However, the international development would require that the independence of the judiciary should also be clearly seen with regard to the structures of society, political field and the judiciary field. The main aim is to shift the operational administrative duties to the Judicial Administration Council and thus

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enable Ministries to concentrate on strategic management, law drafting and preparation of the political decision-making, as well as international cooperation. The council would be independent, operating under the Ministry of Justice mandate. The possible establishment of the council will likely have impacts on quality issues, e.g. on the management and control practices (management by results system), on training procedures, on resource allocation procedures and on the coordination and improvement on the whole judicial chain. Some experts have especially highlighted the potential to make administration less fragmented and closer to the court, as well as to improve the co-operation between the different operators in the judicial chain.\textsuperscript{24 25 26 27}

\begin{footnotesize}
\begin{itemize}
\item[25] Oikeusministeriö, Tuomioistuinten keskushallinnon uudistaminen. Arviomuistio, 14.1.2015
\item[26] Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
\item[27] Interview: Antti Savela, Oulu District Court, 10.5.2017
\end{itemize}
\end{footnotesize}
2. Classical judicial evaluation arrangements

This section describes the classical judicial evaluation arrangement in Finland.

2.1. Introduction

All decisions by the District Courts may be appealed to the Court of Appeal. The parties have a right to refer both questions of fact and questions of law. The Court of Appeal first carries out a screening procedure, where it is determined if the matter is to be taken up for further consideration. If the Court of Appeal considers that the decision has been correct already in the District Court, the appeal will not be entertained. The Courts of Appeal have to arrange an oral hearing if the evidence of the case has to be evaluated again or when a party so requests unless the appeal is clearly without merit. The appeal procedure is similar in both civil and criminal cases. The Supreme Court hears both civil and criminal appeals, but cases are admitted only under certain conditions.\textsuperscript{28}

The Supreme Court may grant a leave to appeal in cases in which a precedent is necessary for the correct application of the law, a serious error has been committed in the proceedings before a lower court or another special reason exists in law. Normally two members decide whether leave should be granted. In the Supreme Administrative Court, usually no leave to appeal is required. The main exception to this rule is an appeal against a decision in a tax case, for which leave is required. The Supreme Administrative Court itself grants the leave.\textsuperscript{29}

There are two officials exercising supervisory powers in relation to all public officials (including Judges): Chancellor of justice and Parliamentary ombudsman. They act on complaints received from members of the public and can express an opinion on proper conduct, issue a warning, or bring criminal charges for breach of professional duties. The Chancellor of justice is an official appointed by the Government, and the Parliamentary ombudsman is an official elected by the Parliament. The overseers of legality have no jurisdiction to alter the decisions of other authorities, nor to award damages based on complaints. Their rulings are not subject to appeal.\textsuperscript{30}

2.2. Recruitment and initial evaluation of judges

Provisions of judicial selection can be found in the Constitution of Finland (731/1999) and in the Act of Judicial Appointments (205/2000)\textsuperscript{31}. Finnish Judges are appointed by the President of the Republic on recommendation from the Government, as advised by the judicial appointments board.

The Board is expected to promote the recruitment of Judges from all brands of legal life, including Court Referendaries, the civil service, Academia and other legal professions\textsuperscript{32}. The courts of first instance also have some locally elected lay Judges.


2.2.1. Selection bodies
An independent Judicial Appointments Board makes preparations and drafts a reasoned proposal in co-operation with the court needing to fill in a permanent judge or manager position.

The board has no jurisdiction regarding the appointment of the President or a Judge to the Supreme Court or Supreme Administrative Court. In these positions, the court in question makes a reasoned proposal directly to the Government and President of the Republic. The board can give an opinion also in these matters if requested from the court.\textsuperscript{33}

The appointment of Judges for a fixed period is a task for the Supreme Courts. The Supreme Court or the Supreme Administrative Court appoint Judges to temporary positions for periods longer than a year. Shorter appointments are a matter for the Chief Judge of the court in question.

The term of the Judicial Appointments Board is five years at a time. The Judicial Appointments Board is composed of members of the judiciary and three members from outside the judiciary. Each member have a personal substitute. The Judicial appointments board is chaired by the member nominated by the Supreme Court (the member nominated by the Supreme Administrative Court is the vice-chair). Other members are one President of a Court of Appeal, one Chief Judge of an Administrative Court, one Chief Judge of a District Court, one Senior Justice or Justice of a Court of Appeal, one District Judge, one Administrative Court Judge, another Administrative Court Judge or a Judge from one of the Special courts. The members outside the judiciary are: one practising lawyer appointed by the Bar Association, one prosecutor appointed by the Prosecutor general, and one academic appointed by the Ministry of Justice.\textsuperscript{34}

2.2.2. Selection process
In year 2015 the board made 151 permanent Judge and manager appointments\textsuperscript{35}. For these appointments, there were altogether 1006 applicants. From the applicants about 60 % were female and 40% male and about 85 % of the applicants had already a position in the judiciary. The typical applicant is a person in a fixed-period Judge position. 15% of the applicants were from another branch of legal career. Typical examples of outside applicants are prosecutors and legal counsellors.\textsuperscript{36}

The main steps in the selection process are\textsuperscript{37}:

1. The applicants send a written application (including all personnel record and certificates of education and previous work experience).
2. Before making its appointment proposal, the board requests a detailed assessment concerning the applicants and an opinion of the nominee from the court that has

\textsuperscript{33} Section 7 of the Act on Judicial Appointments
\textsuperscript{34} See. Oikeus.fi. Judicial Appointments Board.
\textsuperscript{35} In the year 2015, the board needed to vote in 4 proposals, all other 147 nomination proposals were unanimous decisions. In the same year, the board proposal was the same as the opinion of the court in question in 130 nominations and differed from the court opinion in 21 proposals. The President of the Republic made all appointments as suggested by the board.
\textsuperscript{37} See. Oikeus.fi. Judicial Appointments Board.
opened the position. In District Court Judge positions a statement and assessment from both the District Court in question and from the Appeal Court is required. The court that has announced the open position must give a detailed assessment and acquire sufficient information as the basis of its assessment concerning all applicants who seem eligible in regard of the qualifications they have presented. If the applicant is not sufficiently well-known in the court issuing the opinion, a written statement can be requested from the applicant's employer such as another court or another agency. If possible, information should also be obtained on eligible applicants working outside the court system. The court may also obtain other opinions and statements. Usually the court also interview the applicants as the basis for the assessment.

3. After the courts have submitted their assessment and opinion to the board, the applicants are reserved the opportunity to comment on the statements and information acquired for the preparation of the appointment.

4. The board selects one person from the applicants to be proposed for appointment.

As an addition, in manager positions suitability testing is used. An external, specialized firm conducts the suitability testing. The test is a one-day psychological test focusing on managerial and leadership abilities. The test-day includes dozens of both oral and written of tasks, which are evaluated by experts.

The assessments required from the court concerning the applicants' qualification and familiarity with the position need to be detailed. The applicants' qualifications should be assessed versatile by looking at the knowledge and skills they have acquired through their education and earlier work experience. The focus is on the applicants' ability to perform the duties required in the position. Familiarity includes issues such as substantive and process knowledge, command of legal information, problem analysis and solving skills, ability to familiarise oneself with the facts and legal material of a case, process management skills, reasoning skills and language skills.

A person appointed for a position in the judiciary must also have the necessary personal characteristics. These include talent, ability to work, initiative, efficiency and leadership skills. These also include professional ethics: the ability to make independent decisions, independence, motivation for personal development, teamwork skills and an attitude towards work and changes. These skills can be acquired in other legal professions, aside from working for the court system. Such professions include attorney, prosecutor, university researcher, lecturer, and law drafting officials, and legal professions in various administrative sectors.

38 Interview: Antti Savela, Oulu District Court, 10.5.2017
39 Interview: Antti Savela, Oulu District Court, 10.5.2017
40 Interview: Antti Savela, Oulu District Court, 10.5.2017
41 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
44 Interview: Antti Savela, Oulu District Court, 10.5.2017
45 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
47 Interview: Antti Savela, Oulu District Court, 10.5.2017
48 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
2.2.3. Selected candidates

Those holding positions in the judiciary are required to be Finnish citizens and have a Master of Laws degree in Finland (or approved and supplemented in Finland). Goal of the Act on Judicial Appointments (205/2000) is to ensure that persons with versatile experience of various branches of law fill positions in the judiciary. For this reason, the person appointed in a position in the judiciary need to have prior experience of court and other legal work and the functioning of society on a more general level. Thus, the appointed Judges are usually persons with long judicial work experience (e.g. as a Referendary 49), as well as work experience outside the Judiciary.50

Usually, Judges appointed for the first time are persons around the age of forty51. The most typical career path for a Finnish Judge proceeds as follows: University degree in law - Judicial traineeship at a District Court - Work as a referendary at a Court of Appeal or Administrative Court - Temporary service as a District Judge, Justice of a Court of Appeal or Administrative Judge - Appointment to a tenured judgeship. However, also other type of career paths exist, for example concerning Judges appointed from other branches of legal professions. In year 2015, 93% of appointed Judges had a position in the Judiciary at the point of nomination. In recent years, the proportion of outside applicants in the appointments have been between 4-9%, which is slightly less than proportion among the applicants.52

The gender balance between selected appointees in 2015 was about 60 % female and 40 % male, which is the same distribution as among the applicants. There have not been any need for separate mechanisms to promote gender balance in Judge appointments. The appointment is always done based on qualification and versatile assessment of skills, knowledge, experience and personal characteristics.53 In manager positions, the majority is male, but this is assessed to balance as the proportion of female Judges in further career positions is increasing54.

As Finland has two official languages, the Constitution guarantees the right for every person to use their own language (either Finnish or Swedish) in courts and other public authorities. The appointed Judge must have an excellent spoken and written command of the language of the majority of inhabitants in the court's judicial district. In unilingual courts, they must also have a satisfactory understanding and spoken command of the second language. In certain few language-specific positions, the appointed persons must have an excellent spoken and written command of the minority language and a satisfactory spoken and written command of the majority language spoken in the judicial district. No other official minority requirements exists.

49 Also called as an Assistant Judge or a Senior Assistant Judge. Referendaries are responsible for the practical preparation work, case memorandums and proposed settlements under the supervision of responsible Judge. In certain written procedure cases, an experienced Referendary may serve as one of the deciding composition. Referendary need to have finished Master of Law degree and the practical court training.  
50 The persons appointed as Presidents or Chief Judges must also have proven leadership skills and experience. 
51 Marina Samofal. Experience of initial training of candidates for a post of judge and newly appointed judges in the member states of European Union. http://www.vkksu.gov.ua/ua/about/vi
sni
k-vi
shoi-kvali
ffkatsi
ynoi-komisi
i
54 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
Before appointment, the person must give a clearance of all outside bonds and interests specified in the State Civil Servant Act (759/1994). The appointed Judge must give a judicial oath. They are also guided by accountability rules of public officials.

2.2.4. Training and internship of judges

In Finland, judicial training has traditionally been based on practical court training (learning by doing) in the courts and on the in-service training for Judges that the Ministry of Justice provides.

Court training refers to a traineeship system that provides induction into judicial tasks in courts. The official title of a court trainee is “Trainee District Judge”. The training period is one year. The training may be carried out completely in a district court or by first working six months in a District Court and then another six months in a Court of Appeal or Administrative Court. In a Court of Appeal or Administrative Court, the Trainee District Judge works as a Referendary. As a Trainee District Judge may be appointed a person who has earned a Master's degree in law, who has the personal characteristics necessary for the performance of the judicial tasks and who is suitable for the judicial decision-making. Before a person may be appointed as a Trainee District Judge, he or she must take a Judge's oath or give a Judge's affirmation. After having completed the one-year court training, the Trainee District Judge may apply for the honorary title of “Master of Laws with court training”.

The Court Referendaries are given career advice and they are encouraged to broaden their experience through applying for temporary appointments and service in various deciding compositions of different courts.

Ministry of Justice has been in charge of the provision of in-service training for the Judges. Judicial administration department’s training unit organizes trainings for the court personnel and Judges. The General advisory boards define yearly the general guidelines and goals for the trainings. They also gather the training needs from the courts, and define the general contents of the trainings. The individual trainings are then planned and designed by different planning groups, which are composed of Judges and specialists. Planning groups define and decide more precisely the training (targets, topics, methods). The purpose of the trainings is to maintain and develop the professional skills and competences of the personnel of the courts. The aim is not only on the individual’s development, but also to adopt better working methods and processes, as well as improve the quality of the work on the courts. Thus, in addition to legal subjects, Judges are provided e.g. with language training, leadership skills training and ICT training. There has been a special emphasis on the management of proceedings in the courtroom. There is also training for court Presidents and managers on leadership and management skills.

The duration of the training events offered varies based on the needs (from information sessions to more long-term programmes). Methodologically, the training aims to combine theory and practice (lectures, presentations, group work, simulation etc.). Usually, professors, other experts and serving Judges work as trainers. In different development projects, first number of Judges and other personnel have been trained as peer educators in their own organizations. These trained peer educators and “training-for-trainers” method have proven to be a valuable source of training expertise for the in-service training organised.

56 The European Judicial Training Network (EJTN), Finland. [http://www.ejtn.eu/About-us/Members/Finland/](http://www.ejtn.eu/About-us/Members/Finland/)
both national and regional training. The court may also arrange training for themselves. Usually at least the larger courts arranges also courts specific training events.

Prior to year 2017, Finland have not had compulsory training for Judges; Judges have participated in training on a voluntary and independent basis according to their personal needs and interest. However, the individual training is based on personal training plan, which is prepared based on personal and customized development needs and the needs and resources of the court. The training plans are prepared and training needs evaluated in co-operation during the development discussion between the Judge and the manager. The idea is that after the training plan is agreed, the Judges are able to use the training offered by the Ministry and by other service providers (e.g. Universities) in accordance to their personal plans.

Even though the training has not been officially compulsory and that there exists variations in the training enthusiasm between individuals, in practice all Judges participated to some training according to their personal plans at least 3 days a year. Training and personal development is generally regarded as a natural part of judge’s work and functions. A court is entitled to a national training financial compensation for each Judge that have participated to training for at least 3 days during the year (maximum amount of compensation 3 days/man-year). This is one motivational aspect for courts to encourage regular training and self-development of personnel and one mean to finance the training days.

The training practices adopted by the Ministry are intended to promote the independence of the judiciary. The development teams consisting of Judges, the training needs determined by the court committees, the service of Judges as peer educators, and the opportunity of the Judges to seek training on their own accord, all support the ideal of judicial independence. The link between the training and the needs of the court will also be left on the responsibility of the management of the court.

2.2.5. Upcoming training reform

New Court Act has come into effect in Finland on the January 1\textsuperscript{st} 2017. This will also change the system and practices of judicial training and recruitment. The reform will introduce Judge training-positions called “Assessor Training Judge” and the foundation of Judicial training board.

In addition, the training of Judges will be made compulsory and more systematic. The idea in the reform is to implement a training path, where all Judges would have planned training program throughout their whole career based on their skills and needs.

Training path will begin with substantially more extensive court training than previously. The court training will also be more systematically controlled with emphasize on feedback and self-evaluation. Referandaries’s skills will be evaluated in the annual performance appraisals more closely including the evaluation of training needs.

\textsuperscript{57} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{58} Interview: Antti Savela, Oulu District Court, 10.5.2017
\textsuperscript{59} See chapter 2.2.5. Upcoming training reform.
\textsuperscript{60} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{61} Interview: Antti Savela, Oulu District Court, 10.5.2017
\textsuperscript{62} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{63} Interview: Antti Savela, Oulu District Court, 10.5.2017
\textsuperscript{64} Oikeusministeriö. Tuomareiden koulutusjärjestelmän kehittäminen. Mietintöjä ja lausuntoja. 38, 2015.
\textsuperscript{65} Oikeusministeriö. Tuomareiden koulutusjärjestelmän kehittäminen. Mietintöjä ja lausuntoja. 38, 2015
The reform will introduce in courts training-positions of Assessor Training Judges aiming to create a Judge career system where Referandaries can advance to fixed-term training Judge position and get versatile practical experience of Judge's work. In addition to learning by doing, the Assessor Training Judges will participate in a training program, which is specifically designed for enhancing career of a Judge. Assessor Training Judge will be appointed for three years by Supreme Court or Supreme Administrative Court (like other fixed-term Judges). They will work in courts similar to any other Judges. The requirements will also be the same as for Judges with three years previous working experience. The Judicial training board (to be established) will approve the training programs for the Assessor Training Judges. Also a specified tutor-Judge for each training Judge will be part of the training process.66 67

The training program aims to give good foundation to act as a Judge, but persons without Assessor Training Judge background can still be appointed as Judges and the execution of the system does not guarantee a Judge position. As an addition, persons outside judiciary will still be appointed as Assessor Training Judges and Judges. A comprehensive training program will be designed by Judicial training board to persons without previous judicial work experience. Judicial training board will also plan training program for Referendaries appointed as Judges without Assessor Training Judge position background.68

The courts will also have training committees that will be responsible for personnel development, providing in-house training and guiding the personnel to training programs. They will also follow the training activity and realisation of the training program. This is seen to increase the planning and follow-up of trainings. Training will also try take better into account the judge's personal skills and previous work experience.

The Judicial training board will be an independent actuator under the mandate of the Ministry of Justice. It will be appointed for five-year terms including representatives from Judges, academia, lawyers, prosecutors and representatives from the Ministry. The Ministry of Justice’s Training unit will be responsible for the practical arrangement of trainings according to the plan of the judicial training board.69

The first positions of Assessor Training Judges will be established during spring 2017 and the aims is that the first training will start in fall 2017. The Training board will organize entrance examinations and make the selection. The aim is to select approximately 15-20 Training Judges a year.70

Development of the training system is aimed to not only improve quality but also the efficiency and the practical training needs. The need to improve the training system of court personnel and to develop skills more systematically has been obvious. The current training system does not fully meet the prevailing needs and cannot withstand international comparison. Unlike almost in all other EU member states, there has not previously been an official, systematic and compulsory Judges training system in Finland. This has been considered a defect, which has had possible effect also on the quality. Possible lacks in the

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67 Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
69 Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice 27.1.2017
70 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
competences of the personnel may cause, for example, unnecessary complaints and delays. The development of training system is seen to improve the efficiency of court operations and ultimately result in cost savings. In this situation, the renewal and overall development of training system should be considered as a necessary investment in the quality and efficiency.

2.3. Continuous evaluation of judges
This section describes how the continuous evaluation of Judges is carried out in Finland.

2.3.1. Evaluation bodies
As an independent and autonomous professional, the Judge has the main responsibility for the quality and effectiveness of his/her work. The managers carry out monitoring activities regularly, but interventions are made only if clear problems or negative trends emerge. Productivity, timeliness and judgments are the main subject of continuous evaluation of Judges. The quality of judgments is a more sensitive issue and the productivity and effectiveness are seen somewhat easier to evaluate and control. The continuous evaluation is needed, because in promoting and recruiting situations, a detailed and versatile statement about the person’s knowledge and skills is required from the court manager. However, no official Judge specific registration concerning the quality evaluations are kept.

The continuous evaluation of Judges is the responsibility of the court manager(s). In larger courts, this usually means the department managers (management team) in co-operation with the court President. In smaller courts, the manager usually personally knows the personnel and the evaluation is more straightforward in practice and can be handled by a single court manager/president. In larger courts, the departments are quite independent related to e.g. distribution of work and monitoring performance. Also close colleagues and other peers have a role in evaluating the work situations and react if needed.

The large size differences between Finnish courts influences significantly the operating environment and management requirements. Thus the exact ways and levels of details and systematics in evaluation practices varies between courts and depends heavily on the managers/management team focus, interests and ways of working.

2.3.2. Evaluation process
As Judges do not have specified working time nor performance based salary, the focus of evaluation is in the work results.

There are variations between courts, but the primarily statistical evaluation is based on the reports acquired from the case management system (e.g. number of solved cases, handling times of solved cases, number of pending cases, number of old pending cases).

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71 Oikeusministeriö. Tuomareiden koulutusjärjestelmän kehittäminen. Mietintöjä ja lausuntoja. 38, 2015
72 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
73 Interview Antti Savela, Oulu District Court, 10.5.2017
74 Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice 27.1.2017
75 Interview Antti Savela, Oulu District Court, 10.5.2017
76 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
77 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
79 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
80 Interview Antti Savela, Oulu District Court, 10.5.2017
In larger courts, the department managers follow the workload and work situation of individual Judges based on the statistics on regular basis and they are controlled approximately twice a year in management team meetings. In these meetings the work situation and the work activity of each Judge is evaluated. One important aim in these evaluation meetings is to ensure that the workload is even between the Judges. If there appears to be large differences in the workloads and activity, the reasons are evaluated (e.g. complex case structure, personal reasons). The aim is to ensure that the times from filing to hearing/handling of the cases are as equal as possible. If problems appears in capacity and work situation, the Judge is asked to given an explanation for it. If the workload situation is too problematic, a re-distribution of cases or temporary easement in case distribution are considered.\textsuperscript{81}

Different types of department meetings, executive board meetings and other internal discussions are arranged as a part of everyday court management system. In these meetings, the current topics and improvement needs are discussed. The goals and arrangement of these type of meetings varies between the needs of the court and the department.\textsuperscript{82}

The yearly development discussion between the Judges and the supervisors are a central tool for evaluation. In the discussion the work and actions are evaluated and discussed diversely and based on personal situation and needs; e.g. possible complains, functions in work community, workload situation, possible delays and capacity situation. As an addition, improvement and training needs for the following year is reviewed and agreed. There are no other systematic and standardized ways to evaluate the treatment of the parties or work community behaviour: namely, if problems or complaints acquire, they are examined, discussed and reacted to accordingly, and on a case-by-case basis by the supervisors. Possible complaints or compensations are not registered in any official register.\textsuperscript{83} \textsuperscript{84}

All public agencies (including courts) need to have a gender and equality program. The appointments to Judge and management positions are, however, completely gender neutral and are based purely on the evaluation statements prepared on person’s past competencies, abilities and knowledge. Judge positions divide equally between males and females.

\textbf{2.3.3. Focus on the evaluation of judgements and legal writings}

The Code of Judicial Procedure and the Act on Criminal Procedures sets the minimum requirements for judgments and reasoning. The Supreme Court will restore the case to lower courts on procedural grounds if the justifications are insufficient. Due to the diversity of cases and different factors affecting the process of reasoning, there are no unified model for structuring and conducting judgments and writings.\textsuperscript{85}

The proportion of changed judgments by appellate courts are not recorded or registered by Judges. However, all decision of appellate court are delivered and advised to lower level courts. The department managers and/or court manager goes though the appellate decisions and changed judgments at a general level. If some trends emerge, these are taking into

\textsuperscript{81} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{82} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{83} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{84} Interview Antti Savela, Oulu District Court, 10.5.2017
consideration in the development discussions and in planning the training needs.\textsuperscript{86} If it appears that there is a clear problematic trend in the judgments of an individual Judge, the reasons are analysed and discussed accordingly and case-by-case with the Judge in question. If needed, additional data of past judgments and justifications are acquired. The quality of judgments in Finland is broadly and generally good, there still exists some variability in the quality between courts and sometimes even between the same court’s Judges.\textsuperscript{87} However, all and all, the situations where there have been systematic problems with individual Judge’s judgments and legal writings are highly unusual.\textsuperscript{88}

In some courts there are Judge specialisation procedures used (e.g. specialization for criminal/civil cases or for some specific case group). Specialization is seen as a means for ensuring unified application of law, as well as increased effectiveness and expertise in the area. For practical reasons, the specialization has been possible only in larger courts. In courts where there are specialization procedures, there is also rotation between specialized areas (typical time-span 2-3 years).

Important tool also in the evaluation and improvements of judgements and legal writings are the personal training plans. Judgements and legal writings are central elements in training programs and in different quality projects undertaken in various judicial districts. Individually planned training programs are the main mean to improve and maintain legal competence. For example for newly appointed Judges with a working background outside judiciary, usually more comprehensive training program is planned.

\textbf{2.3.4. Consequences of the judicial evaluation on the quality of justice}

Even though there is not a directly performance based salary system in place, two salary levels for Judges exist. The two salary levels are seen also as problematic and large part of the managers would like to have equal salary for all Judges. However, there is some support among managers for establishing even more detailed performance and quality based compensation system. However, it is acknowledged that more systematic and coherent evaluation procedures and more objective evaluation criteria would be needed as a basis for renewing salary and compensation system.\textsuperscript{89}

When a person is applying for a position in judiciary or promotion (e.g. fixed Judge position), a detailed and versatile evaluation of past performance and expertise is conducted as a basis for the official statement\textsuperscript{90}: what data is available concerning the person, what can be concluded from the data and on what grounds is the conclusion based on.\textsuperscript{91}

Aging and (part-time)-retirements of Judges are a challenge in Finland. This has also consequences on evaluating similarly and objectively the working ability and ensuring working capability in different parts of judicial career.\textsuperscript{92}

\textsuperscript{86} Interview Antti Savela, Oulu District Court, 10.5.2017
\textsuperscript{87} Valtiontalouden tarkastusviraston tarkastuskertomus (125/2006). Käräjäoikeuksien tulosohjaus ja johtaminen. Edita Prima Oy.
\textsuperscript{88} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{89} Valtiontalouden tarkastusviraston tarkastuskertomus (125/2006). Käräjäoikeuksien tulosohjaus ja johtaminen. Edita Prima Oy.
\textsuperscript{90} See also chapter 2.2.
\textsuperscript{91} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{92} Valtiontalouden tarkastusviraston tarkastuskertomus (125/2006). Käräjäoikeuksien tulosohjaus ja johtaminen. Edita Prima Oy.
The evaluation practices are directly linked to training and improvement. The evaluation data is used in assessing training needs and conducting personal training programs.

2.3.5. Consequences of judicial evaluation on the appointment to managerial positions
A person appointed to a manager position (court/department manager) need to have proven leadership skills and previous management experience. However, person’s judicial expertise is still considered the primal factor in manager selection. On one hand, it is said that management skills and personal characteristics should be highlighted more in manager selections in order to receive younger managers with more enthusiasm for improvement and leadership. On the other hand, there are arguments that the main responsibility of managers is to ensure uniform judgments and this is not possible without extensive judicial expertise. If manager is not actively involved in the judicial work, it is seen to undermine the credibility also as a manager.93

The requirements, duties and tasks of court managers have increased a lot in recent decades. Therefore, the manager role is becoming more and more professional, needing special skills and personal characteristics. In larger courts, there are limited possibilities in practice to continue actively working also as a Judge. The reasons behind the increased demands are for example the growing size of courts, increased result responsibility and changes brought by technology development and digitalization. The manager role requires the ability to balance the needed autonomy of Judges and necessary management actions. At the same time, there have been constant cost pressures with decreasing resources and budgets, making the management duties sometimes unrewarding and stressful. This has led to decreased willingness for management positions among the most qualified and best expert Judges.94

There are no mechanisms for gender balance in management nominations. In manager positions, the majority of both applicants and nominees are still males. This is largely due to historic reasons: Judges with longer career are usually applying and appointed to manager positions (there are not as many older female Judges as males). However, this is seen to even in time.95

2.4. The evaluation of courts activities
The courts are very independent in terms of quality evaluation. The external quality evaluation is concentrated on operational performance and legality control.

The quality of court operations is evaluated mainly in the context of the national “management by results” system adopted for the courts in 1995. The State Budget Act (423/1988) and Parliamentary budget process provide the statutory background for the system. The management by results system is one aspect of the political accountability of the courts. Every year when confirming the state budget the parliament sets specific results targets for each administrative sector including the courts.96 97 98 99 100

94 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
95 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
2.4.1. Actors involved

The budget and the performance targets for the courts are first negotiated and agreed on the level of the administrative sectors. Courts are divided into two sectors: first sector consist of the general courts and Labour Court and another sector of the Administrative Courts, Market Court and Insurance Court. After parliament’s confirmation of the annual State budget for administrative fields, the Ministry of Justice is responsible for drafting the overall budget and performance targets for the sectors. This is done in co-operations with the court managers. After the budget and targets are agreed for the administrative sector, each court has annual “face to face” budget and performance target negotiations with the Ministry of Justice representatives. The management by results system requires a lot from the management of individual courts. The courts must actively monitor operations and the progress of cases, and both plan and examine the use of resources closely. As preparation for the results, negotiations the courts should have internal discussions of results, targets and improvement needs.

Courts of Appeal have central role in evaluating the court activities in their jurisdiction. One is the inspection visits of the Court of Appeal to the courts in its jurisdiction from time to time (approximately every 1-2 years). The inspection visit lasts usually about 2 days and is conducted by a group of 2-3 Judges and Referendaries from the appeal court. The content of the inspection is to go through the quality and quality control, conformity of rulings, timeliness of decisions and discuss possible problem areas in the judgements of the given court. The statistics and judgments are inspected based on a random sample of the cases. An important part of the inspection is the discussions with the managers and possible other personnel. The Court of Appeal must make a report on the inspection. The reports are also provided to Chancellor of Justice and Parliamentary ombudsman.

Practically all Court of Appeals have quality improvement projects ongoing in their jurisdiction. Individual courts may also have their own quality projects. The projects vary in length and scope but are important frameworks and tools for court quality control, improvement and target setting. Often, the projects have yearly changing improvement theme and team. The most sustained and systematic quality project has been carried out in the jurisdiction of Rovaniemi Court of Appeal. The Court of Appeals also arrange regular improvement days for the jurisdiction where quality issues and best practices are central topics. The Ministry of Justice encourages the quality projects but are not directly involved in them.

There have been surveys conducted about public confidence and trust in the court system produced by the National Research Institute for Legal Policy. Generally, the trust among citizens towards judiciary is very positive. The surveys have been directed at the general public that means that the respondents have not necessarily been involved with the courts. In such cases, the research has primarily concentrated on the public perceptions about the courts

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100 Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
101 Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
103 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
104 Interview: Antti Savula, Oulu District Court, 10.5.2017
105 See chapter 3.1
rather than detailed quality evaluations. Faculty of Law at the University of Turku has also conducted a survey about public opinion towards the court system. The Turku research indicated that 68% of citizens considered the courts to have been successful in their operations and 17% considered them to have failed. Further, only one third of the citizens considered court judgements to be fair, whereas 57% consider them unfair. Currently a survey is conducted by the Ministry of Justice related to citizens’ opinions about the general fairness and level of criminal sanctions and sentences.

As a basis for the work carried out in the quality projects undertaken in different jurisdictions, opinion surveys among court stakeholders (prosecutors, lawyers, and parties) have been conducted. However, there are no systematic or national procedures for collecting stakeholder opinions.

2.4.2. Evaluation process
The main aims in the annual budget and performance target negotiations are to set performance targets and main actions for the following years (targets set for 1 year and 2–4 years), discuss the present state, and results of previous year, as well as analyse improvement needs. A protocol document is prepared based on the negotiation. The representative of the Ministry of Justice and the manager of the court in question signs it. The negotiation usually takes 2–4 hours. The negotiation documents are available for other courts and for general public.

As a starting point for the negotiations, the court management team prepares an overview and analysis of the results, basic statistics and situation in the court in the previous year and makes a justifiable proposal for the results, budget and resources for the following year. The negotiating representatives in the Ministry then summarizes the information and discusses a joint outlook and position of the budgets and results of the whole sector. A joint kick-off meeting for the sector is also arranged before the individual negotiations. In this kick-off meeting, a summary of the overviews and analysis prepared by the courts is reviewed. The kick-off meeting increases the transparency and provides an overall picture of the situation in the whole administrative sector.

In the individual court performance negotiations, the protocol includes three main sections: 1) strategic framework, 2) performance targets and improvement actions, and 3) resources and budget.

The strategic framework section in the negotiation protocol includes:

- Description of the basic mission
- Description of the operational environment and risk management
  - External environment analysis
  - Internal environment analysis
- Description of the vision (10 years)

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107 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
108 Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
109 Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
110 Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
112 Oikeusministeriö. Käräjäoikeuden tulostavoteasiakirja kaudella 2017–2020
The basis for the strategic framework comes from the national targets set for the whole administrative sector.

The main part in the negotiations is the setting of performance targets and budget for the following years. This is divided into two main parts: societal effectiveness and operational efficiency. The operational efficiency targets monitor the concrete outputs and the societal effectiveness represents the broader effects on citizens and society as a whole. The societal effectiveness targets are difficult to define and quantify and are thus usually not as concrete. Typical examples are connected to the transparency of process and decisions, securing the fundamental and human rights, stabilizing the legal praxis, and to the avoidance of unnecessary delays in all proceedings. The main actions to ensure the targets may include for example improving the systems of publishing decisions or arranging more training for personnel.113 114 115

The operational efficiency section in the protocol includes first the review from the management team of the court on the performance and efficiency of previous years and the estimation for the following years: how many different and how complex cases are expected to come to court in the coming year, what will the target clearance rate, what is the time targets for different case groups (civil, criminal and insolvency) and what is the number and age of pending cases. A prerequisite for the negotiations is the production of good statistics of these areas and cases handled by the court. Based on the management overview and the statistics from previous year, an estimation of weighted workload for coming years is formed. The management can justify any forecasted special needs in the coming year that should be taken into account in target setting and resource allocation (e.g. large backlogs or large amount of complex cases).116 117 118

There is a weighted caseload system in use, where the different case groups have a weight score depending on the complexity and time/resource requirements. In this system the case categories are divided in different complexity categories based on the approximate time they require. The weighted caseload system makes it easier to compare the performance of courts with different type of caseload. The scores are separate for District Court, Courts of Appeal and Administrative Courts. For example district courts have 15 score categories (scores ranging between 0, 1 and 9, 5). The court personnel has been involved in designed the system and the scores. The scores are adjusted if needed.119 120 121

The efficiency targets set and agreed in the negotiations are:122 123

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113 Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
114 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
116 Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
117 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
119 Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
121 See more in chapter 3.3.
122 Oikeusministeriö. Käräjäoikeuden tulostavoiteasiakirja kaudella 2017–2020
i. Productivity
   • Score of weighted judgements made by the court divided by the number of personnel working in the court.

i. Economic efficiency
   • Court budget divided by the score of weighted number of different types of judgments made by the court.

ii. Timeliness
   • Target average processing time for different case groups
     Example: Criminal cases 5.2 months / Civil cases in written procedure 2.2 months / Civil cases with hearings 14 months / Large civil cases 10.5 months / Summary cases 2.1 months / Debt restructuring cases 6.2 months)
   • Target processing time ranges
     Example: Criminal cases: 20 % in 0-2 months / 11 % over 9 months
     Civil cases: 3 % in 0-6 months / 31 % in 0-12 months
   • Target proportions of cases that have been pending over 12 months

In recent years, the emphasis has been in monitoring the age of pending cases. Especially the emphasis has been on the overall pending time of cases (including pre-trial procedures and pending time in lower courts). The cases with long overall pending time should be prioritized.\textsuperscript{124}

The proportion of changed judgements by appellate court is reviewed during the negotiation procedures on court level. Statistic table of changed judgment in all district courts is conducted as an appendix for the negotiation document. Appellate courts controls the judgments by using 12 different codes on if and how the judgments have changed. Only the proportion of cases where the changes have been connected to the justifications and conclusions (or case have been returned) are included in the statistical appendix. In the negotiation procedure, the statistic is used as a background information and if there is large distinctions compared to the general level, the reasons for it can be included to the discussion.\textsuperscript{125}\textsuperscript{126}

The set targets and the system must not compromise the independence of the courts. This is why the Ministry of Justices sets only the targets connected to service level and operational performance. The court sets independently other quality targets. These can also be documented to the negotiation agreement.\textsuperscript{127}\textsuperscript{128}

The setting of other quality targets varies between courts. The quality target areas and setting the targets are usually discussed and designed in the framework of the different quality improvement projects. There are recommendation and examples of quality target areas based on the work done in quality projects, for example:\textsuperscript{129}

   • Judicial procedures
     o timeliness, transparency, cost efficiency

\textsuperscript{124} Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
\textsuperscript{125} Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
\textsuperscript{126} Oikeusministeriö. Käräjäoikeuden tulostavoitetaiskirja kaudella 2017–2020
\textsuperscript{127} Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
\textsuperscript{128} Rissanen Pinja. Tulosohjauksen suhde tuomioistuimien riippumattomuuteen. Pro-Gradu tutkielma, Tampereen Yliopisto, Johtamiskorkeakoulu, 2014.
\textsuperscript{129} Rissanen Pinja. Tulosohjauksen suhde tuomioistuimien riippumattomuuteen. Pro-Gradu tutkielma, Tampereen Yliopisto, Johtamiskorkeakoulu, 2014.
• Judgements
  o legality, reasoning, understandability, structural and substantive consistency
• Customer service
  o guidance, treatment of parties, availability, minority languages
• Organization
  o management, work processes, responsibilities, training, communication

However, the setting of quality targets is completely the responsibility of the management of the court.

The Ministry monitors the accomplishment and the situation concerning the operational targets set in the negotiations every six months: in the next negotiations and once in between. The evaluation of the accomplishment of the targets set are done by means of annual reports drawn by the administrative sectors. The annual reports are used as a tool also in the negotiation process.\(^{130}\) In addition, the courts make their own monitoring actions and some also compare their situation actively to other courts.\(^{131}\) All and all, the general knowledge and awareness of the operational and performance situation has increased by the introduction of the management by results system.

2.4.3. Consequences of the evaluation of quality of justice at court level

Resource allocation to courts is conducted under the same system of management by results and it is based on the same estimations of future workload and performance and agreed in the same negotiations. There is no automatic links between performance and financial resources. However, if there occurs a considerable change compared to the estimation affecting the ability to achieve the targets (e.g. in workload, backlogs, case structure), the court can request and justify the need for temporary extra resources. These are considered accordingly and on a case-by-case basis.\(^{132}\) \(^{133}\)

The evaluation of quality is linked to improvement and learning through the quality projects, joint quality improvement days and the planning of the training programs. Large part of the court quality work is done in the framework of the regional quality projects, where court personnel and stakeholders are widely participating. The projects have a variety of improvement themes based on the evaluated improvement needs. The training programs are also based on evaluated quality improvement needs.

2.5. Resource allocation to courts

The background and starting point for the court resource allocation is the State budget frames and the budget it provides to the whole justice sector. The allocation of resources to individual organisations in the administrative sector must be within this frame. Decisions regarding the budget frames are based on ministries proposals concerning the costs frames in their administrative sector. In case of large changes in resource requirements, there are possibilities for applying supplementary budget. Due to financial pressures in recent years, the budgets and leeway outside the frames have been constantly decreasing.\(^{134}\)

\(^{130}\) Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
\(^{131}\) Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\(^{132}\) Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
\(^{133}\) Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\(^{134}\) Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
2.5.1. Actors involved
Based on the State budget frame, the Ministry of Justice prepares general guidelines and principles for the allocation of the budget to courts. The resources are discussed and agreed between the Ministry and the courts during the management by results negotiations, at the same time as the operational targets. The decision of the resource allocation is documented in the same negotiation protocol.

The system of resource allocation is time consuming for the Ministry. However, it is considered beneficial, as it provides the opportunity to take into account different situation and organization of specific factors. It also enables the Ministry to coordinate the principles of allocation and ensure equality and objective rules. The resources given to a court and the grounds of the allocation are available to the other courts. The resource and result responsibility of courts have increased after the introduction of the system.\(^{135}\)

2.5.2. Resource allocation process
The number of staff (divided by tasks and permanent/temporary) and the amount of staff costs are the central resource negotiated in the process, but also other resources (e.g. equipment, rent, investments, and improvement) are part of the negotiations.\(^{136}\)

Basis for the allocation are the current resources, pending workload situation and the estimation of the workload for the following year (using the weighted scores). The workload situation is relatively settled and can be reliably evaluated based on historical data (thus only minor resource changes are usually required). Substantial resource changes are usually connected to larger structural reforms. The general aim is that the court would be able to keep at least the current level of resources. In recent years, there have been resource cuts, but these are planned systematically over-time (not at once).\(^{137}\)\(^{138}\)

The estimation of the weighted workload score for the following year is the primary criteria in resource allocation. The weighted workload scores does not adequately cover the most complex cases, so the work-time requirements for these and other possible special circumstances are customized and estimated separately.\(^{139}\) If large changes to estimated caseload or other circumstances happen between the negotiations, the possibility for temporary extra resources is discussed and decided based on a justified application from the court. As a basis for the application, court collects statistical data and evidence of the actual workload from the exceptional complex cases compared to the score points. In some special and unforeseeable circumstance, the Ministry may also decide to divide and reallocate the workload between courts (e.g. this was done in case of asylum complaints in recent years).\(^{140}\)

In larger courts, the resource allocation procedures inside the court and between departments must also be designed and planned. Usually, the same principles are used in internal resource allocation: the estimated workload being the central deciding factor. Also, the structure of the personnel (e.g. between civil and criminal departments) need to be taken into account. In internal resource allocation, the reallocation of resources and workload is more straightforward and part of the everyday management of the court. As a part of the internal

\(^{135}\) Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
\(^{136}\) Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
\(^{137}\) Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
\(^{138}\) Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\(^{139}\) Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\(^{140}\) Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
resource management, one aim is also to promote the equalization and harmonization of working methods and procedures.\textsuperscript{141}

For Judges the cases are distributed randomly and evenly. In case of distribution, the weighted workload scores are not used, as the workload is seen to be even in time. The workload in exceptionally complex cases are estimated separately case-by-case (e.g. cases requiring full attention for a long period of time). Even work distribution and comparing the work performance of Judges is central management challenge due to the large variations in size and other requirements of cases.\textsuperscript{142}

2.5.3. Consequences of resource allocation on quality of justice

There are quite large differences in the case structure and complexity between different regions in Finland (Helsinki metropolitan area having more complex case structure than other areas). The workload scores are a tool for providing more balanced resource distribution between courts. Even though the score system does not perfectly reflect all differences between workload, it gives a good overall picture of the general workload differences. The scores have been improved in time if noticed that they do not adequately express reality. The score system is complemented with situation specific consideration and estimations of incoming highly complex cases to better ensure balanced resources.\textsuperscript{143} Extra resources are coordinated by Ministry and are based on transparent justified reasons.\textsuperscript{144} The resource allocation system based on the State frame budget does not enable large staff resource changes in a short period of time, thus in situations where the case structure in a court changes suddenly, there is a danger for backlogs.\textsuperscript{145}

Starting point in the resource allocation is to ensure balance in the clearance rate: enabling court to manage the flow of estimated incoming workload. If the court is historically backlogged, the resource allocation system does not enable the court to remove the backlogs in reasonable time. This type of situation requires the application and consideration for separate, extra and temporary funding and resources. In recent years as the budgets has decreased, extra funding have been more difficult to get.\textsuperscript{146}

As the target and resource negotiations can, due to independency requirements, only deal with operative performance issues, there is obviously a danger for pushing efficiency in the expense of other quality aspects. This is why there is a responsibility for the court management and the appeal court to ensure that the quality of rulings and other quality issues are highlighted. Due to productivity pressures, there can be situations where the present outflow is maximized by overly solving simpler cases.\textsuperscript{147}

2.6. Assessment of existing evaluation methods

This section provides and assessment of the existing evaluations methods: evaluation of Judges, evaluation of court activities and resource allocation procedures.

\textsuperscript{141} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{142} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{143} Oikeusministeriö. Yleisten tuomioistuinten työmäärän mittaaminen. Lausuntotiivistelmä. 5/2012.
\textsuperscript{144} Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
\textsuperscript{145} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{146} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
A summary of the classical judicial evaluation arrangement introduced in the chapter is presented in table 4.

Table 4: Summary of classical judicial evaluation arrangements

<table>
<thead>
<tr>
<th>Description</th>
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</table>
| Evaluation of Judges (sections 2.2 & 2.3) | - Detailed quality and work result evaluation in recruiting and promotion  
- Personal training plans based on individual improvement needs  
- Yearly development discussions with supervisor  
- Regular work result monitoring based on case management system statistics  
  o productivity, pending cases/old cases (number & type), timeliness  
- Problem situations analysed and discussed when needed |
| Evaluation of courts (section 2.4) | - Management by results system  
  o Administrative sector level performance targets  
  o Yearly face-to-face target negotiations with courts  
  ▪ Strategic framework, mission and vision  
  ▪ Management overview of court situation and performance  
  ▪ Societal effectiveness targets  
  ▪ Operational efficiency targets (1-year and 2-4 years)  
  ▪ productivitiy, economic efficiency, timeliness  
  ▪ Overall quality (% of changed judgement in appeal court)  
  o Monitored statistically every 6 months  
  o Annual reports  
- Quality improvement projects in appeal jurisdictions  
  o Quality targets  
  ▪ procedures, judgments, customer service, organization  
  o Yearly quality improvement themes and actions  
- Inspection visits by Court of Appeals  
- Occasional national public trust surveys |
| Resource allocation (section 2.5) | - Negotiation in the framework of management by results system  
  o State budget frame  
  o General guidelines and principles by Ministry of Justice  
  ▪ Staff costs and number of personnel  
  ▪ Equipment, rent, investments, improvement  
- Based on the evaluated weighted workload for coming year  
  o Complex case structure / Backlogs  
  ▪ Extra resources based on a justified application |

**Evaluation of Judges**

The introduction of the training positions and the more systematic training for Judges will have a significant impact to quality improvement in longer run. The Judicial training board (even though recently set) has started working effectively. It is important that the planning of training have more clear organization, including broad representation and involvement of Judges in planning the content of the training programs provided. The renewing of the
training system also enable the preparation of more detailed and long-term individual training plans for Judges.148 149

The practices of evaluation of Judges depend heavily on the management of the court. The large variations in size and operative environments of courts make it difficult to push for uniform management practices. As the individual manager’s motivation and interest have such a key role in evaluation of Judges, an important focus area should be the training, supporting and enabling good court management and allowing possibilities to exchange good practices between managers.150

As the quality evaluation of autonomous Judges is challenging, innovative means to enhance the self-management of employees should be introduced. For example, establishing more precise targets, improving self-reflection procedures and increase the awareness of court level operative targets among Judges. There should be standardized procedures for handling cases and clear mechanisms to ensure that the procedures are followed. A key task for managers should be to establish clear targets (what is expected) and rules (how is evaluation carried out). Clear and jointly agreed targets and rules make it easier to intervene in problem situations – when the agreed rules are not followed.151 152

Recent improvement themes and projects have been concentrated on increasing the use of technology and different solutions for digitalization, standardizing and equalizing judicial procedures and methods (both inside and between courts) as well the shortening and equalizing the processing times between cases with different requirements.153 One needed tool for Judges would be an establishment of digital “judge-portal” which would include various information needed in Judge’s work 154.

Evaluation of court activities
Ministry as the negotiating party has raised some doubts with respect to the independence and autonomy of the judicial system, even though, the ministry does not interfere in quality issues nor in the application of the law. There were criticism towards the system especially in the beginning of the implementation. In the beginning, there were opinions that setting targets by administrative officials is in contradiction with the independent position of the judiciary. Claim was also made, that the system pays too much attention to the number of cases and handling times. The Chancellor of Justice stated that the system cannot interfere with the objective and subjective independence of the courts in their decision-making and other application of the law. However, the fact that general level information about handling times, the number of cases to be resolved or similar data is written in the documents of individual courts does not endanger the independence of the court in reaching a decision in individual

148 Interview: Antti Savela, Oulu District Court, 10.5.2017
149 Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
152 Interview: Antti Savela, Oulu District Court, 10.5.2017
154 Interview: Antti Savela, Oulu District Court, 10.5.2017
cases. In time, both the ministry and the courts have found the experiences gained from the management by results system to be fairly positive.\textsuperscript{155}

The system has influenced the planning of work in the courts and increased the awareness and target orientation of court operations. The courts and especially the manager(s) follow much more closely and proactively the volume of cases, adopt more accountability and identify potential problem areas.\textsuperscript{156} The system has also increased the knowledge the ministry has about court operations and the degree to which legislative reforms have been implemented. Open, face-to-face, yearly discussions encourages good relationship between the Ministry and the courts. Personal relationships are easier to achieve in small country like Finland, making it possible to have relative smooth communication and information flows.\textsuperscript{157} The possible establishment of the Judicial Administration Council will bring changes to the management by results system. Possibly in the future, the council will carry out the negotiations making it easier to balance the performance and quality issues in target setting and encounter general quality improvement targets to the process. In addition, the involvement of appeal courts in the negotiation process have been discussed.\textsuperscript{158}

In 2015, the management by results system was renewed by prolonging the time horizon for the targets. Previously the targets were set only for the following year. After the renewal, the targets are set both for the following year and for four years. The idea was that especially in more strategic target areas, the planning horizon should be longer enabling more long-term planning and improvement efforts. The renewal has been difficult to implement in practice, making the target setting still too short-sighted. The biggest difficulty has been the estimation of the impacts of upcoming structural and administrative changes on an individual court level (e.g. reduction of District Courts, centralization of the handling of certain cases and budget cuts). For the renewal to function effectively, the court would need to be able (prior to the negotiation) estimate the workload and resource requirements more sustained, with all the changes going on, this is not realistic at the moment.\textsuperscript{159 160}

Large part of the court quality evaluation and improvement work is carried out in the independent and separate quality projects in different appellate court jurisdictions or by individual courts. The different projects have achieved good results, but the problem is that independent projects do not enable the formation of national quality evaluation practices or nationally joint quality indicators. It is acknowledged that different regions should utilize more the results of other projects in their own quality evaluation and improvement work. At the moment, there are limited means to spread the results of projects on national level – the ministry can only recommend the benchmarking of good practices. An important future improvement theme would be to establish nationwide and joint quality indicators and quality management systems. The potentially established Judicial Administration Council, with Judge representatives, may have more means to coordinate and promote nationwide quality evaluation practices and improvement work. On the other hand, the good results of the quality projects can be seen to be a consequence of carrying out the work in smaller and restricted regions. The independent regional projects have been easier to implement, enabled

\textsuperscript{156} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{157} Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
\textsuperscript{158} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{159} Interview: Heikki Liljeroos and Raimo Ahola, Finnish Ministry of Justice, 27.1.2017
\textsuperscript{160} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
recognition of the specific operational environment, as well as enabled adopting participative bottom-up approach and carrying out the work systematically over a long period of time.\textsuperscript{161}

There is an on-going AIPA-project that aims to create an electronic system for administration of justice. AIPA is an electronic database which contains all the documents related to a judicial matters dealt with by the prosecutors, District Courts, Courts of Appeal and the Supreme Court. AIPA will enable paper-free work, electronic archiving and electronic cooperation between different authorities. It also enables transition to a procedure where the institution of matters, consideration of cases, decisions in cases and archiving are all performed on the basis of electronic material The exchange of information between authorities, parties and interest groups will be timely because it is carried ou electronically and automatically.\textsuperscript{162} The electronic trial materials will be at the disposal of all involved actors whenever they need them. The ongoing improvement project concerning the use of information technology and digital justice chain (AIPA-project) will likely make the collecting and analysing information easier.\textsuperscript{163}

An improvement need in the court quality evaluation practices is also the lack of collecting systematically stakeholder opinions and improvement suggestions on a national level. At the moment, these types of efforts are done only as a part of the quality projects.\textsuperscript{164}

\textbf{Resource allocation}

Even though the targets and resources are negotiated in the same process, there are not always clear links between them. The background for the resources is the State budget frame that cannot be exceeded. The system is functional and good especially in quite stable conditions. If there are rapid changes in the workload or backlog situation of a court, it may not be possible to match the resources to the changing situation as rapidly as needed.\textsuperscript{165}

In an ideal situation the resource allocation would be based on the overall caseload situation of a court (including old backlogs) not only on the estimation of the future workload. As the frame budget have been constantly decreasing in recent years, the possibility to manage old backlogs have become even more difficult.

The weighted caseload system improves the balanced resource allocation between courts. The system has been also constantly improved based on practical experiences. However, the system is not capable to completely incorporate the large case structure differences between regions.\textsuperscript{166} However, the differences in the caseload and structure between courts and regions have been constantly decreasing (and will decrease in the future) as the size differences between courts will diminish due to structural changes.\textsuperscript{167}

\section*{3. Innovative practices in quality evaluation and quality development}

This section introduces three innovative practices carried out in Finland: Quality project in the jurisdiction of the Court of Appeal of Rovaniemi, Delay reduction projects – combining

\textsuperscript{161} Interview: Antti Savela, Oulu District Court, 10.5.2017
\textsuperscript{162} European Caseflow Management Development Network. 2016. www.lut.fi/CFMnet
\textsuperscript{163} Interview: Antti Savela, Oulu District Court, 10.5.2017
\textsuperscript{164} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{165} Interview: Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{166} Interview Tuomas Nurmi, Helsinki District Court, 2.2.2017
\textsuperscript{167} Interview: Antti Savela, Oulu District Court, 10.5.2017
external expertise and internal participation and Procedures of designing the weighted workload scores.

First two of the introduced innovations has been rewarded by the Crystal Scale of Justice Prize (The European prize for innovative practice contributing to the quality of justice). Quality project in the jurisdiction of the Court of Appeal of Rovaniemi won the prize in 2005 and the delay reduction projects got a special mention in 2010.

First two introduced innovations are both improvement process innovations, where the carefully planned and systematic way of carrying out improvement work has produced good results. As an addition of systematic long-term approach to improvement, a key to successful quality improvement seems to also be that professionals take an active part in the development. Wide participation enables not only commitment for improvement and easier implementation of results but also the improvement of the participating individuals.

The third introduced innovation describes the process of designing the weighted workload scores and the weighted system applied in Finnish courts. The way the scores has been designed has increased the acceptance of them through intensive participation of personnel and made the scores better reflect the actual differences in case requirements.

3.1. Quality project in the jurisdiction of the Court of Appeal of Rovaniemi

The quality project in the courts in the jurisdiction of the Court of Appeal of Rovaniemi (later referred as “the Quality project”) was launched in 1999 and it is still on going. All courts within the appellate jurisdiction of the Court of Appeal of Rovaniemi participate in the project. In addition, the most central stakeholders of the jurisdiction have been actively involved. The quality project covers both civil and criminal cases. The project’s aim has been to improve the quality of court services by supporting the basic work of courts. Basically, this means developing the functions in a way that the proceedings meet the criteria of a fair trial, the decisions of courts are well reasoned and that the services of courts are affordable to all customers.

The Quality project was initiated by the need to respond to the changes in the operational environment of judicatures. These changes such as more rapid change of legislation, internationalism, constitutionalism and evolution of information society posed new intellectual and skilled challenges to Judge’s professional expertise and know-how. Judges need to be more creative and able to dispense new judicial sources including for example European legislation and international human right conventions. They also need to be ready to adapt new working methods and make more clear, detailed and understandable justifications. Because of these changes in operating environment, the significance of efficiency, productivity, economy and effectiveness of the output of different parties as a part of the quality of courts have increased.

In addition, from time to time Finnish courts have been target for public criticism. Even the trust of citizens towards courts have been decreasing. In order to tackle all these challenges, the Quality project was launched to develop the quality of court services systematically and persistently. The main principles on which the quality project has been based on are the societal functions of the courts, access to justice, procedural justice, trust in the courts and the desired standard of quality in adjudication.\(^{168}\)

Organization and execution

The development work of the Quality project is steered by the Development committee. The members of the Development committee are personnel from the courts and from the stakeholder organizations that are participating in the project. The composition of the committee changes every third year. A chosen Chairman amongst the members of the Development committee manages the Development committee. The Development committee creates an official plan about the quality development themes and relevant education for three years at a time (later referred as development plan).

A Coordinator for quality is selected amongst the personnel of the District Courts for one year at the time to support the execution of the development plan. The Coordinator plans and organizes the education linked to the quality work and acts as a contact person to stakeholders. The Coordinator also supports the Working groups on quality and edits the report on quality.

Principally four Working groups on quality are formed to work on the quality development themes announced in the official plan. Each theme has thus its own Working group on quality. The Chairman of the Development committee and the Coordinator for quality form the Working groups. The members of the Working groups are representatives from the District Courts and from the Court of Appeal of Rovaniemi. As members, there may also be prosecutors, advocates and public legal assistants. At first, the participants were mainly persons with legal duties, but from 2010, the office personnel of courts and stakeholders have also participated in quality work. This has increased the effectiveness of the quality work and the motivation of office personnel. Each Working group has also its own Chairman who is chosen amongst the members of that particular Working group. The President of the Court of Appeal of Rovaniemi affirms the compositions of the Working groups for quality.

The Working groups on quality map out the possible challenges of their quality development themes and explore the practices used in District Courts concerning these themes. Then the Working groups define mutually accepted procedures and make a suggestion about the ways how different practices can be standardized and improved. Each Working group composes a report in which these improvement proposals are introduced. The work of the Working groups have mainly been done in meetings and via e-mail between the group members.

The development plan made by the Development committee is checked and updated yearly. There are typically four quality development themes per each year, although there can be an exception to the amount of themes if a new relevant theme arises when the plan is updated. The quality development themes concern the quality aspects of procedures and decisions. Hence, quality aspects of other internal organizational factors of courts are left out of the range of the project. For example the quality themes from 1999 to 2009 have been:

- in 1999: penalty harmonization in larceny, drunk driving and violent offences and problems in the preparation of civil cases
- in 2000: penal practices in drugs offences, management of evidences, and follow-up of the proposals made to themes of 1999

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169 Interview Antti Savela, Oulu District Court, 10.5.2017
• in 2001: substantive case management by the Judge in criminal cases, case management in extensive civil cases and follow-up of the proposals made to themes of 2000
• in 2002: case management in debt adjustment cases, substantive case management by the Judge in civil cases and follow-up of the proposals made to themes of 2001
• in 2003: drafting of reasons for the court’s findings on evidence in civil and criminal cases, harmonization of court practices relating to the selection of penalty types, harmonization of court practices relating to the enforcement of suspended sentences and preparation of a model for application for a summons and a model response in a civil case on the basis of a supplied factual situation
• in 2004: conduct of the Judge in court as an element of procedural justice, preparation of a civil case by the parties and application of chapter 7, section 6, of the Penal Code and follow-up of the proposals made to themes of 2003
• in 2005: case management in criminal cases and Judges’ co-operation in the case management of civil cases and the use of the three-Judge-composition in civil cases and follow-up of the proposals made to themes of 2004
• in 2006: procedures and evidence in cases relating to the detention of a crime suspect and the imposition of a travel ban, penal practices relating to violent offences and follow-up of the proposals made to themes of 2005\textsuperscript{172}
• in 2007: procedures when child is heard in trial, interpretation and translations in judicial proceedings, a model appeal and a model response to the Court of Appeal and the openness of criminal procedure in pre-trial investigation, in consideration of charges and in matters where coercive measures are used\textsuperscript{173}
• in 2008: approaches in protecting witnesses, parties and other persons to be heard during the different phases of criminal procedure (pre-trial investigation, consideration of charges and trial), structuring and writing the judgment, mediation practices at the court when mediating on the basis of chapter 5, section 26 of the Code of Judicial Procedure, and the amounts of compensation awarded for ache and pain and other temporary harm, for cosmetic injury and for suffering in assault cases\textsuperscript{174}
• in 2009: reasons for delays in processing regular and major criminal cases and ways of eliminating them, preparing testimony especially considering disputes in house and real estate transactions, publicity of trial documents and creating a method for harmonizing and developing the working processes of the different case groups of the court\textsuperscript{175}

Each autumn, Quality conference is arranged. Before the conference, the reports of the Working Groups are distributed to the participants of the conference and at the conference these reports are orally presented by the Chairmen of Working Groups. After presentations the reports are discussed and new quality targets based on the improvement proposals of working groups are set. The Quality conference is held in turns in Kemi, Oulu and Rovaniemi. A quality target list for following year is made based on the reports of working groups and

\textsuperscript{173} Rovaniemen hovioikeuspiirin tuomioistuinten laatuhankkeen työryhmäraportteja IX, Gummerus Kirjapaino Oy 2008.
\textsuperscript{174} Rovaniemen hovioikeuspiirin tuomioistuinten laatuhankkeen työryhmäraportteja X, Gummerus Kirjapaino Oy 2009.
\textsuperscript{175} Rovaniemen hovioikeuspiirin tuomioistuinten laatuhankkeen työryhmäraportteja XI, WS Bookwell Oy 2010.
this target list is taken to a part of the report on quality. The quality target list is approved by the President of the Court of Appeal of Rovaniemi and the Chief Judges of District Courts.

The actual quality development work is mainly based on discussions between judges and other personnel. At first, the quality development work focused mainly on developing the work of judges, but recently also the working processes of supportive personnel have been developed.\textsuperscript{176} The Court of Appeal does not direct these discussions, instead the discussions happen voluntarily, which secures the independence of the judges. The definitions of quality development themes aim to provide concreteness and the targets of development are kept small enough to make improvements in practice possible. As a part of the Quality project, 4-6 education days are arranged on yearly basis to support the development work. In addition, District Courts’ own internal development work supports the Quality project.

The monitoring of the quality target list is planned in advance. In District Courts, the Chief Judges monitor the realization of quality targets. The quality targets are also monitored continuously by monitoring the procedure and decision practices and by arranging regular discussion opportunities to judges. The Court of Appeal of Rovaniemi monitors the realization of quality targets and gives feedback to the District Courts.\textsuperscript{177}

From 2010, the quality work has concentrated on courts’ working processes, as the aim has been to improve and unify these processes. Before 2016, the working processes of criminal, dispute, child, coercion and debt arrangement issues have been worked through. From the year 2016 onwards, principally one new case group is taken under work per year.\textsuperscript{178}

As a part of the Quality project, several reports have been published. In 2006, a plan for quality indicators was established (more information in the following sections). From the different practices of District Courts, a mutual report was made and distributed as a handlers’ guide. As a part of the Quality project in 2014, a study program for District Court clerks was piloted. Based on the feedback from the pilot, the study program for court clerks was made national in 2015. In addition, a quality indicator plan in seven languages, a final report on piloting of quality indicators, a handler’s guide about criminal cases and multiple quality reports were published. In 2015, a final report on quality measurement from 2013 was published as well as a handler’s guide for disputes and quality report on preparing the application of summons. A guide concerning child, coercion and debt restructuring issues was published in 2016.\textsuperscript{179}

**The Quality indicators**

One of the most important outcomes of the Quality project were the Quality indicators for adjudication in courts within the jurisdiction of Rovaniemi Court of Appeal. The Quality indicators were designed to verify the state and development of the courts’ judicial administration in order to map the needs of development and training in judicial administration. The Quality indicators also aim to enable other parties in judicial administration to take part in the discussion and development work concerning the quality of adjudication.

\textsuperscript{176} Interview Antti Savela, Oulu District Court, 10.5.2017


\textsuperscript{178} Rovaniemen hovioikeuspiirin tuomioistuinten laatuhanke. Laatuhankkeen työsuunnitelma vuosille 2016-2018

The Quality indicators evaluate and develop the external quality of the court, which means that the targets of evaluation are the quality factors of the judicial process and making of decisions instead of individual judges. There are six aspects in the Quality indicators: the process, the decision, treatment of the parties and the public, promptness of the proceedings, competence and professional skills of the Judge, and the organization and management of adjudication. In these aspects, there are altogether 40 quality criteria that are central to their own area. The criteria of Quality indicators have been selected in a way that they would cover as much as is possible of those court activities that affect the quality of the proceedings and of the judgment.\textsuperscript{180}

The Quality indicators and criteria are presented in table 5.

Table 5: Quality indicators\textsuperscript{181}

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Quality criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The process</td>
<td>• the proceedings have been open and transparent vis-à-vis the parties</td>
</tr>
<tr>
<td></td>
<td>• the Judge has acted independently and impartially</td>
</tr>
<tr>
<td></td>
<td>• the proceedings have been organized in an expedient manner</td>
</tr>
<tr>
<td></td>
<td>• active, but non-coercive, measures have been taken to encourage the parties to settle (civil cases and the civil liability issues in criminal cases)</td>
</tr>
<tr>
<td></td>
<td>• the process has been managed effectively and actively (both procedurally and substantively)</td>
</tr>
<tr>
<td></td>
<td>• the proceedings have been arranged and carried out so that a minimum of expenses is incurred by the parties and others involved in the proceedings</td>
</tr>
<tr>
<td></td>
<td>• the proceedings have been organized in a flexible manner</td>
</tr>
<tr>
<td></td>
<td>• the proceedings have been open to the public when possible</td>
</tr>
<tr>
<td></td>
<td>• the proceedings have been interactive</td>
</tr>
<tr>
<td>2. The decision</td>
<td>• The decisions are just and lawful</td>
</tr>
<tr>
<td></td>
<td>• The reasons for the decisions have convinced the parties, legal professionals and legal scholars of the justness and lawfulness of the decision</td>
</tr>
<tr>
<td></td>
<td>• The reasons of the decisions are transparent</td>
</tr>
<tr>
<td></td>
<td>• The reasons of the decision are detailed and systematic</td>
</tr>
<tr>
<td></td>
<td>• The reasons of the decision can be understood</td>
</tr>
<tr>
<td></td>
<td>• The decision has a clear structure and is linguistically and typographically correct</td>
</tr>
<tr>
<td></td>
<td>• The pronouncement of the decision has been understood</td>
</tr>
<tr>
<td>3. Treatment of the</td>
<td>• The participants in the proceedings and the public have been</td>
</tr>
</tbody>
</table>

\textsuperscript{180} How to assess quality in the courts? Quality Benchmarks for Adjudication are a means for the improvement of the activity of the courts. The Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi, Finland.

\textsuperscript{181} How to assess quality in the courts? Quality Benchmarks for Adjudication are a means for the improvement of the activity of the courts. The Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi, Finland.
<table>
<thead>
<tr>
<th>Part</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong></td>
<td>parties and the public</td>
</tr>
<tr>
<td></td>
<td>treated with respect to their human dignity</td>
</tr>
<tr>
<td></td>
<td>• Appropriate advice is provided to the participants in the proceedings, while still maintaining the impartiality and equitability of the court</td>
</tr>
<tr>
<td></td>
<td>• The advising and other service of those coming to court begins as soon as they arrive at the venue (courthouse etc.)</td>
</tr>
<tr>
<td></td>
<td>• The participants in the proceedings have been provided with all necessary information about the proceedings</td>
</tr>
<tr>
<td></td>
<td>• Communications and public relations are in order, where necessary</td>
</tr>
<tr>
<td></td>
<td>• The lobby arrangements at the court are in accordance with the particular needs of various customer groups</td>
</tr>
<tr>
<td><strong>4.</strong></td>
<td>Promptness of the proceedings</td>
</tr>
<tr>
<td></td>
<td>• The case has been dealt with within the optimum processing times established for the organization of judicial work</td>
</tr>
<tr>
<td></td>
<td>• The importance of the case to the parties and the duration of the proceedings at earlier stages have been taken into account when setting the case schedule</td>
</tr>
<tr>
<td></td>
<td>• The parties feel that the proceedings have been prompt</td>
</tr>
<tr>
<td></td>
<td>• The time limits that have been set or agreed have been adhered to</td>
</tr>
<tr>
<td><strong>5.</strong></td>
<td>Competence and professional skills of the judge</td>
</tr>
<tr>
<td></td>
<td>• Judges take care of the maintenance of their skills and competence</td>
</tr>
<tr>
<td></td>
<td>• Judges attend continued training sessions regularly</td>
</tr>
<tr>
<td></td>
<td>• Judges’ participation in training is subject to agreement in the annual personal development talks</td>
</tr>
<tr>
<td></td>
<td>• The court has specialized Judges</td>
</tr>
<tr>
<td></td>
<td>• The parties and the attorneys have the impression that the Judge has prepared for the case with care and understands it well</td>
</tr>
<tr>
<td></td>
<td>• Judges participate regularly and actively in Judges’ meetings, in quality improvement conferences and also in other work of the Quality Working Groups</td>
</tr>
<tr>
<td><strong>6.</strong></td>
<td>Organization and management of adjudication</td>
</tr>
<tr>
<td></td>
<td>• The organization of adjudication and the management of the court proceed with professionalism and support the discharge of judicial duties of the court</td>
</tr>
<tr>
<td></td>
<td>• The assignment of new cases to the Judges is methodical and carried out in a credible manner</td>
</tr>
<tr>
<td></td>
<td>• The specialized competence of the Judges is utilized in the processing of cases</td>
</tr>
<tr>
<td></td>
<td>• Adjudication has been organized so that the use of reinforced compositions is de facto possible</td>
</tr>
<tr>
<td></td>
<td>• Personal development talks are held with every judge every year</td>
</tr>
<tr>
<td></td>
<td>• The court has a methodical system for the active monitoring of case progress, making it possible to take measures to speed up delayed cases</td>
</tr>
<tr>
<td></td>
<td>• The security of the participants in the proceedings and of the court personnel is guaranteed</td>
</tr>
<tr>
<td></td>
<td>• It is ensured by the management of the court that the judges and other staff are not overloaded with work</td>
</tr>
</tbody>
</table>
The indicators are not planned to be evaluated every year for all courts. Instead, they are proposed to be used for a period of 3 to 5 years. Individual judges and courts can also use the indicators as a way to develop their own work and to compare it to others work. Evaluation of indicators is conducted as an analysis that is based on the successes and failures of the activities. The analysis is done using a six-point scale and written evaluation. The overall amount of points of the indicators are computed by counting the points of individual criteria of each aspect together. As an exception, the scale of points for optimal processing times is from 0 to 15, which means that the maximum amount of points of the overall quality evaluation is 210 points. The six-point scale is presented in table 6.

### Table 6: The six-point scale of Quality indicators

<table>
<thead>
<tr>
<th>Points</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>The criterion is not met at all (fail)</td>
</tr>
<tr>
<td>1</td>
<td>The criterion is met partially (pass)</td>
</tr>
<tr>
<td>2</td>
<td>The criterion is met satisfactorily (satisfactory)</td>
</tr>
<tr>
<td>3</td>
<td>The criterion is met well (good)</td>
</tr>
<tr>
<td>4</td>
<td>The criterion is met laudably (laudable)</td>
</tr>
<tr>
<td>5</td>
<td>The criterion is met in an exemplary manner (exemplary)</td>
</tr>
</tbody>
</table>

The quality measurement using Quality indicators was piloted in 2007. The piloting was executed using mainly Webropol-program through which questionnaires concerning Quality indicators were sent to Judges, litigants, prosecutors, advocates and legal assistants. In addition to these questionnaires, which were mainly, numeric, an analysis of the comments of expert working group to court judgments and statistical analysis were used in evaluating the quality. The piloting of Quality indicators was mainly successful and no major problems occurred during the piloting. The piloting was re-organized in 2013 and at the same time, some of the questions were slightly formatted. Next quality measurement is planned to be executed in 2019. The possible need for updating the indicators will be evaluated after that.

### Further development

The Quality project work will continue also in the future. In the plan for 2016-2018, altogether five quality themes have been chosen to be worked on. These themes are:

- updating and editing the quality reports to more uniform and user friendly direction
- continuing to going through working processes of case groups in order to unify and develop them
- planning and developing the actions which aim to activate the use of arbitration in the courts in the jurisdiction of the Court of Appeal of Rovaniemi
- when necessary, the president of the Court of Appeal of Rovaniemi can form a compact working group to work on with urgent legal issue

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182 Interview Antti Savela, Oulu District Court, 10.5.2017
183 How to assess quality in the courts? Quality Benchmarks for Adjudication are a means for the improvement of the activity of the courts. The Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi, Finland.
184 How to assess quality in the courts? Quality Benchmarks for Adjudication are a means for the improvement of the activity of the courts. The Quality Project of the Courts in the Jurisdiction of the Court of Appeal of Rovaniemi, Finland
185 Interview Antti Savela, Oulu District Court, 10.5.2017
- participating in the national co-operation of quality projects

The piloting results of Quality indicators inspired the Court of Appeal of Rovaniemi to start planning a new quality assessment system for its own use. This quality assessment system is based on CAF (Common Assessment Framework) model and it was chosen because it is broader than the quality indicators system in which the focus is on the quality of judicial processes. The quality assessment system of Rovaniemi Court of Appeal is used to map the development needs and to assist the court management in annual budget and performance target negotiations. In addition, it serves also in human resource training and development and it helps to open up the adjudication to the court’s stakeholders.

The CAF model is originally developed by EU member states for the public sector. It was mainly suitable to serve as a basic structure in the quality assessment system of the Court of Appeal; however, the terminology and sub-criteria of the model had to be formulated to be fitted in the court organization. In the CAF model, there are altogether nine criteria, which have been divided into two categories: enabler criteria and result criteria. The enabler criteria includes the following criteria areas: leadership, strategy and planning, people, partnerships and resources, and processes. The criteria areas of results are: citizen/customer-oriented results, people results, social responsibility results and key performance results. Altogether, there are 9 main criteria and 28 sub-criteria.

The assessment systems used in the quality indicators of adjudication within the jurisdiction of the court of appeal are used also in the quality assessment system of Rovaniemi Court of Appeal. Subjective information is collected by personnel self-assessment surveys, the appellate courts’ common job satisfaction survey, customer and stakeholder surveys and by assessments by groups of experts. Objective information on the other hand is collected principally from the reporting systems used in the Court of Appeal.

The quality assessment system is planned to be rolled out over a three-year period in a way that the self-assessment survey is implemented on first year, the stakeholder survey on second year and the expert assessment on third year. A Quality working group is in place to monitor and implement the quality assessment and management work in Rovaniemi Court of Appeal. The Quality working group ensures that the self-assessment, customer and stakeholder surveys and expert assessments are implemented. It also reports from the results, monitors the changes and their effects that may occur in the court organization and drafts improvement plans based on the observations.

**Assessment**

The core idea of the Quality project was to influence the most central factor from which the quality of justice depends: the expertise of the judge. As a result of the Quality project, collaboration between the courts in the jurisdiction of the Court of Appeal of Rovaniemi has increased as well as peer-to-peer interaction between judges. This has naturally increased conversations between judges that helps to broaden horizons, maintain expertise and to

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187 Rovaniemen hovioikeuspiirin tuomioistuinten laatuhanke. Laatuhankkeen työsuunnitelma vuosille 2016-2018
advance the unity of judicial practices. By improving the expertise of the judges, the quality of judgments can also be improved.190

During the Quality project personnel’s attitudes towards change has also become more positive than before. The personnel has started to discuss more about the productivity of their work and the need for development has been assimilated. The Quality project has had the support of the judges and their utilization of the final reports have improved the unity of practices.

Overall the Quality project has been successful and it has received both national and international acknowledgments (such as in 2005 The Crystal Scales of Justice of the Council of Europe and the European Commission191). The reasons why the project has succeeded includes:

- The work has been strongly bottom-up in nature and the Judges have had autonomy to develop the project
- The quality themes have concentrated on the contents of jurisdiction
- The project has enhanced the culture of discussing and it has increased open discussions between personnel
- The personnel and other stakeholders (e.g. prosecutors, lawyers, and police) have been active in participating to the project work
- The work has been carried out systematically over a long period of time, which has make it easier to implement changes and enabled personnel to absorb and comprehend the actions made
- The quality work has been fractioned into yearly improvement themes which has made the project easier to design and enabled the large participation of personnel
- The long history of quality improvement work has created an “improvement culture” to the jurisdiction
- The project has resulted in concrete outputs (e.g. Quality indicators, manuals, guidebooks, reports) and given an example of improvement work procedures to be benchmarked and utilized in other countries and courts.192

So far, the outputs of the project (manuals, reports and guidebooks) has been somewhat utilized also outside the Rovaniemi judiciary and in other quality projects. The outputs has also been used as a material in the training of judges. However, it is acknowledged that the utilization of the output of the project in other jurisdiction should be encouraged more. Due to the differences in the operational environment of courts, the working methods and procedures of the project may be feasible source of best practices and benchmarking. There exists a certain social cohesion and sense of community in the Rovaniemi Court of Appeal jurisdiction with has been a good ground for tight co-operation in improvement. There has also been persons with enthusiasm for quality improvement to act as an engine for continuing improvement. This type of improvement culture is not directly transferable to other areas and jurisdictions. The good results and the successful approach can, however, be a rousing example for other areas to start their own sustained and participatory quality improvement projects.

190 Mäkinen, Harri. Rovaniemen hovioikeuspiirin tuomioistuinten lainkäytön laadumparannushanke.
http://www.coe.int/t/dghl/cooperation/cepej/events/EDCJ/Cristal/Cristal2005Prix_en.asp
192 Interview Antti Savela, Oulu District Court, 10.5.2017
3.2. Delay reduction projects – combining external expertise and internal participation

Delays in justice systems have been a matter of concern all over the world for a long period of time, but the reasons for delays are still little understood and proposed solutions have never kept up with the growth of the problem. The president of the European Group of Public Administration observed already in 1999 that courts in all European countries face problems of ineffectiveness and inefficiency of management, which has resulted in the courts being burdened with backlogs of work, and with cases portrayed beyond reasonable time limits. This consistent problem causes not only violations against basic human rights, but it also produces significant expenses for societies all over. Despite the widespread concern for delays in recent decades, the primarily underlying reasons for global process inefficiencies in justice systems are still quite unclear and controversial. One point is globally agreed on: much more systematic research concerning the practices of courts and new innovative solutions are needed in order to assess the potential problems and find functional development opportunities.193

In 2006, the Finnish Ministry of Justice had the idea that totally a new and fresh perspective and expertise was needed in the battle against the delays and for finding novel improvement solutions to the court system operations and processes. This idea shaped up as a judicial process improvement and delay reduction projects, which consists of three main parts. These parts are presented in figure 2 and described in more details below.194

In the projects, the court system processes are viewed and analysed with cross-scientific perspectives by melting knowledge and ideas from operations management and law. Expertise and perspectives from process improvement and operations management are exploited and combined with legal expertise in order to find applicable and systematic methods and

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procedures to improve process efficiency in justice courts. In order to do this, and improvement team consisting of both Operations Management experts and management and employees from the courts were formed.

The teams had regular workshop meetings. The improvement work in the teams was carefully planned as a systematic, logically progressive unity and project, where the external operations management experts utilized many forms of methodologies and interventions in different stages of the project. The main stages of the projects were: (i) thorough analysis and evaluation of the process and the improvement needs (e.g. numerical analysis, operational statistics, and interviews), (ii) planning the improvement initiatives (in-group workshops), (iii) implementing the improvement actions (e.g. pilot-testing, training, personal guidance), and (iv) evaluation of the improvement actions (e.g. interviews, numerical analysis, need for changes).

The projects lasted as long as 2-4 years. This thorough and time-consuming methodology was crucial for gaining commitment to the planned actions and giving the opportunity to different employee groups to participate in designing the improvement initiatives. Practically all the employees in the courts had the opportunity to be a part of the project in some way and to express their opinion, through interviews, group workshops, pilot-testing, personal guidance, etc. All the actions taken in the project were transparent to all employees during the project.

As a result of the improvement projects, the courts have new work and management procedures in use, which have had an impact on process efficiency. The new procedures include for example:

- Work planning practices applying project control approach
  - New work planning practices were developed where the more complex cases are treated as projects. The proceeding of the case is scheduled and the needed resources estimated right after case arrival, and the handling process is planned according to this scheduled date.

- Follow-up and control system using time limits for each stage of the handling process
  - An ICT-based monitoring system was built. It has time limits for every phase of the handling process and sends alerts if the case exceeds these limits. The system can be used as a tool for planning the order of work and for overall management follow-up of the situation.

- Procedures to plan and control the flow of complex cases
  - The more complex cases often get stuck in the process, and in order to avoid this, procedures to identify and highlight these cases from the mass was developed.

- Priorization rules and definite handling time objectives for different case groups.

In addition to the fact that all the reforms described above have made the control of the workflow and daily operations in the court instances easier, and more practical and timesaving, one of the biggest changes has taken place in the attitudes of the personnel towards time and delays during the projects. The handling time objectives have become an automatic part of everyday work. Time has received more attention as an important quality criterion.
Example of project results: Follow-up and control system

A follow-up and control system called the “time-frame alarm-system” was designed and implemented in the projects. The time-frame alarm-system aims to be a work planning tool and mean to equalize throughput-times and reduce the number of cases pending over 12 months.

The basic idea of the time-frame alarm-system is that the cases in danger to be delayed and lag behind need to be detected earlier, when the overall time-frame can still be reached, not only after they are already delayed or several months old and the process has not even started. With the help of the time-frame alarm-system, attention can be paid to delays happening in the early handling stages, and appropriate interventions can be made or priority given for these cases before the throughput-time builds up unreasonably.

The time-frame alarm system was designed to be three-phased, with control points with time-frames set in three different handling phases. The time-frames for these phases and the alarm-levels were designed in the way that no cases would be pending over 12 months. The alarm-system was designed on the basis of an idea from traffic signals, consisting two alarm-levels: lower alarm-level (when a case starts to draw closer to the set time-frame for the phase) and upper alarm-level (when a case has exceeded the set time-frame for the phase).

As an example, the idea of the process control points, time-frames for them and alarm-levels designed for Insurance Court is presented in figure 3 and table 7. Similar system was designed also for Helsinki Administrative Court and Supreme Administrative Court.

Figure 3: The control points, time-frames and alarm-levels set for normal and priority cases

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Table 7: Reasons for alarms and the alarm-levels

<table>
<thead>
<tr>
<th>Control point</th>
<th>Reason for alarm</th>
<th>Recipient of the alarm</th>
<th>Lower alarm-level (days pending)</th>
<th>Upper alarm-level (days pending)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control point 1</td>
<td>Referendary has not been selected for the case</td>
<td>Court Clerk</td>
<td>130 / 60</td>
<td>180 / 80</td>
</tr>
<tr>
<td>Control point 2</td>
<td>The decision draft has not been delivered to Judge division</td>
<td>Referendary</td>
<td>180 / 80</td>
<td>240 / 110</td>
</tr>
<tr>
<td>Control point 3</td>
<td>A decision has not been made for the case</td>
<td>Judge</td>
<td>270 / 120</td>
<td>360 / 150</td>
</tr>
</tbody>
</table>

The practical tool for work planning and the monitoring of pending inventories forms the alarm-system symbols and listings in the case management system. With the help of the alarm-system symbols and listings, a person can easily control his/her workload situation and plan the work according to the age of the cases. The data system also enables the managers to monitor the overall situation of pending cases and inventories easily online, as the pending case listings are available from the data system by the whole court, the departments, persons, subject groups, complexity, priorities and decision divisions.

If the pending time of a case has for some reason exceeded the set time-frames in some control point, the alarm system symbol appears in the case listing in the data system for the particular person responsible for the next advance phase in the handling. If the case has exceeded the lower alarm-level, the symbol in the listings is one exclamation mark, and if the case exceeds the upper alarm level, the symbol is three exclamations marks. As an addition to these symbols, also the whole time period of pending is updated daily to the listing. The case lists in the order of age and the exceeding of alarm-levels are the following: first are the priority cases with three exclamations marks in the order of age, then normal cases with three exclamations marks in order of age, and so on. With the help of these different symbols, it is easy to control the overall situation of different pending inventories: the exact age of cases, the number of cases over time limits, the number of priority cases, and complex cases.

An example of the basic scene in the data system is depicted in figure 4. In this example a Judge’s pending inventory listing is presented with the alarm-system symbols: age in days, exclamation marks, green diamonds for priority cases and black diamonds when the case is evaluated as complex. (All identification information of the cases has been hidden from the picture due to privacy reasons.)
Figure 4: Example of the alarm-system symbols in Judge’s pending inventory listing in the data system

Assessment

The implementation of the improvement initiatives and wide approval of them are the hardest part. The project and its stages “prepared the soil” step by step for improvement and change in the court instances. This and all the discussions held during the years helped all personnel groups to comprehend the importance of the subject at hand. On this account, the implementation of the actions was easier; majority accepted the improvement actions and valued them as sensible. This is crucial for the reforms to stay as a standard way of operations even after the outside experts leave.

Change requires the problem and implementation to be taken seriously. The use of external expertise, systematic procedures for improvement and time given for the personnel to adjust to and influence the changes really helps in achieving this. The crucial role of the top management in the adoption and implementation of change was also evident. In all projects, the court manager was an active member in the project group and in designing the improvement initiatives from start to finish; highlighting the importance of the issue and encouraging the personnel take the reforms more seriously.\footnote{Petra Pekkanen. Delay reduction in courts of justice – possibilities and challenges of process improvement in professional public organizations. Lappeenranta University of Technology. Finland. 2011.}

The slow, phased proceeding of the project was regarded as one of the crucial elements in the successfullness of the implementation. If change is wanted, a significant amount of time, constant reminding and different methods are needed. The use of outside expertise can have a positive impact on the development of new and fresh improvement solutions.\footnote{Petra Pekkanen. Delay reduction in courts of justice – possibilities and challenges of process improvement in professional public organizations. Lappeenranta University of Technology. Finland. 2011.}
3.3 Weighted caseload system

The workload and time needed to dispose of a case varies considerably between case groups and case types in courts. To manage the performance of courts effectively, it is important to know the workload that is caused by a certain type of a case and to relate it with the needed resources. Case weights recognize that different cases take different amount of time to be processed effectively. The absence of weighted caseload measures makes it difficult to measure court process performance and compare the productivity and resource utilization of different court instances. The large variations in the workload of different types of cases can cause delays and backlogs for the larger and more time-consuming judicial cases and cause additional costs arising from improperly allocated judicial resources. The weighted caseload system and scores are used only to compare and evaluate the workload between courts. The scores are not used to measure individual workload or productivity of Judges or other personnel.

In Finland, the estimation of workload of courts is measured through a weighted caseload system, which aims to make different cases comparable. The general courts have had the system in use for a longer period of time. The Administrative courts started to design their system in 2010.

System for general courts

In the system for general courts the existing case categories (coercive measures, crime, summary, civil, land court, petitionary and insolvency cases) are divided in different complexity categories based on the approximate time they require. The crime cases, large civil cases and petitionary cases are divided in three categories, which are “ordinary”, “average” and “laborious”. Insolvency cases are divided in two categories, which are “ordinary” and “average”. Coercive, land court and summary cases have only one complexity category. The court’s time monitoring system is used to calculate the average handling time of each category. In order to determine the weighted scores for each different category, the average handling times of different categories are compared to that particular courts’ handling time of an ordinary crime case which was decided to have score 1. In addition to the amount of handling time, it was decided that in estimating the workload of cases and in giving the weighted scores, the duration of the main hearing and the composition of the decision-making body should also be taken into account. This means that cases in which the decision-making body has to be enlarged, the weighted score rises 0, 5 points per each extra Judge. For cases in which the main hearing exceeds the normal time, the score rises 1 point for every full day exceeding eight hours. The courts were asked to deliver their opinion of the weighted caseload system. The majority of the statements were supporting for the weighted caseload system, and stated that it is a reasonable base for resource allocation. It was noted that there was a need for an objective and uniform system for measuring the caseload of all court organizations in allocating resources. However, there was also some critique about the lack of details and lack of consideration of the special features of different cases in the measuring system. The weighted scores for general courts are:

• Crime cases “ordinary”: 1
• Crime cases “average”: 2
• Crime cases “laborious: 6
• Civil cases “ordinary”: 2,4
• Civil cases “average”: 4,8
• Civil cases “laborious”: 9,5
• Summary cases: 0,1
• Coercive measure cases: 0,5
• Land court cases: 5,4
• Petitionary cases “ordinary”: 0,6
• Petitionary cases “average”: 1,1
• Petitionary cases “laborious”: 2,2
• Insolvency cases “ordinary”: 1,1
• Insolvency cases “average”: 2, 3.

**System for Administrative Courts**

In Administrative Courts, the designing of a weighted caseload system was started by organizing a survey among all court personnel concerning the time needed for different pre-trial actions in different types of cases. The procedural actions in the pre-trial phase were divided into the ten most important actions, for which time estimations were given. In the survey all pre-trial actions were given a time span of which the respondent was asked to choose an estimation for cases in different case groups (for example less than 15 minutes…. over 2 hours etc.). Altogether 288 representatives of the personnel replied the survey. A starting point for creating the weighted case categories was the arithmetic mean of the answers to the survey. Based on this preliminary score, different case groups were set up based on the approximate time consumption. As a result, the different case groups were divided into four categories according to their average time consumption: Category A (least time consuming), Category B (less time consuming than average), Category C (more time consuming than average), and Category D (most time consuming). The principle is that the time consumption of cases in category A and D is significantly different from the time consumption of other categories. First, preliminary scores were given to the different categories. The basis for establishing the preliminary scores was the differences of average time consumption between cases according to the survey outcomes. As an addition to the survey, the categorization and the scores were given to court representatives to be commented on in several different occasions during the planning process. Different courts gave their opinions and comments concerning the categories and the scores for the categories. This way also practical experience could be effectively used during the planning of the preliminary categories and scores. Based on the comments of the court experts, a work group representing the management teams of the pilot courts formed a consensus concerning the scores for the different categories, to be tested and implemented.

The scores for the different categories were:

• Category A: 0,3
• Category B: 1
• Category C: 2,5
• Category D: 5.

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The overall opinion of the courts is that the system is appropriate and has potential to improve the accuracy of the performance measurement and the comparison between courts. Nevertheless, the categories and scores still needed to be tested in practice in order to get information and experiences about their actual functionality.

Assessment
The applied systems have had good acceptance in the Finnish courts, even though it is acknowledged that the appropriateness of the case categories and scores need to be constantly updated based on practical experiences.204 It can be said that, due to the large variations in the time consumption of different cases, even a rough and approximate weighted caseload system is better than not weighting the cases at all.

It is important that practitioners are involved in the designing of the system, and that opportunities to give guidelines and feedback are provided throughout the designing process. This will improve the system and the approval of it.205

The weighted caseload system helps performance management in courts by providing data that are more accurate for goal setting and resource allocation. The weighted caseload system gives new opportunities to analyse the court’s productivity and backlog situation in closer details. Especially it provides opportunities to compare the productivity and resource utilization of different courts more reliably and detailed. Some amount of the productivity differences in courts can be explained by the different case structures and thus different time consumption.206

There still remain differences in the court productivity that cannot be explained by the case structure. The system cannot take into account all differences in the case requirements. The criticisms towards the system is mostly connected to the lack of details to accurately provide information to evaluate the differences between courts. It has been emphasized that the system can be used as a guideline in allocating resources, but the court specific situations need to be flexible taken into account.207 208

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