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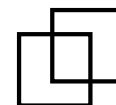
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Project

Preparation of a comprehensive system for data
collection and processing for the generation of
judicial system statistics and indicators





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This study offers a set of indicators that can be used for a variety of ends, from evaluating accountability to improving management of any justice sector unit. The indicators are presented according to key areas of justice such as judicial independence, case duration, efficiency, and quality of justice service. A list of general indicators that are common to the entire sector are offered, followed by more detailed information on each component, such as criminal justice and private law practice. It is highly unlikely that any one judicial system has applied all of the indicators mentioned in this document; at least, we have yet to discover one. We have, however, included all known indicators that we believe may be useful, and which are justified in terms of their cost. The resources that a system must spend in order to gather the required input is an important issue, and it is important to note that in some cases the processes involved in obtaining the required data are very expensive. This makes it quite unlikely that certain indicators will be used, especially in countries that are still struggling to meet the basic needs of their citizens. Thus, the report also offers a reduced set of indicators that require less information and financial outlay and are therefore more likely to be used.

Throughout the document the authors provide examples of how indicators have been used in different countries; these illustrations show us how to make the best use of these tools and warn against certain dangers associated with inexperienced or biased definitions or uses. There is a section on general criteria for generating and using indicators, and notes on areas that require special attention; for example, dealing with the unwillingness of some judicial sector actors to provide information. Despite the degree of detail provided on the various topics, the authors warn that the information herein should always be used as a guideline or frame of reference that must be adjusted to the characteristics of each country or geographic area, and to specific circumstances. This is especially true where there are factors that affect the development of information systems and availability of data. In addition, and most importantly, those using these indicators must consider how the data will be used—whether for internal management of a service, for accountability, or as general information. An important part of our effort consists of systematizing sets of indicators proposed by a wide range of (mostly public) entities, and incorporating the efforts of those who have gone before us in this field. This process offers scant opportunities for innovation and is one in which we all learn from each other, and the reader should not expect a highly original document. Indeed, innovation is more likely in the use of the indicators and their outcomes, a task that falls to those responsible for the justice sector, and not to academics.



1. Introduction







The mention of indicators tends to provoke a feeling of apathy, as it seems that almost everything important has already been said and new texts are simply compilations of what others have said on the same topic with no added value. Certainly, this report and the proposal that accompanies it are guilty of this to some extent. We will try to bear this in mind while presenting what others have said, offering our opinions as appropriate and, where necessary, suggest changes.² The first time one of the authors approached this field was in 1988, when the topic was practically deserted and frequently the object of fiery attacks (see Pastor 1989). The improvements that have been made since have been truly dramatic. Today, the vast majority—though there are still exceptions—believe that justice is a public service and that as such its performance must be evaluated. In this evaluation process the importance of information systems and indicators in particular has grown, though the role of the latter continues to be more theoretical than practical: few justice systems evaluate themselves or are subject to external evaluations using indicators whose value has been determined through a broad-based consensus process.

This report contains a proposal for judicial indicators that can be used throughout the Americas (and beyond). The study's aim is similar to that which motivated us to create Volume I of *Coding and Decoding* for JSCA (2003) and constitutes a continuation of that effort. As we noted in that document, there is a lack of systematic assessments that would allow us to precisely measure the changes that have come about as a result of the judicial reforms processes. Indeed, one of the reasons the reforms have not been adequately evaluated is precisely that the information needed to carry out these evaluations is lacking. In order to remedy this problem, JSCA proposed a systematic program to improve judicial information in the region, whose first project was the above mentioned manual, and expressed its desire to advance towards

extending judicial performance indicators.

Reach

This report offers a broad set of indicators for a large number of justice sector components but does not present all indicators or cover all components.³ We chose to begin with a general view and move towards the specific, that is, providing indicators for judicial bodies and then offering specific indicators for other bodies to avoid needless repetition. We attempted to cover as many aspects of the topic as possible, but did not intend to include all indicators, limiting this report to those indicators we feel are important. We chose this strategy in order to avoid the relatively sterile and excessively routine presentation of “all” possible indicators. We believe that it is essential for those building and using indicators in each country, department or organization to “breathe life” into them by making the appropriate adjustments based on their own priorities and reality.

Flexibility and breadth of this proposal

The indicators proposed herein allow for measuring the different social groups' relationships to the judicial system. This involves breaking down each indicator by the groups to be included. For example, if the goal is to assess the degree of confidence in the judicial system held by the poor and marginalized groups or those facing discrimination, the information source (whether judicial statistic or poll) should disaggregate the data relative to income level or another parameter that allows for defining economic status, gender, race, ethnicity, demographic group (urban or rural) or other significant characteristic. In contrast to other proposals for indicators, this document presents a list that does not specify the effects on subgroups within the population such as the poor or those at a disadvantage in the criminal justice system, though this does not mean that it cannot be used to request more specific information if it is so desired. In this sense we can also say that this proposal is broader than those that

¹ We would like to thank Marisa Ramos for giving us access to the draft of the study that she is carrying out with her colleagues at the Universidad de Salamanca (Ramos, M.L. *et al.*, 2004), which is amply cited throughout this document; to JSCA for the initiative; and to Rogelio Biazzi for his splendid work as a research assistant. Some ideas for this document emerged from the Vera Institute's magnificent report, which was generated for a World Bank-promoted March 2004 workshop, which was coordinated by Richard Messick.

² The existing profusion of publications often makes it difficult to identify which are original and which are derivative.

³ The proposals made regarding private law practice are of lesser reach, mainly because the quality of service is market-dependent.

have been published to date, which will be cited throughout this document.

Motivation for this project

As with any public service, the justice system needs an information system in order to constantly monitor its condition and development. Judicial statistics and indicators form part of that system, and give us a clearer vision of the present situation and how it is evolving. They also permit us to diagnose, program, and execute measures and make more accurate assessments.

Note on the body of work upon which this report was based and to which it hopes to contribute

The literature on this topic is already voluminous. The topic of indicators was popular in the 1980's, and the academic world focused on development of statistical approaches that maximize its potential. One of the most important of these developments has been the application of data envelope analysis in the public sector. Though it is a latecomer to the justice sector, we are currently witnessing its rapid growth in some areas (and at the same time a little confusion).

In the areas most directly related to this report, the closest reference point is Volume I of *Coding and Decoding*. Another very interesting document is the Vera Institute of Justice Report (2003), which presents a set of

indicators that may be used to evaluate mainly criminal justice. The Vera report is a careful and methodologically accurate proposal, though in our view its main problem lies in the enormous amount of resources required to produce such indicators, for the most part because the information is generated ad hoc and addresses perceptions. A seminal document in this field is the National Center for State Courts' *Trial Court Performance Standards* (1995), which provides material on performance standards in the U.S. and a set of indicators designed to demonstrate whether or not judicial bodies meet established standards. The report is organized around 22 standards grouped into 5 areas (access to justice, case duration, equality, equity and integrity, independence and accountability, and public confidence). In addition, Ramos *et.al.* (2004) present numerous indicators for justice system analysis and assessment, while Garavano et al (2000) systematize a broad set of indicators for Argentina.

Contini (ed., 2000) sets out other types of indicators in a document designed to facilitate comparisons among European countries. In an analogous sense, the European Commission is making an effort to gather basic information from each member country that allows it. In addition to comparing the countries this will serve as a reference on their intentions regarding self-evaluation (see European Commission, 2004).⁴

⁴ This project was generated by CEPEJ in order to offer countries and international institutions a tool for comparing the main aspects of judicial systems and objectively evaluating their performance. In early 2004 the outline was submitted to the Ministers of Justice of 45 member states so that they could gather the information requested. The data is currently being analyzed and the results presented by some countries are being discussed. It is anticipated that the first general evaluation report will be available at the end of this year. The information will be reviewed by the Ministers of Justice and their statistics services on a yearly basis. The outline gathers qualitative and quantitative information on the different aspects of national judicial systems such as general information, access to justice, performance of the courts and efficiency of justice, uses of new information technologies, justice and procedural equity, judging personnel and prosecutors, law professionals and the execution of judicial sentences. A complementary document entitled *Explanatory Note* offers a list of the meanings of the terms and expressions used and clarifies some of the questions formulated in the outline. The following is a basic list of the information referred to in the document:

General information: population, public spending, average yearly gross income.

Access to justice and the courts: a) The public legal aid system, judicial fees, assurance of legal aid, cost of justice for users; b) Court users and victims: access to information on services and the treatment given to complaints, existence of public funds to compensate victims, implementation of polls of users and professions on confidence in justice and the level of satisfaction with the service, procedures for registering complaints.

Performance of the courts and efficiency of justice: Performance: number of jurisdictional agencies, human resources and budget; b) Efficiency: movement of criminal, civil, administrative and labor cases.

Use of new information technologies in the courts: budget dedicated to new technologies, computer equipment, judicial statistics system, communication channels for users, electronic procedures.

Just or equitable procedures: right to request the assistance of an interpreter, opportunity to appeal to superior courts, justification of sentences, duration of procedures, waiting time for court users.

Judges: Compensation, incompatibilities for performing other functions, recruiting and appointment system, education and training, supervision and oversight, disciplinary procedures, disciplines applied.

Prosecutors: Budget, human resources, salaries, incompatibilities for performing other duties, recruiting and appointment system, education and training programs, disciplinary procedures, disciplines applied.

Attorneys: Number of practicing attorneys, associations, existence of quality standards for professional services, opportunity to bring disciplinary charges against attorneys, disciplines applied.

Mediators and mediation processes: number of accredited or registered mediators, amount of public budget dedicated for mediation, case movement.

Execution of sentences and executors: number and type of executors, supervision and oversight of their activities, disciplinary procedures, disciplines applied.



Indicators can also be used to adopt specific plans or measures. For example, indicators have been developed in Spain in order to measure performance in judicial activity and establish a series of incentives, both monetary and other (see Fernández Martín, 2004).⁵ Each country's justice system gathers a set of indicators, which vary in their level of development and sophistication, which allows those responsible to evaluate their situation and account for the work carried out during a given period; one example of this is the set of indicators featured in annual accounting reports.

Structure of the Document

Section 2 provides a brief description of the indicators and their basic uses. Section 3 proposes a set of general or common indicators for the justice sector in 12 different areas, ranging from judicial independence to accountability. Section 4 offers more specific analyses of the indicators as applied to criminal justice. Section 5 does the same for other jurisdictions and ambits. Section 6 illustrates the use of management indicators in measuring judges' performance. Finally, Section 7 presents a proposal for a basic set of indicators that are easy to use, though they require some familiarity with the topic. The Appendices include a list of documents and databases designed by government agencies in Europe and Latin America and multilateral and non-governmental organizations that allow the reader to appreciate the uses of different types of indicators.

⁵ This is a paper presented by a member of the *Consejo General de Poder Judicial*, which promoted this initiative. The document presents a set of indicators that the institution is developing in order to evaluate judges' performance. They are both quantitative and qualitative and are designed to improve on the current module system, which basically measure the number of sentences with a productivist criterion. The main indicators are: 1) Effectiveness: volume of judicial work (number of sentences dictated) and complexity of cases; 2) Quality: promotion of execution of sentences and meeting of procedural deadlines; 3) Agility: facilitating accumulations when they possible given the facts of the case and the law, promoting judicial mediation, use of new technologies; 4) Updating of knowledge (training imparted by the judge) and teaching activities; 5) Dedication: placing value on extra effort, valuing time spent on management or organizational duties that lead to improvements in the system. The author also proposes global and specific corrective measures such as the opportunity to communicate problems to the staff (lack of personnel, responsibility of civil registry, etc). More detailed information on this proposal is provided later in this report.



2. Uses, Types, and Guidelines







2.1. What are Indicators and Why are They Used?

What are indicators?

Indicators are measuring tools that increase understanding of a given situation and allow us to determine whether or not (and how effectively) progress is being made towards a specific objective in any sphere, public or private, with a greater or lesser degree of detail and scope.⁶ It is a fact or piece of data that provides information on something in nature (for example, the temperature) or the community (such as the birth rate). The most common forms of indicators are statistics, numbers, percentages, and rates.

Why are they used?

Indicators are used to gather information. The data they provide allows one to gain more precise knowledge of the nature of problems; they help formulate, adopt, follow-up on, and evaluate the results of well-founded proposals. In other words, they allow us to familiarize ourselves with a situation (diagnose), plan, follow-up, and evaluate any change in an organization or system. The uses of indicators vary widely and will depend on the type of user and the aim that the user wishes to achieve. In the case of those responsible for a multi-level public service, they facilitate the detection of malfunctions and identify the type and seriousness of those errors; they allow for setting regular goals to direct the organization's activity and measure their effectiveness and cost.

Indicators were first used in the private sector and initially defined, implemented, and used in the public sector in the areas of health and education, where they are seen as indispensable. Our indicators are designed to be used to meet the different aims of those responsible for the justice system and judicial policy, those who work in that system as judicial operators and participants, the general

public. Until now the use of indicators in the judicial sector has been limited, though recently they have been used to oversee the performance of the judiciary, judicial staff, the public prosecutor's office, the public defender's office, and private attorneys, individually or collectively.

Range of uses and users

These indicators will be used by different groups and individuals, ranging from those responsible for providing a given service to the clients themselves and all of those involved in making the service possible. Each of these parties is interested in specific aspects that do not necessarily coincide. Any type of user may also have a different focus or range of interests that may vary over time. For example, Supreme Courts may be interested in developing a system of indicators to measure the performance of judges or other staff as well as more general indicators that can be used to generate an annual report for other government agencies and the general public.

2.2. Types of Indicators and Sources

Existing types of indicators

There are many types of indicators. To begin with, indicators vary depending on their intended use. There are indicators that can be used to measure practically everything, from the activity of private companies to public hospital services, to mention just two areas.

International indicators

International cooperation agencies use indicators to measure the effectiveness of their programs. For example, the OECD is working to establish indicators with this goal in mind. *Guidelines for the Use of Indicators in Country Performance Assessment* (European Commission, DG Development, 2002) provides another example from the European Union. The UNDP, the World

⁶ Definition from the *Handbook of Democracy and Governance Program Indicators* (Washington, DC: U.S. Agency for International Development, 1998). The OECD defines them as a valid and direct statistical measure that monitors levels and changes over time of basic social issues (*Measuring Social Well-Being: A Progress Report on the Development of Social Indicators*, Paris: OECD, 1976.) The World Bank defines them as information that can be used to evaluate performance and help plan for the future. See *Judicial Sector Indicators* (JSI), World Bank Information System. These definitions were provided by the Vera Institute of Justice (2003).



Bank, and the Inter-American Development Bank have designed similar indicators in order to evaluate their ratings of the countries that take part in their programs (as recipients, donors, etc.). Some of these sets of indicators can be used to carry out international comparisons of good governance and include points that allow for the gathering of information on justice or the rule of law. However, their perspective is so broad that their usefulness is limited when it comes to evaluating specific sectors, and even more so when evaluating

different areas within those sectors. These indexes, which numbered six in the latest versions, combine hundreds of variables obtained from 25 sources including interviews and polls.⁷

Inputs, products, results, impact

Indicators are frequently classified according to whether or not they refer to inputs, products, results, or effects/impact.



Input indicators measure the quantity and quality of resources allocated to a task, such as the amount of money assigned to the justice sector with respect to GDP. Product indicators measure the immediate result produced by the inputs, such as the number of sentences handed down by commercial courts or the nature of those sentences. Result indicators measure the effects of a project or program, or compare those effects among sets of beneficiaries. For example, a result indicator might generate data on changes in the number of people who have access to justice. Impact indicators have a greater reach and refer to the consequences of these measures, such as a reduction in criminality. The lines separating different types of indicators may be blurred at times.

The following list presents other types of indicators and ways of classifying them, though the reader should note that it is not the authors' intention to present all possible indicators:

- *Institutional indicators (qualitative, objective).* Based on legislation, jurisprudence, official documents, expert judgment and analysis, and other secondary sources.

Are judgeships awarded through discretionary appointments or merit-based competitions?

Is there a statute that provides sufficient protection for judges' rights and irremovability?
Are salaries sufficient to live in a dignified manner?

- *Statistical indicators and administrative data (quantitative, objective).* Based on statistics (judicial and other) and administrative data. Examples:

Percentage of GDP spent on justice
Percentage of total fiscal budget allocated to the justice sector
Number of judges per 100,000 inhabitants

- *Perception-based indicators (qualitative, subjective).* Obtained through interviews, polls, focus groups, and similar tools. Example:

Have you been asked to grant a favor to any member of the government in the past three years?

- *Indicators that reveal how much progress has been made towards meeting a stated goal.*

⁷ These include voice and accountability, political stability, effectiveness of government, quality of regulation, rule of law, and control of corruption. World Bank. *Governance Matters III: Governance Indicators for 1996-2002*.

- *Benchmarks*, which compare the results of one sector with those of another, such as the justice sector with health or education; an alternate comparative approach relates the results obtained by some agencies (or part of a sector) with those obtained by another, considered to be one of the best in the same sector. This may be applied within a single country or among similar sectors in different countries.
- *Indicators that reveal immediate, intermediate, and final milestones*, which measure the progress made towards meeting each goal.
- *Baseline indicators*, which define the point of departure in any area of interest (see IDG/BDP/ UNDP, 2002).
- It is also feasible to organize indicators as strategic, intermediate or as defining actions.

Indicator Format. Values and Variations

Quantitative indicators, both objective and subjective, usually take the form of conventional statistics such as a number, average, standard deviation, median and upper and lower percentiles (25th and 75th), and range (difference between the highest and lowest values). The most frequently used form of presenting qualitative indicators –binary categorical data or other categories, or indexes (for example, judicial confidence measured on a scale of 1 to 5)- is the number of observations and distribution of frequencies. Indicators are often expressed in terms of percentage variations; for example, an indicator defined as the “variation of average duration of small claims procedures” is obtained as follows: If the average duration increased from 8 months last year to 10 months this year, we could say that there has been a 25% rise as compared to last year ($= (10-8)/8 = 1/4 = 0.25$, or 25%).

Indicators Based on Perceptions and Opinions: Available Tools

- Direct observation (participatory or non participatory)
- Interviews with court personnel, public figures, victims, etc. (structured or unstructured)
- Focus groups
- Expert panels
- Delphi systems
- Polls, which can be quite varied in nature. For example, there are public opinion polls, expert user polls (attorneys, legal representatives, prosecutors, external observers such as risk rating agencies, etc.), inexpert user polls, exit polls, and polls of producers (judges, prosecutors, court personnel, etc.).⁸
- Expert user polls (attorneys, prosecutors, attorneys general)
- Non-expert user polls
- Exit polls
- Polls among producers (judges, court staff)

Sources

The following is a list of the most frequently used sources of information for generating indicators: (1) Analysis of administrative or judicial files. (2) Judicial statistics (including the courts in the strict sense, public prosecutor’s office, the police, prisons, public defender’s offices and private attorneys, victims, tax inspectors, and user organizations, such as consumers’ associations and other NGOs). (3) Narrative or descriptive reports or documents of every type, such as minutes of meetings, news reports, reports from oversight organizations, and previous analyses (4) Official registries kept by the agency in charge. (5) Analysis of norms. (6) Analysis of jurisprudence. (7) Non-judicial statistics. (8) Direct observation, whether participatory or non-participatory (for example, of trials or other acts). (9) Analysis of the vision of the sector as reflected in the media. (10) Topical research. (11) Sources aimed at identifying perceptions and opinions, mainly through interviews and polls.

⁸ An example of this technique is the evaluation of experts carried out by Humana on the level of independence of 104 countries on a scale from 1 to 4. Other evaluations of this type include those carried out by the International Country Risk Guide (ICRG «law and order tradition»), Business Risk Service (BRS) on effectiveness of contracts, the poll carried out in Eastern Europe by Freedom House’s Nation’s in Transit, some of the data collected by the World Bank that tends to include the division of risk by country, etc.



2.3. Guidelines for Creating a System of Indicators

Guidelines

It is common to require that indicators be reliable, specific, measurable, apt for supervision and control, comparable, cost effective, easy to apply, and easy to understand (in a similar sense, IDG/BDP/UNDP, 2002). Experts prefer more precise indicators, those that verify changes, and those that are easier to obtain and interpret (ideally those that everyone can understand).

It is also advisable to follow the following guidelines:⁹ (1) Begin with the result and not the indicator. (2) Use a wide range of indicators to ensure that they are balanced. (3) Verify the sensitivity of the indicator in regard to expected or unexpected changes. (4) Define indicators that are appropriate for the ends in question; for example, in order to determine the justice sector's impact on weak or at risk groups. (5) Keep in mind that indicators represent a framework of incentives and that they may lead to intended and unintended results. (6) Be efficient by seeking out the best indicators (those which offer more information) at the lowest possible cost. (7) Generate confidence in the

indicators on the part of all stakeholders, particularly those who obtaining the information or generating indicators, and those who receive the information. Attempt to ensure that the indicators provide tangible benefits to recipients. Experience indicates that judges, prosecutors, those responsible for court offices, and those responsible for information systems are particularly important in this regard.

What requirements must be met for the implementation and appropriate use of indicators?

The main requirement is a good information system. In regard to use, the process must also involve a core team of people who are focused on this issue and who have specific knowledge of the processes of obtaining and using data.

Indicators should allow us to measure important dimensions or attributes of the justice sector

Indicators should allow us to measure levels or situational changes in the attributes that define a good justice system. We feel that the following list contains the main areas about which information should be collected and indicators should be generated.

| | | |
|-------------------------------|--------------------------------------|--------------------------------|
| Independence and impartiality | Access, understanding, and legal aid | Quality |
| Equality | Efficiency in supply and demand | Judicial security |
| Competence | Absence of delays | Responsibility, accountability |
| Transparency | Effectiveness | Legitimacy, reliability |

In addition to meeting other central aims, this list allows us to avoid conceptual confusion so that we are clear that efficiency is not the same as delay, and that quality is not the same as effectiveness (see Pastor, 2004). As is surely obvious to the reader, these characteristics are predictable in the courts, though not all of them can be required of other justice sector components. For example, they cannot generally be required of those who work in private law practices.

Indicators should allow us to be familiar with the nature of the demand for judicial services

Specifically, the most important issue for us is that indicators should tell us who the users are, in a generally manner or through comparisons over space, time or among judicial bodies. The analysis of the demand (users and reasons why they turn to the justice system) is important because it allows us to ascertain whether or not this is the best way to resolve the cases as well as the nature of the logic of those cases. Some studies also

⁹ An example can be found in Vera Institute of Justice, 2003: 16-17.



demonstrate that nearly half of the cases that go to civil courts involve a claim that fails to cover even one third of the social costs associated with the resolution of the dispute (see Rosales and Pastor, 2004). In other cases, the users of certain types of courts are not exactly the types of users that those spaces were designed to attend.¹⁰

They should facilitate the evaluation of changes in public policy and legislation

There is a need to gather information that will allow us to see whether or not and to what degree the objectives that have been developed are being met; for example, the real effects on access to justice for the poor leads to the creation of agencies designed to help members of that population.

Indicators require interpretation, good judgment, and analysis

Evaluation of any area of the judicial system requires the application of a combination of indicators. Indicators say little on their own and, worse than not making sense, may convey a distorted impression. The role of the interpreter is key, as is that of good judgment. The ideal situation is, as always, establishing a framework to analyze the role of justice and looking at the degree to which the various indicators help us to understand the real situation.

When possible, indicators should be complete. In other words, they should address every component of the justice sector

This is true not only because each component is important, but because the functioning of each component is also explained by the others. For example, the inability of the public prosecutor's office or private attorneys to coordinate speedy trials, this will most likely affect court performance and operation. In the following list the term

“courts” refers to any type of judicial body, whether unipersonal or collegiate, first instance, second instance or superior. We basically refer to the following groups of agencies:

- Civil courts (including small claims and commercial law courts)
- Family courts (includes non-criminal cases involving minors)
- Criminal courts (includes prison oversight cases)
 - Police
 - Public Prosecutor's Office
 - Courts
 - Prisons
 - Non-custodial Sentences
 - Criminal Public Defender's Office
 - Private Attorneys
 - Victims
- Contentious Justice
 - Inspection agencies (in the broad sense; for example, this includes all types of agencies, including tax inspection, traffic inspection, consumer inspection, etc.) and administrative complaints
 - Agencies involved previous to the contentious phase (such as tax cases or cases involving free competition) and complaints from that phase
 - Courts
- Labor Justice
 - Inspection agencies for labor and administrative issues
 - Agencies involved previous to the contentious phase (for example, attempts at conciliation or agreements between parties) and complaints from that phase
 - Courts
- Constitutional Justice
- Private Law Practice

¹⁰ In the 1990s Brazil created small claims courts for civil matters (*juizados especiais cíveis*) which, among other things, were exempt from all types of fees. They were located close to the criminal courts (*juizado especiais criminais*) in order to facilitate access to justice in the poorest neighborhoods. It would seem that the demand in those civil courts is generally a result of cases involving businesses, for whom it was a cheap mechanism using the judicial system to recover monies owed to them. As the evaluation of the work of these agencies was carried out using information on cases filed, disposed and pending and on duration, it took years for this situation to become clear. (Cited in Vera 2004).



The debate over “traditional” and “new” indicators

The most frequently used traditional indicators for judicial bodies are the number of cases filed, resolved, and pending; duration estimated on the basis of the rate of cases pending. This information is structured by procedure, area or type of defense or judicial agency in the implementation of comparisons over time and among agencies in order to identify trends, patterns of behavior, and outcomes. In contrast, the “new” indicators, which are defined as those that are based on polls, interviews, and similar mechanisms, would be applied to almost every aspect of the justice sector. (This position is expressed, for example, in the 2003 Vera Institute report.) Some criticize this practice stating that the indicators do not reveal a great deal about the experience or quality of justice and hardly offer a guide for those responsible for justice. As we see it, underestimating the importance of these indicators—which, like all others, require analysis—is a serious mistake. They are extremely valuable if analyzed correctly, much more accessible than those that are based on polls (which is not a trivial matter for countries with limited resources), and the reality in most countries across the globe (developed nations included) is that not even this type of data is collected, with adequate use even less prevalent.¹¹

Keys of political economy

Justice sector actors’ resistance to the gathering of information and use of indicators is one of the most serious problems observed in this system. The majority of those responsible for administering justice and operating the system react negatively to the idea of providing information on their activities, even though almost all of them would like to know more about the situations of other actors. For example, attorneys are interested in knowing how long cases last, while in principle judges do not take kindly to this idea. It is dramatic that those at the pinnacle of this sector manifest opposition and resistance—sometimes to Numantian degrees—to the idea of information collection so frequently because, as some of them have said, “this harms us... it will be used against us....” As we understand it, the following

strategies may help to palliate the problem. The first and certainly the most unpopular is the imperative route; just as it is not acceptable to fail to carry out the tasks one is paid to do, one cannot refuse to comply with an obligation to provide information about what one does, how much one does, and when and why one does it (obviously leaving aside strictly private aspects). One approach to ensuring that this requirement is met is passing laws mandating this practice and the development of effective mechanisms for ensuring it is respected. The second approach is to work with the individuals who will provide the information in order to demonstrate the usefulness of the exercise and focus it on the data that will be useful to them. Once obtained, it is easy to make the information generally accessible at some point, and others may be encouraged to follow this positive example. Obviously, the less responsible a judicial branch is, the more opaque the information will be. The third approach, and one that is currently being applied, consists of linking the creation of the information system to a cooperation project or international loan; this route could also be used to approve an eventual increase in budgetary endowments for justice in each country’s parliament.

Precautions regarding the use of indicators and the incentives that they generate

The use of indicators inspires changes in organizations’ individual and collective incentive systems. It is very important to anticipate foreseeable changes and to follow-up on the changes implemented in each case. For example, one effect of Spain’s 2003 differentiated reward system initiative (which used monetary and other types of rewards), which aimed to introduce performance assessment systems for judges, is that files that had accumulated in the past no longer did so (the number of files tends to be used as an indicator of performance) and that cases formerly decided by a writ (a simpler and speedier procedure) began to be resolved through sentences, which were weighted more positively for performance. One illustration of the use of indicators for management activity, in this case human resources, is presented in one of the later sections of this manual.

¹¹ For example, the 2003 Vera Institute report cites the Russian experience as an example. There the Supreme Court’s Department of Statistics gathers statistical information on the quality of justice (*kachestvo pravosudiiia*) every six months and at the end of each year in the 89 regions of the Russian federation. This indicator is measured by the percentage of sentences that passed the legal time limit and the reversal rate (see Vera Institute, 2004, Section 10). We feel that this criticism is out of focus. It is true that the confusion of concepts is a common problem that requires that we take apart all of the differences among them as much as possible, and that it is an error to take as indicators of quality of justice issues related to a perfectly clear and differentiated concept like duration, as the above-mentioned department in Russia does. However, stating that these indicators are poor mechanisms for approaching quality and equality is not logical because they are not designed to measure those aspects of justice but instead to evaluate workload, production, and the rate of cases pending. On the use of the reversal rate, we suggest that the reader review our comments further on in this document on how to measure quality.

3. Common Aspects of Justice







Format

Many of the indicators that we present appear in the form of ratios but could be easily reformulated as changes or variations (percentages) with respect to preceding periods (year, semester, quarter) in order to reflect the dynamic of the situations. In the interests of brevity, the term “variation” is not repeated. In the case of monetary data, values may sometimes be expressed in real terms to avoid inflationary distortion; for example, if one states that the increase in budgetary resources for a country’s justice system was 30% over five years, and the annual rate of inflation was 10%, the data may be misleading unless the second piece of information is included. One may also disaggregate the effects into population subgroups, which merely involves seeking out sources that present the information in terms of those groups. Thus, categories may be included in order to refer to different groups on the basis of income, location (urban or rural, community or residential area, department, circuit or province), gender, ethnicity, minority status, age, etc.

3.1. Resources and Level of Use

The lack of financial, human, and material resources tends to be used as a justification for a lack of productivity or delay in the processing of cases or in their resolution. While these observations are quite true in many cases, it is important that they be made on the basis of objective factors. In order to do this one must gather detailed information on the staff levels of judicial bodies, public prosecutor’s offices, public defender’s offices, the police, the penitentiary system, victims’ assistance services, etc. and adopt a set of indicators that will allow for evaluating whether or not the available resources are sufficient to guarantee judicial protection, if their distribution is evenly spread out among various agencies, if they meet the demand for judicial protection, if staff levels are similar in other countries, etc. The information gathered by the indicators can be used to evaluate the efficiency and public cost of judicial protection.

Three groups of indicators are proposed. Some allow researchers to evaluate justice sector revenue and expenditures compared to other sectors, regions or countries;¹² others are related to human resources, the redistribution, and compensation for their work; and the remaining set allows us to evaluate the appropriateness and sufficiency of material resources, particularly compared to the distribution of demand, delay and congestion.

Judicial Bodies. Budgetary Resources

| Indicators | Sources |
|---|---|
| Percentage of GDP spent on justice | Administrative data. Judicial statistics Fiscal budgets and reports on their execution |
| Percentage of total public spending allocated to the justice system | Administrative data. Judicial statistics Government budgets and reports on spending |
| Percentage of expenditures used for staff salaries (in budgetary language, Chapter I) | Administrative data. Judicial statistics |
| Percentage of expenditures used to purchase goods and services (Chapter II) | Administrative data. Judicial statistics |
| Percentage of expenditures used for investments (Chapter IV) | Administrative data. Judicial statistics |

¹² In general the data and indicators related to financial, material, and human resources for justice administration are periodically presented in annual judicial statistics reports or the reports published by agencies governing the judicial branch (see Appendix I). Special attention should be paid to the comparative work on justice budgets and human resources that cover regions or countries, such as those carried out by the World Bank (see *Worldwide Legal and Judicial Indicators*) or JSCA (see *Report on Judicial Systems in the Americas, 2002-2003*). For information on European countries, see the *European Database on Judicial Systems* (Contini, 2000). On judicial budgets, see the comparative study directed by Douat, E. (2001), which covers Germany, Belgium, Spain, France, Italy, and the United Kingdom.

| | |
|---|--|
| Spending per inhabitant | Administrative data. Judicial statistics. Population statistics |
| Percentage of revenue from fees as compared to overall budget | Administrative data. Judicial statistics |
| Percentage of income from fines as compared to overall budget | Administrative data. Judicial statistics |
| Percentage of income from other sources as compared to overall budget ¹³ | Administrative data. Judicial statistics |

Judicial Bodies. Human Resources

| Indicators | Sources |
|--|---|
| Judges per 100,000 inhabitants | Administrative data. Judicial statistics Population statistics |
| Distribution of number of judges by type of body, subject matter and region; evolution | Administrative data. Judicial statistics |
| Percentage of judges who are women ¹⁴ | Administrative data. Judicial statistics |
| Judicial support staff per 100,000 inhabitants | Administrative data. Judicial statistics |
| Percentage of support staff who are women | Administrative data. Judicial statistics |
| Number of support staff per judge | Administrative data. Judicial statistics |

Judicial Bodies. Compensation

| Indicators | Sources |
|---|--|
| Average salary of an entry-level judge (court of appeal; Supreme Court justice) | Administrative data. Judicial statistics |
| Average salary of a judge who serves in a court of appeal compared to per capita income | Administrative data. Judicial statistics |

Judicial Bodies. Building Infrastructure¹⁵

| Indicators | Sources |
|---|--|
| Average surface area per judge | Administrative data. Judicial statistics |
| Average surface area compared to number of judicial staff | Administrative data. Judicial statistics |

¹³ Most countries have fairly detailed information on judicial budgets and spending; the same can not be said for revenue. One of the few examples that we found are Brazil's *Estatísticas da Justiça Federal*.

¹⁴ Unfortunately, information on gender (distribution by sex) of the judiciary is not generally included in official statistical publications, and it is difficult to find information broken down by ethnicity or race in spite of the importance of this information for the study of access to judicial appointments for women and traditionally marginalized groups. For examples of gender distribution in justice sector human resources, see the *Supremo Tribunal Federal de Brasil* database (*Banco Nacional de Dados do Poder Judiciário*) and the United Kingdom's judicial statistics (Department for Constitutional Affairs (DCA). *Judicial Statistics. Annual Report*, 2002.), which also provide information on racial distribution (DCA, *Ethnic Minorities in the Judiciary*).

¹⁵ Nor is there abundant official quantitative information on material resources (especially on buildings, computer systems, computerized management systems, libraries, and available information resources, etc.). We can, however, cite a few publications on this topic. The *Ministerio de Justicia de Chile (Una nueva justicia para Chile. Nuevos actores)* presents a breakdown of the investments made as part of the criminal justice reform, as well as data on existing computer systems and changes made in infrastructure. Belgian statistics from the *Service Public Fédéral Justice (Justice en Chiffres, 2003)* present information such as available computer materials.



Judicial Bodies. Technology¹⁶

| Indicators | Sources |
|--|--|
| Percentage of judicial bodies with a computerized case management system | Administrative data. Judicial statistics |
| Number of email accounts per court | Administrative data. Judicial statistics |
| Percentage of judicial bodies with full computer resources | Administrative data. Judicial statistics |

Judicial Bodies. Organization

| Indicators | Sources |
|---|--|
| Percentage of judicial bodies that share services | Administrative data. Judicial statistics |

Judicial Bodies. Mode of Service Offered

| Indicators | Sources |
|---|--|
| Number of days dedicated to hearings and percentage of business days that this represents | Administrative data. Judicial statistics |

Judicial Bodies. Use of Human Resources

| Indicators | Sources |
|--|--|
| Number of days the judge was absent from the court as a number and percentage of business days per year that this represents | Administrative data. Judicial statistics |
| Number of days administrative staff was absent from the court percentage of business days per year that this represents | Administrative data. Judicial statistics |

¹⁶ These indicators also refer to the availability of technology that can be used for videoconferences, remote consultations of files by parties and their legal representatives, and electronic communications and notifications.

3.2. Independence and Impartiality

Independence is an attribute of the judicial function (which is why it is sometimes called functional independence) that implies the absence of interference from other public branches (including the public prosecutor’s office and bar associations), pressure or interest groups (including the media), and hierarchical superiors. Partiality is a manifestation of a lack of independence, which leads to intentional biases that favor one party over another. Although independence seems to overlap with impartiality to a large degree –as the policies designed to correct the problem would- it is really a matter of individual profiles. Most likely, a dependent judicial branch will be easier prey for partiality and vice versa, but attacks on independence rarely affect parts of the system—such as the Supreme Court or one of its Chambers (Criminal or Constitutional)—without this leading to manifestations of partiality in the rest of the judicial system. When this interference leads to modifications in judges’ rulings or behavior, the criticism that the judicial branch is dependent is often accompanied by the popular belief that is also corrupt. However, corruption is based on other factors as well, such as opacity or a lack of transparency and lack of accountability, and its assessment requires the use of special techniques.

What are the core parameters of these aspects?

- Recruitment Procedures
- Promotion
- Discipline
- Tenure Procedures
- Compensation

Resources and compensation

In order to ensure the independence of justice, a lack of resources must not be a serious problem. This is a general condition, and does not mean that the justice sector must be endowed with huge amounts of resources, but with enough resources to ensure that independence is not jeopardized. In the same sense, compensation of judges must be high enough to avoid the abovementioned threats to individual independence and impartiality. The indicators presented in the previous section on resources should be used to evaluate these aspects.

There is apparently no link between budgets approved by parliament and threats to judicial independence. Nor do we believe that it is generally necessary to have a constitutional or legal guarantee mandating that a certain percentage of the public budget be allotted to the justice sector, though that approach may be necessary in cases that involve very weak judicial systems. Where this practice is adopted steps should be taken to strengthen accountability in the judicial branch in order to ensure that the resources are used properly.

Judges’ statute (Judicial career act)

The judges’ statute should ensure that access and promotion conditions are based on the principle of equality and merit; that judges enjoy stability, immunity, and irremovability; that disciplinary measures are based on guidelines in line with the democratic rule of law; and that there are clear standards and independent agencies that impose disciplinary measures. Most of these areas should be explored through interviews or expert panels, and there is no need to spend a great deal of money to obtain this information. The following information can be asked of judges, attorneys, prosecutors, non-judicial staff, and non-expert users if resources are available or as part of another set of interviews.

| Indicators | Sources ¹⁷ |
|---|---|
| Percentage of judges who owe their positions to discretionary appointments or another measure that is not in keeping with the principle of equality and merit | Official personnel records. Judicial statistics |
| Percentage of judges who feel that the judges’ statute (formal or real) provides sufficient guarantees for ensuring immunity and irremovability | Polls of judges. Panel of experts |

¹⁷ There are various public opinion studies that address topics such as judicial independence and impartiality. For example, Spain has a public opinion barometer periodically published by the *Consejo General del Poder Judicial* (see Toharia, 2000). In Brazil the *Conselho da Justiça Federal*, which is directed by representatives of national NGOs, polls opinions on judges’ partiality and other matters (see Pinheiro Do Nascimento, 1995). See also the public opinion poll carried out in the U.S. by the National Center for State Courts (1999).



3. COMMON ASPECTS OF JUSTICE

| | |
|---|---|
| Percentage of judges who feel that the judges' statute guarantees tenure and irremovability except in cases that are legally grounded and filed | Polls of judges. Panel of experts |
| Percentage of judges who feel that promotions are based on objective and transparent criteria | Polls of judges. Panel of experts |
| Percentage of judges who feel that their salaries allow them to live autonomously and in a dignified manner | Polls of judges. Panel of experts |
| Percentage of judges who affirm that they have been asked over the past few years by a member of government, private citizen or another judge to grant a favor that could lead to changes in their ruling considered legally inappropriate or professionally unethical, in exchange for some type of compensation | Polls of judges |
| Percentage of the judiciary that can be appointed or removed discretionally | Judicial statistics. Official personnel records |
| Ratio between entry- level judges' salary and that of a comparable administrative official | Judicial statistics. Official personnel records |
| Ratio between the income of a Supreme Court justice and the seniormost judge not sitting in that court | Judicial statistics. Official personnel records |
| Percentage of judges who say they have felt pressure from their superiors (Supreme Court or other entity) in the exercise of their duties; by jurisdiction and instance | Polls of judges |
| Percentage of judges who felt that their independence or impartiality were threatened by the public prosecutor's office, the media, attorneys or any other entity | Polls of judges |
| Percentage of attorneys who believe that judges are independent | Polls of attorneys |
| Percentage of citizens who believe that judges resolve cases with impartiality | Public opinion polls |
| Percentage of attorneys who believe that judges are impartial | Polls of attorneys |
| Percentage of judges who state that they received a request to modify their decision or change the processing of a case in some way by another judge or an attorney in the past two years | Polls of judge |
| Percentage of attorneys who state that they were offered payment by some member of the judiciary to give special treatment to a case in the past two years | Polls of attorneys |
| Number of complaints of judicial misconduct, by reason, complainant and result of complaint | Judicial statistics. Official personnel records |
| Number of judges disciplined in a year, by reason | Judicial statistics. Official personnel records |



Judiciary Councils, Supreme Courts, and judicial independence

One of the most serious problems afflicting certain Latin American judicial systems is the confrontation between Judiciary Councils and Supreme Courts. The latter accuse the former of being an instrument for using political power to try to limit judges' independence in view of the fact that the Councils' composition gives politicians more influence, beginning with judicial appointments. It is relatively easy to detect this problem anecdotally, but given its importance further analysis is required. Interviews with members of these collectives and with independent experts are important tools for detecting this problem.

Similarly, some judges feel fear or restrain themselves because of how their behavior may be perceived by their superiors, generally Supreme Court justices, and how it may affect their chances of being promoted in the future. Interviews and—even better—polls of judges are a possible source of information here, though self-censorship may be a problem (those who feel coerced will certainly be less forthcoming).

Other indicators

Ramos, Linares, and Ruiz (2004) suggest other sources and indicators based on logical inference that can offer additional information for better determining the degree of independence of a given system. As we see it, however, their value is more debatable and this approach requires a great deal of patience in order to avoid making errors of judgment. One of the approaches that they describe consists of analyzing the consistency of judicial rulings. This area is merely illustrative and can obviously be best studied by independent experts, though lack of information available to experts on a case's more extreme aspects could lead them to misjudge judicial consistency. A second source is a study of how cases have been processed in order to see if any interference (which may not have been a result of the judge's actions) can be detected. Again, this is a complicated process that is very

costly and difficult to carry out. A third inroad to examine judicial decisions is detecting bias in favor of specific individuals or groups. This may be obtained from the percentage of decisions that favor those groups, but in our view its value is almost nil unless the decisions are examined in detail. The fourth source of indicators is the opinion of specific experts. This is actually a subgroup of perception-based sources—which is what Ramos, Linares, and Ruiz (2004) call this group—given that the opinions of the public, judicial sector actors (judges, prosecutors, attorneys, court personnel, etc.) and other actors are already included in the indicators. Here one should include the criteria used by the experts, such as those who provide information to specialized risk assessment institutions (World Business International, Lex Mundi, etc.). (An exhaustive list of these entities is provided in Kaufmann, 2003.) However, these sources should be used with extreme caution because they frequently offer erroneous views of a situation. Thus in Pastor 2003 we were able to identify the notable degree of error in experts' opinions on the duration of proceedings, a topic that involves the presentation of factual information and in regard to which the probability of error would be expected to be minor.

3.3. Competence

Issues of competence refer to the training of justice sector personnel.¹⁸ The deficit in training can come from gaps in university training (legal and other) or in the entry exams for each category, the training offered to those who pass selection, and subsequent training, which we generally call ongoing training.

Objectives and results

To have a judicial branch whose staff is well-trained in legal disciplines and other areas related to the satisfactory performance of their duties, both at the beginning of the judicial career and in the years that follow.

Access Training and Ongoing Training

| Indicators | Sources ¹⁹ |
|--|--|
| Percentage of judges, prosecutors, attorneys and users who state that judges are well-trained or very well-trained | Interviews with judges, prosecutors, attorneys and users |

¹⁸ Problems of professional competency can also take the form of excessive training for the tasks required; this topic reminds us of the problem faced in some societies of over-investment in certain types of education, such as universities, which do not always serve future needs.

¹⁹ The polls to which we referred above in regard to independence and impartiality also contain questions related to judges' and magistrates' training. See also Toharia (2003), García de la Cruz (2004 and 2001).



| | |
|---|--|
| Percentage of judges, prosecutors and attorneys who state the ongoing training programs are good or very good | Interviews with judges, prosecutors, and attorneys |
| Spending on ongoing training over total judicial spending and variations | Budgetary statistics |

3.4. Workload, Litigiousness, and Demand-side Efficiency

Workload

Objective: Judicial bodies must be able to handle a reasonable workload. One of the tasks to be carried out is therefore defining what is reasonable in this area. This

may involve comparing the opinions of independent experts with those of expert judges, examining the rulings made in (quantity and quality) and the resources available to each judicial body, and using that data to infer what is feasible or reasonable, or engaging in comparative analysis with other countries with similar characteristics.

| Indicators ²⁰ | Sources |
|---|---------------------|
| Cases filed by judge. Value and variation rate | Judicial statistics |
| Cases filed plus cases pending at the beginning of the period, by judge. Value and variation rate | Judicial statistics |
| Congestion rate. Value and variation rate; distribution by area of law, type of judicial body, region, etc. | Judicial statistics |
| Disposal rate; distribution by area of law, type of body, region, etc. | Judicial statistics |
| Percentage of uncontested sentences. Value and variation rate; distribution by area of law, type of judicial body, region, etc. | Judicial statistics |
| Workload by complexity of cases (using an index that weights cases) by area of law, type of body, region, etc. | Judicial statistics |
| Percentage of judges who feel that the workload is high or very high. Value and variation | Polls of judges |
| Percentage of officials who feel that the workload is high or very high. Value and variation | Polls of officials |

Note

The congestion rate is the quotient of the number of cases filed that year plus those pending at the beginning of the period divided by the number of cases resolved that year. If a court had 60 cases pending at the beginning of the year and 40 were filed that year and the court resolved 20 of them, the congestion rate would be $(60+40)/20=5$.

The higher the rate, the more congested the court. The disposal rate is the quotient of the number of cases resolved and filed during the same year. If its value is over 1 the judicial body is resolving more cases than were filed and therefore reducing the workload of cases that had been pending; the opposite is true if the value is less than 1.

²⁰ Indicators related to judicial bodies' workload are mostly used in official publications. Annual judicial statistics reports tend to reflect in greater or lesser detail the number of cases filed and pending as well as the number of cases resolved by type of procedure, body, region, subject matter, etc. We offer a brief summary of the content of various studies of this type in the Appendix and also present a short discussion of some studies and reports from several countries in which the proposed indicators are applied.



Excessive Litigiousness

Objective: Not all cases presented before the courts should be handled through litigation. A variety of indicators demonstrate the nature of this problem and related symptoms. The amount disputed is related to this issue; if it is very small in relation to the cost to society of using the courts to resolve a dispute, there is a need to find a less expensive mechanism and simpler procedure. Another related indicator is the frequency with which courts find in favor of plaintiffs or defendants, which would suggest possible strategic use of the courts on the part of some litigants, either to delay payment or force a

negotiation. Another indicator reveals the use of the court for administrative tasks (such as reporting a lost identity card or passport) or for functions that could be resolved administratively (such as traffic violations). These and similar cases reflect inefficiency in the demand for judicial protection, an area that is infrequently considered in judicial reform processes (see Pastor and Rosales, 2004). Courts should rule only on those cases that require that particular venue, and no others. Many of these indicators are best captured through panels or interviews with independent experts.

| Indicators | Sources |
|---|---|
| Cases filed per judge per 100,00 inhabitants; annual variation, distribution by area of law, type of judicial body, region, etc. | Judicial statistics |
| Annual growth rate of cases filed | Judicial statistics |
| Percentage of uncontested cases or sentences, by jurisdiction | Judicial statistics |
| Rate of appeal (percentage of cases filed in courts of appeal over the total number of sentences handed down by first instance bodies) | Judicial statistics |
| Cassation rate (percentage of cases filed in superior or Supreme courts over the total number of sentences handed down by second instance bodies) | Judicial statistics |
| 25 th percentile, median and 75 th percentile of the number of procedures, by jurisdiction | Judicial statistics. Computer system reports. Analysis of samples of sentences |
| Percentage of cases simply resolved, by jurisdiction Computer system reports | Analysis of samples of cases filed and resolved |

3.5. Equality

Equality is a quality that should be observed in (1) access to justice, (2) treatment of individuals and (3) the response to parties, which should be the same in like situations. Other topics of interest in this section include (a) the effects of the judicial system on the poor, marginalized groups, those without legal guarantees, or those who are

discriminated against on the basis of gender, income level, religion, age, region or any other aspect; (b) the right to a fair process that follow established norms and rules;²¹ (c) the determination of winners and losers resulting from the functioning of the system or through changes in the same.

²¹ This does not imply that the courts should favor one party over another; this issue is related to impartiality.



Most of these issues are addressed in other sections of this document. As a result, we will immediately look at issue 1 in terms of access to justice; issue 2 in discussions of quality; and issue 3 in our discussion of legal security. Issue a is addressed in the sections dealing with all issues in which this aspect is important, through disaggregating the topic based on the categories listed. Issue b was discussed in the section on independence and impartiality, and we can also incorporate an indicator of expert perception; for example, the percentage of experts who state that the right to a fair process exists as set out in norms and guarantees. Issue c is more complex and can only be addressed through study of specific issues. Although most of these issues are addressed elsewhere in this document, we believe that they are important enough to merit including here as something that reflects the system as a whole that cuts across many of the dimensions examined herein.

3.6. Access to Justice and Legal Aid

Access to Justice

The next section addresses various issues related to access to justice, specifically criminal justice. Others related to private law practice are developed in the last section, given that the cost of this type of legal representation constitutes one important barrier to justice (for everyone). The institutional objective is to determine whether or not access to justice is as it should be. Less access reflects a deficit, while too much access indicates inefficient use of litigation. This objective can be broken down by groups that are marginalized on the basis of gender, race, or other pertinent characteristics.

Users

| Indicators | Sources |
|--|--|
| Average (and median) cost of legal representation by type of procedure or subject matter (select no more than 6 of the most important for each jurisdiction and instance) | Bar association registries. Poll of a sample of users. Consumers' association registries |
| Average private spending by type of case referred to some typical types of cases in different jurisdictions (civil, family, juvenile, administrative, labor, etc.) | Judicial statistics |
| Ratio of average private cost of cases and average salary | Judicial statistics |
| Changes in the percentage of complainants who have not had previous contact with the courts | User polls |
| Percentage and types of complaints filed by poor or marginalized complainants | Form for a sample of cases filed, disaggregated by income, gender, race, ethnicity or other relevant characteristics |
| Percentage of those who stated their desire to take a dispute to court and who believed that the judicial system could resolve it, but who did not do so because of a lack of resources | Public opinion poll, divided by income groups, territorial area or belonging to a marginalized group |
| Percentage of people who believed going to court was an onerous undertaking due to the time required to get to a courthouse | Public opinion poll divided by income group, belonging to a marginalized group, and low population areas |
| Percentage of those stating that they have access to justice to resolve their disputes, disaggregated by gender, ethnicity, religion and level of urbanization | Judicial statistics |
| Number of judicial bodies (courts or tribunals) created in rural and urban areas with a high concentration of marginalized inhabitants, disaggregated by gender, ethnicity, religion and level of urbanization | Data from government agencies |



Public Access Schedule

| Indicators | Sources |
|----------------------------------|---------------------|
| Number of hours of public access | Judicial statistics |
| Morning and evening schedule | Situation analysis |

Legal Representation (when necessary)

| Indicators | Sources |
|---|--|
| Percentage of participants in family law cases who do not have legal representation | Judicial statistics. Sample of legal files |
| Percentage of defendants who do not have legal counsel in criminal trials | Judicial statistics. Sample of legal files |

Legal aid (or Free Legal Services)

Legal aid is the mechanism that societies use to reduce barriers to access to justice for individuals who lack adequate resources. In most Latin American judicial systems legal aid is provided through public officials, is concentrated in criminal matters, and involves one entity or service, frequently called the public defender's office or *Defensoría Pública*. In contrast, in most Western

European countries this service is provided by private attorneys through a service negotiated by the government and bar associations. We are not aware of any empirical studies that compare the performance of one system with another. The following is a list of aspects related to the latter (European) system. The *Defensoría Pública* will be addressed in the following section.

Resources. Legal Aid (Free Legal Services)

| Indicators | Sources |
|---|---|
| Percentage of GDP spent on legal aid | Budgetary data |
| Percentage of total public spending allocated to legal aid | Budgetary data |
| Percentage of justice sector spending allocated to legal aid | Budgetary data |
| Per capita spending on legal aid | Budgetary data |
| Percentage of spending on legal aid assigned to civil, family, juvenile, criminal, administrative, labor justice, etc. | Judicial statistics |
| Total spending on legal aid by type of case (civil, family, juvenile, criminal, administrative, labor, etc.) | Judicial statistics |
| Ratio of legal aid cases among cases filed in the courts (civil, family, juvenile, criminal, administrative, labor, etc.) | Judicial statistics |
| Percentage of cases defended by public defenders in which the sentence favored his or her client, by procedure and type of case | Judicial statistics. Bar association records. |

Other important topics related to the legal aid system include quality and efficiency. In addition to using the information presented on public defender's offices later in this manual, indicators that can be used to capture

quality and efficiency data may be obtained by replicating (with appropriate adjustments) the indicators proposed for those topics in this document.

3.7. Production, Public Cost, and Supply-side Efficiency

There are at least two facets to efficiency: The first is efficiency in output, which indicates that maximum use is made of available resources or, to put it another way, that everything that can be produced with the resources available is in fact produced. The second is cost-efficiency, which means that the product is obtained at the lowest possible cost. The two areas are intimately related, but the first tends to be easier to approach, partly because budgets continue to be approved by an external agency, making those responsible for justice unconcerned with cost reduction (nor are they able to change these, as a large part of cost, such as salaries, are fixed). However, increases in quantity and quality are aspects that administrators can, in fact, affect, and for which they can be compensated (for example, by reducing their workload or the duration of procedures).

Explanation of indicators for output and workload by case complexity

The “complexity” of a court case affects the amount of time a judge and the court must spend to resolve it and how it is resolved (by sentence, writ or other means). It is necessary to have a list of similar procedures and matters to ascertain their complexity. The degree of complexity will come from information structured by groups of expert judges from every type of judicial body and samples of the activities of the judicial bodies themselves. In our earlier publication *Coding and Decoding* we proposed several systems for measuring complexity, and recommend that the reader consult the manual for additional information.

Weighted Indicators on Output and Workload

| Indicators ²² | Sources |
|--|---------------------|
| Number of cases resolved by a judge | Judicial statistics |
| Number of cases resolved by a judge weighted for complexity | Judicial statistics |
| Sentences per judge | Judicial statistics |
| Sentences per judge weighted for complexity | Judicial statistics |
| Sentences weighted by administrative personnel | Judicial statistics |
| Sentencing rate (% sentences over cases resolved) | Judicial statistics |
| Conciliation rate (% of cases resolved by conciliation compared to total number of cases resolved) | Judicial statistics |
| Percentage of sentences unopposed by the respondent | Judicial statistics |
| Percentage of sentences unopposed by the defendant | Judicial statistics |
| Percentage of cases resolved by agreement or conciliation in court | Judicial statistics |
| Percentage of cases appealed | Judicial statistics |
| Revenue to parties (other than judicial fees or fines) | Judicial statistics |
| Disbursement by parties (other than judicial fees or fines) | Judicial statistics |
| Percentage of hearings suspended | Judicial statistics |

²² The use of indicators related to output of judicial bodies is quite widespread, as is the use of indicators that reflect the demand for judicial protection and cases pending (see above). Examples include the Argentine Ministry of Justice report *La Justicia Argentina en cifras y el Plan Nacional de Reforma Judicial; Informe de labores de la Corte Suprema de Justicia de Costa Rica* (2003); *Memoria* by Spain's CGPJ (2003), *Indicadores judiciales*, which was published by the *Corporación Excelencia en la Justicia* and reflects the activity of Colombian judicial bodies, and other publications. The application of these indicators in comparative international studies can be appreciated in the data generated by the World Bank in *Legal and Judicial Sector at a Glance*, in the *Report on Judicial Systems in the Americas*, published by the JSCA, in the *European Data Base on Judicial Systems* (Contini, 2000), and in Dakolias' 11-country study (1999). It is much less common to see data or other indicators related to conciliation. Some examples of their use are Belgian judicial statistics publications (see *Service Public Fédéral Justice*, 2001) and the *Corporación Excelencia en la Justicia* study mentioned above.

Public Cost. Cost Efficiency.

| Indicators ²³ | Sources |
|--|---------------------|
| Public cost by type of case resolved (civil, family, juvenile, criminal, administrative, labor, etc.) | Judicial statistics |
| Percentage of revenue from judicial fees and fines compared to justice spending (total and by jurisdiction) | Judicial statistics |
| Annual rate of variation of public cost by type of case (civil, family, juvenile, criminal, administrative, labor, etc.) | Judicial statistics |
| Public cost by sentence issued (for civil, family, juvenile, criminal, administrative, labor matters, etc.) | Judicial statistics |
| Annual rate of variation in public cost by sentence issued, by subject matter (civil, family, juvenile, criminal, administrative, labor, etc.) | Judicial statistics |

3.8. Duration and Delay

Several types of indicators deal with case duration. Some are based on real duration of procedures (from filing to disposal), while others are based on procedural stages.²⁴ Sources of information range from computerized case management systems to samples of cases or sentences.²⁵ Other indicators allow experts to estimate duration indirectly using data that on case movement over a year (filed, resolved and pending).²⁶ Duration calculated using these objective indicators is assessed using as point of reference an external parameter such as expert opinion, regional, national or international comparisons, or anticipated delays in procedural legislation.²⁷

On the other hand, subjective indicators are used to capture the perceptions of citizens, users, judges, etc. on the duration of processes (speed/slowness of justice) and on cases with delays.²⁸ Of course, impressions of the celerity of justice do not always coincide with reality, which is why it is important to compare these to objective data and indicators on duration.

In general, public policy objectives related to duration focus on reducing delays and improving the speed of response to the community's demand for justice.

²³ The use of indicators related to the public cost of procedures is relatively unusual in official publications in spite of the fact that the information required is straightforward and generally available. Among the research projects carried out on this topic in Latin American countries, we can make mention of the FORES study on judicial bodies in a variety of jurisdictions in the Argentine federal justice system (see Garavano *et al.*, 2000) and the comparative study of public and private costs of cases in various jurisdictions generated by the Universidad Nacional de Colombia and the Consejo Superior de la Judicatura (1998).

²⁴ Many publications present the duration of trials and/or their stages and break down the information to varying degrees. See, for example, the annual reports on judicial statistics from Costa Rica (Poder Judicial, 2003) and the United Kingdom (Department for Constitutional Affairs, 2002). Appendix I describes two regular DCA publications (U.K.) that look to disseminate the results of studies on the duration of criminal procedures.

²⁵ Some studies of duration carried out using data obtained from samples are *La durata dei processi civili in Italia* (Ministero della Giustizia, 2000); *La duración del proceso penal en la República Argentina* (Marchisio, 2004); *Dilación, eficiencia y costes* (Pastor, 2003).

²⁶ This type of indicator is not yet used in official reports in many countries. Given that judicial statistics do not present data on duration in Spain, the CGPJ estimates duration using the rate of cases pending (see *Memoria del CGPJ*, 2003); Italy's Ministry of Justice uses an index to estimate duration of civil and criminal procedures (*Ministero della Giustizia*, 2003-2 and 2003-3), though studies are also conducted to determine duration based on samples of sentences or cases. Napoli *et al.* (2000) provides an additional example of estimating average duration of procedures in the contentious-administrative jurisdiction.

²⁷ The duration of procedures is used as an indicator of the quality of judicial protection in some countries (speediness of the process and resolution of disputes). For information on France, see Timbart, Odile. Les études à la S/D SED. *Courrier des statistiques*, n° 97, mars 2001. Saglio, Alain. *French Justice Statistics. An Overview. Courrier des statistiques. English Series. N° 7*, 2001.

²⁸ User or public opinion polls on justice tend to address issues related to duration or delays. See, for example, García de la Cruz (2004) and CGPJ (2001) for information on justice in Spain. A public opinion poll designed to reveal the relationship between citizens and civil justice was conducted in Italy (Istituto Nazionale di Statistica, 2003); it includes questions on the judicial system's capacity to resolve civil cases within a reasonable time and for a reasonable cost.



3. COMMON ASPECTS OF JUSTICE

| Indicators | Sources |
|---|--|
| Changes in average and median duration of the most important procedures, disaggregated by jurisdiction and instance | Judicial statistics. Case samples |
| Cases pending. Information on the set. Distribution for each of the four main procedures | Judicial statistics. Case samples |
| Variation in number of cases pending from the beginning of the period and the end (in %) | Judicial statistics. Case samples |
| Rate of cases pending. Distribution for each of the main procedures for each jurisdiction and instance | Judicial statistics. Case samples |
| Clearance rate. Distribution for each of the main procedures for each jurisdiction and instance | Judicial statistics. Case samples |
| Cases per judge pending at the end of the period | Judicial statistics. Case samples |
| Percentage of cases pending for more than 12 months | Judicial statistics. Case samples |
| Duration (from filing to sentencing). All procedures. Basic statistics | Judicial statistics. Case samples. Sign-in books |
| Distribution of case duration over periods of 3, 6, 9, 12, 18, 24 and more than 24 months | Judicial statistics. Record books. Case samples or sentence samples |
| Duration (from filing to sentencing). Distribution by type of procedure (or for the 4 main ones). Basic statistics | Judicial statistics. Record books. Case samples or sentence samples |
| Percentage of cases resolved in less than 3, 6, 9, 12, 18, 24 and more than 24 months | Judicial statistics. Record books. Case samples |
| Variation in duration from complaint until the first hearing | Administrative data, disaggregated by income, gender, race, ethnicity or other relevant characteristics. If no information is available, analysis of a sample of cases |
| Variation in duration from the complaint until the case is resolved | Administrative data, disaggregated by income, gender, race, ethnicity or other relevant characteristics |
| Variation in duration from the complaint until the case is resolved in small claims case | Administrative data, disaggregated by income, gender, race, ethnicity or other relevant characteristics |
| Variation in duration of suspensions | Administrative data, disaggregated by income, gender, race, ethnicity or other relevant characteristics |
| Changes in the percentage of sentences executed in less than 30 days from the date they were issued | Polls of litigants in recently resolved cases, disaggregated by income, gender, race, ethnicity or other relevant characteristics |
| Percentage of trials scheduled that are suspended | Judicial statistics, record books; case samples |
| Average time defendants spend preventive custody (weeks) | Judicial statistics, record books; case samples |
| Average amount of time defendants spent at liberty before sentencing (in weeks) | Judicial statistics, record books; case samples |
| Trial by jury. Percentage of days in attendance and not in attendance at trial | Judicial statistics, record books; case samples |



Explanation of indicators

Rate of cases pending

This is the quotient of pending cases at the end of a period over the number of cases resolved during that period. If a court had 100 cases pending at the end and resolved 50, the rate would be $100/50=2$. The intuitive idea represented by this ratio means that if the court in question stopped admitting new cases and only worked on the pending caseload, it would take it two years to finish, assuming it would work at a similar pace. The lack of availability of better information has meant a reliance on case duration as an approximate reference point, which was understandable thirty or forty years ago but is no longer acceptable. Some organizations have recently

(and euphemistically) begun calling this “response time”; however, in this context the term has a very different meaning compared to its use in engineering processes, and we therefore advise that this confusion of terms be avoided.

As stated above, the *clearance rate* is the quotient of resolved cases over cases filed in a year and indicates the degree to which the court is resolving as many cases as are being filed. If 60 cases were filed in a court and 40 were resolved, the closure rate is $40/60=2/3$ or, in percentages, 66.7%, which would indicate that the future workload was increasing during that period.

3.9. Quality

Quality of judicial sentences²⁹

| Indicators | Sources |
|--|--|
| Rate of annulment on appeal | Judicial statistics; case samples |
| Reversal rate on appeal | Judicial statistics; case samples |
| Rate of annulment on cassation | Judicial statistics; case samples |
| Reversal rate on cassation | Judicial statistics; case samples |
| Percentage of sentences found to be poorly founded or “formulaic sentences” or that used the “cut and paste” approach excessively | Sample analysis of cases and sentences |
| Formulaic sentences | Analysis of samples of sentences |
| Percentage of people who say that they find the legal language used by judges, attorneys, prosecutors or other officials complex or unintelligible | Poll of non-expert users |

²⁹ Reversal and annulment rates are used to measure the quality of judicial decisions in Spain (CGPJ, Memoria, 2003). The same is true of the FORES study (Garavano *et.al.*, 2000), which analyzes the work of judicial bodies in Argentina’s federal criminal jurisdiction.

Quality of Treatment³⁰

| Indicators | Sources |
|--|--|
| Number (and variation in) complaints presented by users against judicial bodies or those responsible for them to the ombudsman or other agency | Judicial statistics. Administrative data on complaints |
| Percentage of complaints that led to a discipline | Administrative data and statistics |
| Level of satisfaction with the process and the result among those who filed complaints | Polls and interviews with those who filed complaints when their cases have ended |
| Average and mean duration of the time between the formulation of the complaint and the response | Administrative data. Statistics regarding complaints |
| Percentage of users who had to wait less than two hours during the day | Interviews with expert and non-expert users. Exit polls |
| Percentage of witnesses who were made to wait one hour or less during the day | Judicial statistics. Interviews with those who were subpoenaed, sign-in books (time of citation, time hearing began); case samples |
| Percentage of users who are satisfied with the facilities (and feel they are adequate) | Interviews with expert and non-expert users. Exit polls |
| Percentage of users who are satisfied with the information they received (and feel that it was trustworthy, precise and accessible) | Interviews with expert and non-expert users. Exit polls |
| Percentage of users who are satisfied with the treatment they received (who feel that court staff were courteous) | Interviews with expert and non-expert users. Exit polls |
| Percentage of summons that were suspended or postponed | Data from files. Exit polls |
| Variation in the number of users who use the Internet to consult the courts | Administrative data and samples |

Quality of Procedures

Analysis of the “quality of procedures” demonstrates whether or not there is a senseless reiteration of documents and procedures or summons or other actions that could be carried out more effectively (response rate), more quickly and at a lower cost. It also indicates whether

or not there is adequate scheduling to ensure that citizens are not made to attend hearings –which are sometimes pointless or suspended without prior notice- in order to complete transactions, thus infringing on their work or leisure time.

Quality of the Procedural Process

| Indicators | Sources |
|--|---|
| Percentage of judges and attorneys who feel that the set up of procedures creates excessive pointless procedures | Interviews with judges and attorneys |
| Percentage of witnesses subpoenaed and whose participation was then not necessary | Data from files; exit polls |
| Percentage of notifications that were attempted but unsuccessful | Judicial files and records |
| Percentage of cases in which notification was received correctly and in a timely manner | Judicial statistics. Archival data. User poll |

³⁰ In the United Kingdom the *Department for Constitutional Affairs* publishes a regular report with the results of two user polls on the quality of justice services: the purpose of one is to measure the amount of time those accused of crimes were made to wait between being charged and the beginning of their trial; the other explores the level of satisfaction among users in regard to non-judicial aspects of the services received. In Spain, user polls carried out by the CGPJ include evaluation of the treatment received and the understanding of the legal language used in summons (see García de la Cruz, 2004; CGPJ, 2001).



The data produced by independent organizations –the ombudsman or an analogous institution- and NGOs should be highly valued in this area. Data from oversight organizations are also important, including court inspection services, public prosecutor’s office, the prison system, the police, auditing departments or other analogous agencies.

Explanation and Comments on Indicators

- **Rate of annulment**

The rate of annulment is the quotient of the number of sentences in which the court of appeal finds the first instance sentence to be lacking (for procedural error or other serious mistake) and the number of sentences dictated by the court of appeal. This ratio indicates that the basic or fundamental rules of process have not been followed, which suggests a serious deficiency in quality.

- **Reversal rate**

The reversal rate is the quotient of the number of sentences in which the appeals organ finds the first instance sentence to be lacking and the number of

first instance sentences that were appealed. One positive effect of the rate of reversal is that it encourages congruent application of the law, an aspect that is related to the often heard call to reduce the conditional nature of judicial rulings. However, in practically all presentations made on indicators, judges warn that this indicator has perverse incentives, as it may pressure judges to bring their decisions into line with those of the superior jurisdictional bodies. They also feel that this pressure compromises judicial independence. This ratio should generally be used to identify atypical cases. For example, if the frequency of reversals is 10% for one group of judicial bodies and 40% in a court or group of courts, and if this were not accidental, this could mean that the judicial body with the higher than normal rate of reversal needs attention.

- **Degree to which the sentences are well-motivated, well-grounded and structured**

This is an important indicator but its measurement is costly because it requires analysis by independent experts (people who can identify these problems adequately) and should be based on samples.

3.10. Legitimacy and Confidence

Objective: to improve the legitimacy of justice before the community in regard to the effects of the system on people’s lives.

| Indicators | Sources |
|--|---|
| Change in the perception of problems resolved and problems exacerbated among litigants | Poll of participants in recently resolved cases segmented by income, gender, race or ethnicity |
| Change in perceptions of the extent to which the courts contribute to community safety | Exit poll and satisfaction poll disaggregated by income, gender, race or ethnicity. Public opinion poll |
| Changes in the expectation of obtaining a fair trial | General poll, poll of expert users; focus groups of potential users |

Institutional objective: to improve confidence in the complaint system and in justice, particularly among marginalized groups.

| Indicators | Sources |
|--|---|
| Number of complaints presented | Judicial statistics. Case files |
| Percentage of users who believe that complaints presented will be taken into account | User poll. Panel of experts |
| Percentage of people who wanted to go to court to resolve a dispute and believed the judicial route could be the solution, but decided not to do so because of a lack of confidence in justice | Public opinion poll segmented by income groups, territorial area or belonging to a marginalized social group |
| Change in the percentage of minor complaints filed by the poor | Administrative data on complaints |
| Change in the percentage of all complaints filed by the poor | Administrative data on complaints |
| Changes in the perception of the importance of the process and confidence in the process among the poor. | Annual poll; stratified focus groups of citizens; poll of complainants |
| Variation in the percentage of cases that lead to disciplinary measures or the laying of criminal charges. | Administrative data on investigation results |
| Changes in the percentage of cases that result in administrative or criminal disciplines | Administrative data on disciplinary or criminal measures combined with demographic data collected using accountability mechanisms |
| Change in the percentage of cases resolved informally or via mediation in a manner that was acceptable to the poor | Administrative data; satisfaction polls among complainants; mediation or negotiation procedures |
| Changes in the degree of respect for judges, disaggregated among those who win and lose cases. Additionally disaggregated by groups such as gender and minorities | Exit poll, satisfaction poll, disaggregated by income, gender, race, ethnicity or other relevant characteristics |

3.11. Transparency

Transparency requires that citizens and civil society organizations have access to relevant and comprehensible information on the actions of public agencies so that they can evaluate them and, eventually, demand that those responsible be held accountable for their actions. In the justice sector, we are mainly interested

in transparency in the process of selecting candidates for positions within the judiciary, availability of information on the activities of judicial bodies, and public procedures and judicial sentences with the exception of cases that involve aspects of a private or confidential nature.

Transparency in Judge Selection Processes, Performance, and Discipline

| Indicators | Sources |
|---|--|
| Percentage of experts who feels that the selection process for judges is open and transparent and that citizens have an opportunity to object to candidacies | Panel of experts that includes attorneys, judges, academics and journalists |
| Percentage of users who are aware of an adequate process for filing complaints against judges and other court personnel for not fulfilling their responsibilities | User poll |
| Percentage of experts who feel that the disciplinary process is transparent | Panel of experts that includes attorneys, judges, academics, and journalists |
| Percentage of users and experts who feel that the role and responsibilities of administrative and judicial staff are adequately public | User poll. Panel of experts |



| | |
|--|--------------------------|
| Percentage of experts who believe that there is an effective system for declaring judges' assets | Panel or poll of experts |
| Percentage of experts who affirm that there is effective external and independent scrutiny | Panel or poll of experts |

Source: Adapted from Ramos *et al.*, 2004.

Transparency of Procedures and Sentences

| Indicators | Sources |
|--|--|
| Percentage of users who state that they have adequate access to information on the status of cases | User poll |
| Percentage of hearings that are open to the public | Judicial statistics. Case files |
| Percentage of users who feel that a sufficient number of hearings are open to the public | User poll. Direct observation by experts |
| Percentage of users who affirm that judicial procedures are transparent | Interviews with attorneys, prosecutors, and experts |
| Percentage of users who affirm that sentences are made public (good or very good level of publicity) | Interviews with attorneys, prosecutors, and experts |
| Percentage of users who affirm that information on Supreme Court decisions are not adequately public | Polls of attorneys, judges, academics, and journalists |
| Percentage of users who state that information on Court of Appeal (not Supreme Court) decisions is insufficiently public | Polls of attorneys, judges, academics, and journalists |

3.12. Predictability (Legal Security)

Justice is not the only aspect of the system and context that plays a role in determining the level of judicial security that a given population enjoys. It is frequently also affected by deficient legal standards or arbitrary

administrative actions and may be an issue of political instability. Only aspects related to justice are included here.

| Indicators | Sources |
|---|---|
| Percentage of users who believe that justice is predictable | Interviews with attorneys, prosecutors, and experts |
| Percentage of users who believe that justice is trustworthy | Interviews with attorneys, prosecutors, and experts |
| Percentage of users who affirm that jurisprudence is very clearly defined | Interviews with attorneys, prosecutors, and experts |



3.13. Responsibility and Accountability

Part of the process of accountability involves the use of indicators for activities, output, workload, duration, etc. and the comparison of the results of each judicial body with those presented by its peers, particularly those in the same jurisdiction, instance, and territorial location. Reference indicators are therefore those mentioned above in regard to those areas.

This mechanism can be replicated by those responsible for overseeing judges, be they Supreme Courts or Judicial Councils, both of which are also required to account for

their activities during each period. One of the manifestations of accountability at this level is the annual report, whose content tends to refer to all aspects or areas mentioned in this manual, from available resources to judicial transparency and security. In *Coding and Decoding Volume I* we suggested various approaches and formats that this accounting process could adopt, both within each agency and among those responsible for justice. We suggest that readers who would like more information on this topic review the document and the references cited therein.



4. Specific Indicators for Criminal Justice





This section contains indicators that are specific to the criminal justice system and the topics addressed in the previous section. As a result, the issues that involve merely adapting previously mentioned indicators to this justice sector subgroup will not be repeated here. These include indicators related to resources (budgetary and other), independence, impartiality, professional competence, personnel, productivity and efficiency, quality, transparency or accountability.

4.1. Access to Criminal Justice

Strategic objectives: to minimize the use of preventive custody; to increase awareness of the right to legal aid; to reduce bias in the judicial system; to reduce corruption in the judicial system.

| Indicators | Sources |
|---|--|
| Variation in the number of individuals held in preventive custody (special mention of those who are held because they cannot post bail) | Judicial statistics. Penitentiary statistics |
| Variation in the average and mean duration of preventive custody | Judicial statistics. Penitentiary statistics |
| Change in the quantity and quality of information that can be accessed by victims, witnesses, complainants, and defendants regarding their rights to legal aid and access to institutional dispute resolution | Reports on visits to institutions. User polls. Inspections carried out by administrators of the agencies. Victim polls |
| Changes in the amount of information that victims, witnesses, complainants, and defendants have of their right to legal assistance and access to an institution to resolve their disputes | Report of perceptions. Small group interviews |
| Change in the diversity (by gender, ethnicity, territory, religion or other relevant group) of justice sector staff ³¹ | Governmental personnel registries. General overview of those governing judicial institutions |
| Change in the index of bias perceived within justice institutions | Perception report. Small group interviews |
| Change in index of perception of corruption | Report on perceptions. Small group interviews. Registry of complaints formulated |
| Number of judicial bodies (courts or tribunals) created in rural and urban areas concentrating marginalized population disaggregated by gender, ethnicity, religion, and level of urbanization | Data from public agencies |
| Number of judicial bodies per 100,000 inhabitants disaggregated by gender, ethnicity, religion, and level of urbanization | Data from public agencies |
| Percentage of defendants who had no legal representation when they were arrested | User polls |
| Percentage of people affirming that police responded to request for assistance without requesting a bribe, disaggregated by gender, ethnicity, religion, and level of urbanization | User polls |
| Ratio of prosecution offices and police in high income areas compared to low income areas | User polls |

Source: Vera Institute, 2003. Graph 7.1 and data generated by the authors.

³¹ Examples of official publications that offer information on judicial staff disaggregated by gender include the *Supremo Tribunal Federal de Brasil (Banco Nacional de Dados do Poder Judiciário)*; Department for Constitutional Affairs. *Judicial Statistics. Annual Report, 2002*. Information on the racial distribution of judges in the United Kingdom is available in the Department for Constitutional Affairs report *Ethnic Minorities in the Judiciary*.

4.2. Public Defender's Office

Institutional objectives: to provide more responsible and continuous legal representation, increase protection for offenders while serving their sentences, and improve

confidence in and satisfaction with the performance of the public defender's office.

| Indicators | Sources |
|--|---|
| Public defenders per 100,000 inhabitants(*) | Administrative data. Judicial statistics |
| Percentage of cases represented by public defender's office, disaggregated by procedure and subject matter | Judicial statistics |
| Percentage of cases in which the outcome favored the public defender's office, disaggregated by procedure and subject matter | Judicial statistics |
| Variation in average length of time between arrest and first contact with public defender | Administrative data from the police and public defender's office. User polls |
| Variation in the continuity of the defense, estimated on the basis of the number of times the defendant had contact with the public defender | Public defender's office files. User polls |
| Variation in the amount of time spent in protective custody | Administrative data from penitentiary institutions and the public defender's office. User polls |
| Variation in the number and average duration of prison sentences for clients of the public defender's office | Administrative data |
| Variation in level of satisfaction of public defense services clients | User poll. Exit interview with defendants |
| Variation in public reputation of defenders | Peer evaluations |

(*) This indicator is only included as a reference. For more information on other indicators related to personal measures that can be applied to the public defender's office see the section on judicial bodies. Source: Vera Institute. Graph 9.2 and data generated by the authors.

4.3. Public Safety

Institutional objective: to improve safety in the street, home, public places, and justice institutions.

| Indicators | Sources |
|--|---|
| Variation in street crime (robberies, assaults and other crimes by level of severity) | Police statistics. Interviews with victims |
| Variation in public safety indexes (perception of safety in the street) | Small group interviews. Public opinion polls |
| Variation in the rate of domestic criminality (domestic violence, home invasions, homicide, and other crimes committed within the home, by level of seriousness) | Police statistics. Poll of victims. Poll of those of who provide assistance. Ambulance statistics |
| Variation in the index of personal safety in the home (perception of safety in the home) | Opinion polls. Small group interviews |
| Variation in index of criminality in public places (crimes committed in the work place, schools, recreational and cultural places, etc. by level of seriousness) | Police statistics. Poll of victims |
| Variation in the public safety index (perception of safety in public places) | Opinion polls. Small group interviews. Permits for public events |
| Variation in rate of deaths that occur while the individual is in contact with the justice system. | Follow-up in the media. Department of Health statistics. Police department and prison records. Poll among experts in NGOs |
| Variation in the public security index (perception of security among those in custody in the justice system) | Opinion polls. Small group interviews |

Source: Vera Institute. Graph 6.1.

4.4. The Police

Objectives: to improve citizen perception of police activity; to reduce crime; to improve investigative practices; to promote public safety; to provide support;

to improve the use of resources; to improve confidence in the police; to improve victims' confidence in the police.

Police

| Indicators | Sources |
|---|---|
| Police per 100,000 inhabitants (*) | Police statistics or data |
| Homicides per 100,000 inhabitants (*) | Police statistics or data |
| Percentage of reported crimes solved, by type of crime | Police statistics or data |
| Ratio of crimes committed by youths under the age of 18 divided by the population under the age of 18 | Police statistics or data |
| Ratio of crimes committed by youths under the age of 16 divided by the population under the age of 16 ³² | Police statistics or data |
| Number of vehicles stolen per 100,000 inhabitants | Police statistics or data |
| Total number of robberies per 100,000 inhabitants | Police statistics or data |
| Number of crimes reported | Police statistics or data |
| Percentage of cases solved, by type of crime | Police statistics or data |
| Persons placed at the disposal of the prosecutor's office (or courts in inquisitorial systems) | Police statistics or data |
| Drug-traffickers placed at the disposal of the prosecutor's office (or courts in inquisitorial systems) | Police statistics or data |
| Percentage of work days lost due to illness or some other cause | Police statistics or data |
| Percentage of people who are very concerned about robberies | Local or national opinion polls |
| Percentage of people who are very concerned about car theft | Local or national opinion polls |
| Percentage of people who are very concerned about violence | Local or national opinion polls |
| Percentage of people who perceive a high level of disorder | Local or national opinion polls |
| Percentage of people who are satisfied with the performance of the police | Local or national opinion polls |
| Percentage of citizens who have confidence in the police | Local or national opinion polls |
| Changes in the percentage of complaints filed with the police | Local or national opinion polls. Interview with victims in hospitals. Interviews with local service agencies. Police records |
| Changes in the percentage of victims who are satisfied with the work done by the police | Local or national opinion polls. Focus groups |
| Changes in the percentage of defenders of victims rights that express confidence in the police's response to cases | Public defender's office interviews with victims |
| Changes in the percentage of complaints that are investigated | Review of police records of complaints. Rate of complaints filed with prosecutor's office as compared to total number of complaints |

(*) This indicator is only included for reference purposes. An exhaustive set of indicators would include all of the information from the section on judicial bodies in general. Sources: Vera Institute, Graph 8.1. Similar indicators are presented in the British Ministry of the Interior's publications for England and Wales (*Policing Performance Assessment Framework, England and Wales*).³³

³² One example of the application of these and other indicators can be observed in the interesting study of criminality in the youth population in large urban centers carried out in Italy by the *Istituto Nazionale di Statistica* (2002).

³³ *Police Performance Assessment Framework, England and Wales* and *Police Performance Monitoring 2001/02* (London: Home Office, February 2003).

It is feasible to disaggregate the various effects that the indicators try to measure by applying them to subgroups within the population. In order to do so one must only disaggregate the sources in a manner that is conducive to achieving this end (for example, according to income, urban or rural location, residential and other areas, apartments, circuits, provinces, gender, etc). In addition to the previous indicators, one could add on topics such as income, training and degree of use mentioned above can be added to this list, which also includes demand and workload, access, output, productivity and type of product, cost efficiency, duration-delay, quality, etc.

4.5. Public Prosecutor's Office

Institutional objectives: the goal is to create a public prosecutor's office that performs its tasks in an efficient and effective manner in defense of legality and the public interest. Special attention is paid to improving timeliness, particularly in cases that involve poor victims or in which the defendant is poor, more equitable use of discretionary faculties and increased accountability, and improved results for poor victims.

| Indicators ³⁴ | Sources |
|---|---|
| Prosecutors per 100,000 inhabitants (*) | Administrative data. Judicial statistics |
| Support staff per 100,000 inhabitants (*) | Administrative data. Judicial statistics |
| Percentage of female prosecutors | Administrative data. Judicial statistics |
| Percentage of cases in which the public prosecutor's office formulated charges compared to the total number of crimes reported by type of crime | Administrative data. Judicial statistics |
| Percentage of cases settled through negotiations or agreements | Administrative data. Judicial statistics |
| Variation in the number of cases that end in less than 12 months and the decrease in differences based on income, gender, ethnicity or another factor | Administrative data. Judicial statistics |
| Variation in the number of hours that the accused are made to wait following the initial interview with the prosecutor | Admission forms administered by support staff or reception personnel |
| Change in the percentage of accused who are held on bail who were unable to make bail in one week | Administrative data from the courts or prisons |
| Variation in the level of equity of the prosecutor's office as perceived by victims from marginalized groups | Special interview following the initial interview, to be repeated when the case is resolved |
| Variation in the use of protective measures and protection orders for witnesses in cases involving poor victims | Administrative data |
| Variation in the percentage of public trials with poor victims | Administrative data |
| Variation in rates of conviction in cases that affect poor and rich victims | Administrative data |
| Variation in victims' satisfaction with the initial interview with the prosecutor and the outcome | Special interview following the initial interview, to be repeated when the case is resolved |

(*) The indicator is only included as a reference. Source: Vera Institute, Graph 9.1 and original research.

³⁴ The use of some of these indicators can be observed in the following texts: Ministerio Público Fiscal, *Informe Anual al Congreso de la Nación*, 2003; Chile's *Anuario Estadístico Interinstitucional* presents a summary of case flow from the time a complaint is filed with the police and public prosecutor's office until it is resolved in the courts (Appendix I provides a more detailed discussion of this study).

4.6. Criminal Courts

In order to avoid repeating the information provided above, we will note that what was said in the previous section on the areas of public prosecutor's offices can be applied to criminal judicial bodies.³⁵ Many of the items discussed in

regard to the former can be applied to first instance criminal courts, which is more feasible in inquisitorial systems than adversarial ones.³⁶

| Indicators | Sources |
|---|---|
| Distribution of various procedures (percentages) | Judicial statistics |
| Frequency with which an offender is incarcerated | Judicial statistics. Administrative files |
| Percentage of convictions compared to total number of sentences | Judicial statistics |
| Percentage of convictions that involve a fine | Judicial statistics. Administrative files |
| Percentage of inmates incarcerated for less than 1 year | Judicial statistics. Administrative files |
| Percentage of inmates incarcerated for 1 to 3 years | Judicial statistics. Administrative files |
| Percentage of inmates incarcerated for 3 to 6 years | Judicial statistics. Administrative files |
| Percentage of inmates incarcerated for more than 6 years | Judicial statistics. Administrative files |
| Percentage of sentences in which some type of recidivism was noted | Judicial statistics. Administrative files |
| Average amount of time spent in preventive custody (weeks) | Judicial statistics. Samples of cases |
| Average amount of time offenders spent waiting to make bail (weeks) | Judicial statistics. Samples of cases |
| Juries. Percentage of days in attendance and not attending a trial | Judicial statistics. Samples of cases |

4.7. Prisons

As is obvious, almost all of the questions that motivate indicators on judicial bodies can be formulated in regard to prisons, as is true of practically all institutions. For example, one may ask about competence, workload,

productivity and efficiency, effectiveness, quality, transparency, and accountability. It will obviously be necessary to adjust these areas to allow for the differences between the function of prisons and that of judicial bodies.

Basic Prison System Indicators

| Indicators ³⁷ | Sources |
|---|---------------------|
| Number of inmates | Judicial statistics |
| Inmates per 100,000 inhabitants | Judicial statistics |
| Percentage of female inmates | Judicial statistics |
| Distribution (in percentages) of prisoners according to preventive custody, those who have been convicted and those who fall into another category and the distribution of each of these categories by gender, age, and type of crime | Judicial statistics |
| Overall rate of recidivism | Judicial statistics |
| Inmates under the age of 18 per 100,000 inhabitants | Judicial statistics |
| Inmates under the age of 16 per 100,000 inhabitants | Judicial statistics |

³⁵ Annual statistical analyses and reports tend to contain detailed information and indicators on criminal justice and police activity and prison systems (see Appendix I). Some countries publish a special report with this information, as in Italy (Istituto Nazionale di Statistica, 2001). *The Report on Judicial Systems in the Americas* cited above includes data on complaints, crime rates and prison population for various countries in the region.

³⁶ As we have stated throughout this document, the following indicators can be disaggregated by all of the categories that one wishes to include, particularly groups by age (such as minors or age groups), gender, ethnicity, race, religion, personal income, type of crime, characteristic related to the commission of the crime (such as whether or not it involved recidivism) and any other relevant category.

³⁷ The prison system indicators we proposed have been fairly well disseminated and are frequently applied in official statistics. The following is a list of some publications of interest. Belgium's *Public Federal Justice Services* (2003) offers a synthesized but complete overview of the country's prison system using several of the indicators proposed herein. The prison statistics published by *Gendarmeria de Chile* (which are available on the institution's Website) include, among other related data, the population treated with alternative measures and reinsertion benefits granted. *Infostat Justice*, a publication of the French Ministry of Justice, has dedicated various issues to presenting the results of research on preventive custody, the prison population, recidivism, sentences issued to young offenders, and other topics. One recent publication (Petrone, 2004) examines the current situation of prison services in Argentina using available statistical information.



| | |
|---|--|
| Percentage of inmates who serve their entire sentence (without reductions) | Administrative data from the prison system |
| Percentage of inmates at various levels of release | Administrative data from the prison system |
| Percentage of inmates who provide substantial retribution to victim for the damage done | Administrative data from the prison system |
| Percentage of inmates who were working 6 months after release, 1 year after release, and two years after release. | Administrative data from the prison system or from programs designed to aid those who have been released from prison |
| Number of crimes committed within the prisons, classified by type | Judicial statistics |

Institutional Objective (1). To improve prison conditions.

| Indicators | Sources |
|--|--|
| Percentage of prisoners who have access to water 24 hours a day | Routine inspections of a sample of prisons. Routine interviews with inmates or individuals who have recently been released from prison |
| Quality and nutritional value of food expressed by changes in the rate of malnutrition and related illnesses | Prison infirmary files |
| Prevalence of infectious disease | Routine inspection of common infectious diseases by examining a sample of inmates just before they are incarcerated and 6 to 12 months after they are released. Routine inspection of common infectious diseases among prison staff |
| Overcrowding | Ration of prison staff and inmates, disaggregated by shift and task. Ratio of prison staff and the number of prison wards that meet minimum requirements for space, temperature and comfort. Reports on prison overcrowding published by journalists, NGOs or human rights organizations |

Source: Vera Institute, 2003, Graph 12.1.

Institutional Objective (2). Increased access to grievance systems for prisoners.

| Indicators | Sources |
|---|--|
| Availability of information on the process of filing administrative complaints and access to the information necessary to formulate a complaint | Routine inspections of a sample of prisons. Routine interviews with inmates or individuals who have recently been released from prison |
| Time lapse between the filing of prisoners' complaints and their resolution | Administrative files. Routine interviews with inmates or individuals who have recently been released from prison |
| Percentage of complaints presented that result in some corrective action | Administrative files. Routine interviews with inmates or individuals who have recently been released from prison |

Source: Vera Institute, 2003, Graph 12.1



4.8. Non-custodial Sentences

More and more the punitive system involves the application of non-custodial sentences and the adoption of approaches such as suspended sentences, fines,

community service, restitution, house arrest, parole, counseling, and treatment.

Institutional objective (1): to increase the availability and use of non-custodial sentences, except for the most serious crimes.

| Indicators | Sources |
|--|---|
| Number of people convicted who are not incarcerated | Judicial statistics |
| Number of convictions not involving incarceration per 100,000 inhabitants | Judicial statistics |
| Distribution of convictions not involving incarceration in percentages by type of crime and type of sentence | Judicial statistics |
| Ratio of offenders and non-custodial sentences by type of crime | Administrative files from the courts |
| Proportion of courts with an adequate system of non-custodial sentences | Poll of professional experts in the courts and NGOs |

Institutional objective (2): to ensure that all types of offenders have access to non-custodial sentences.

| Indicators | Sources |
|---|--|
| Percentage of at-risk offenders and offenders from upper classes who benefit from the use of non-custodial sentences, disaggregated by type of sentence | Poll of professional experts in the courts and NGOs |
| Percentage of offenders that receive non-custodial sentences who successfully complete the sentence, disaggregated by income, gender, age, ethnicity, and other factors that could represent a source of bias | Administrative files from the court supervision department |

Institutional objective (3): to increase the legitimacy of non-custodial mechanisms among the general public and crime victims.

| Indicators | Sources |
|---|---|
| Public support for non-custodial sentences | Opinion polls, focus groups |
| Satisfaction among victims when the accused receive non-custodial sentences | Polls of victims after cases are closed |

Source: Vera Institute, 2003, Graph 11.1



5. Specific Indicators
for Other Jurisdictions
and Areas







5.1. Specific Indicators for Civil Justice

An initial differentiation must be made between cases involving civil, family, commercial (including bankruptcies), voluntary and mortgage, and non-criminal juvenile matters, where pertinent. All indicators proposed thus far in this manual are applicable to these types of matters, given the appropriate adaptation. Where possible, the most common matters should be identified by their respective percentage value (6 or less is advisable) and both average and median values given for the matters concerned (where applicable), in particular those of small claims in order to determine whether or not there is a logical relationship between the amount in dispute and the social cost of the judicial mechanism used to resolve the case.

5.2. Specific Indicators for Contentious-Administrative Justice

In addition to collecting data related to the judicial bodies that make up each jurisdiction, it is important to analyze the stage prior to the jurisdictional route. One of the key elements of this phase involves all matters related to the work of the “inspection” agencies, whose characteristics are, to a certain extent, parallel to those of the police. In the case of tax inspection, transit or transportation or consumers agencies, in addition to its own actions the public administration system itself reviews its acts through the corresponding processes of reposition. Almost all of the aspects included in the preceding sections of this document, particularly those featured in Section 3, can be applied to this process of review or inspection. Finally, there are often specific agencies that lie somewhere between the administrative and the jurisdictional that have a substantial amount of influence in each of the areas in which they are used, as is the case of those discussed in the following paragraphs.

Financial-Administrative Courts

In many countries there are financial-administrative tribunals or commissions to which certain matters must be presented before seeking a judicial solution; this is particularly true for taxation matters. The scheme of indicators proposed herein may be used for these initial jurisdictions, including those referring to the number of matters, resources, rulings, quality, etc. In order to avoid redundancy and in line with the methodology adopted from the beginning of this manual, we will not reproduce these indicators here.

Expropriation Juries

These bodies are highly important in all matters related to evaluating the property expropriated in the public interest, an important manifestation of the role of the State and its relations with specific groups. Indicators that are analogous to those proposed herein for other agencies tend to be formulated for these bodies. An important indicator is the value of compensation paid to private parties, as is the manner in which these are set—by resolution, arbitration or in an agreement between parties (one of these being the State).

Defense of Competition Courts or Commissions

These bodies are of enormous importance in market economies in delimiting disputes related to fair competition anti-monopoly legislation. As with other bodies referred to in this section, many of the indicators proposed for ordinary jurisdictions may also be applied to these entities, with the appropriate adaptations.

5.3. Specific Indicators for Labor Justice

The most important point in the ambit of labor justice is administrative complaints presented by labor and social security boards, about which the preceding comments regarding the contentious-administrative jurisdiction can

be applied. The central aspects of this issue involve that which takes place during the mediation, arbitration, and conciliation phase.

Mediation, Arbitration, Conciliation, and Dispute Resolution at the Pre-judicial Stage

| Indicators | Sources |
|--|------------------|
| Number of cases filed | Labor statistics |
| Number of wrongful dismissal cases filed | Labor statistics |
| Number of cases resolved | Labor statistics |
| Number of wrongful dismissal cases resolved | Labor statistics |
| Percentage of wrongful dismissal cases resolved through settlement | Labor statistics |
| Average and median duration of cases resolved through a settlement | Labor statistics |
| Average and median duration of cases resolved without a settlement | Labor statistics |

5.4. Specific Indicators for Enforcement of Judgments

Almost all of the comments made in regard to general judicial bodies in Section 3 are applicable here, including indicators on independence, impartiality, competence, workload, endowments, productivity and efficiency, effectiveness, quality, transparency or accountability. Applying these to this ambit obviously requires adjustments given that the tasks involved with this sector

of the justice system involve judging judicial bodies and enforcing sentences. In many countries enforcement enjoys a certain amount of autonomy that is frequently accompanied by shifting many tasks to relatively autonomous professionals such as sheriffs (*alguaciles*) or similar officials.

| Indicators ³⁸ | Sources |
|---|---|
| Number of sheriffs or others responsible for enforcement of judgments | Judicial and/or enforcement statistics. Administrative information |
| Number of administrative staff | Judicial and/or enforcement statistics. Administrative information |
| Sentences enforced as a percentage of total sentences | Judicial and/or enforcement statistics. Court administrative files |
| Percentage of sentences in which enforcement is urged broken down by major types of matters | Judicial and/or enforcement statistics. Court administrative files |
| Enforcement actions registered per period | Judicial and/or enforcement statistics |
| Enforcement actions resolved per period | Judicial and/or enforcement statistics |
| Ratio between enforcements pending at the end of the period versus those pending at the beginning of the period | Judicial and/or enforcement statistics |
| Cost of enforcement as a percentage of the amount recovered | Judicial and/or enforcement statistics. Court administrative files |
| Amount recovered by the enforcer as a percentage of the value of the judgment | Judicial and/or enforcement statistics. Court administrative files |
| Percentage of enforcement processes terminated through agreements. | Judicial and/or enforcement statistics. Court administrative files. Polls among attorneys and companies specializing in collecting on judgments |
| Percentage of enforcement processes terminated by judicial ruling | Judicial and/or enforcement statistics. Court administrative files |
| Enforcement processes resulting in payment (number) as a percentage of all sentence enforcements sought | Judicial and/or enforcement statistics. Court administrative files. Polls among attorneys and companies specializing in collecting on judgments |

³⁸ Italian civil judicial statistics (*Instituto Nazionale di Statistica*, 2002) give a detailed view of enforcement activity and use a number of the indicators proposed herein.



5. SPECIFIC INDICATORS FOR OTHER JURISDICTIONS AND AREAS

| | |
|--|---|
| Ratio of debts collected to those sought through enforcement | Judicial or enforcement statistics. Polls among attorneys and companies specializing in collecting on judgments |
| Average and median value of judgments collected | Judicial and/or enforcement statistics. Court administrative files. Polls among attorneys and companies specializing in collecting on judgments |
| Ratio of amounts paid and amounts claimed over a given period (one year or another period) | Judicial and/or enforcement statistics. Court administrative files |
| Average time for collecting on a judgment | Judicial and/or enforcement statistics. Court Administrative Files |
| Time lapse between the beginning and end of the enforcement process (average and median times) | Judicial and/or enforcement statistics. Court administrative files |
| Percentage of enforcement processes resolved in less than 30 days | Poll among users from recently terminated cases, broken down by income, gender, race, and ethnic group |

Note: The indicators may be expressed in their natural value or as a percentage variation; the term “variation” will not be repeated for space considerations.

5.5. Specific Indicators for Private Law Practice

In general, we may expect those who work in the private legal ambit to demonstrate the following attributes:

- Professional Competence
- Ethical behavior
- Transparency, except in matters of professional confidentiality
- Access to legal counsel
- Efficiency in offering services, although this is a characteristic managed by the attorneys themselves given that it is in their own interest to do so. Exceptions include matters related to public regulation or self-regulation.
- Efficiency of the demand for legal services, related to an attorney’s advice to a client on whether or not to pursue an appeal, in the manner chosen to resolve disputes (agreement or litigation, appeal, no appeal, etc.), and the total amount of resources dedicated to that end. This is particularly important given the obligation to have proper legal counsel; for example, the decision to appeal, which must be made by the litigant, is logically conditioned by what his or her attorney suggests in regard to this aspect of the case.
- Effective performance of duties

- Not contributing to delays
- Provision of quality service
- Responsibility, accountability, particularly as a professional body (bar associations) and all aspects related to the use of fiscal resources

Institutional Indicators

- Access to the profession and adjustment of training required to become an attorney. It is interesting to explore whether or not the mechanism by which one accesses the profession reasonably ensures that attorneys have the knowledge required to practice law. Beyond obtaining a law degree, the requirements for practicing law vary among countries. A few require only a law degree (Spain), while others demand a bar exam (United States); still others require a bar exam and an articling period of two to three years (for example, Germany, Italy, France, or England). As the value of indicators outlining this situation is limited and may be quite costly, researchers would be advised to consider using documentary and bibliographic analyses.

- Another important part of the system is how legal services are charged, particularly the feasibility of linking payment to the result of the case, and variation of cost according to the phase at which the case is resolved, the type of case, number of motions or documents to be submitted. Financial figures show that, in general, a *cuota litis* system, or one in which compensation depends on the results, is better in a wide range of situations, but with a few preconditions; for example, that the amount charged by the attorney differs depending on when the case is concluded - i.e. after the complaint has been lodged, after sentencing or appeal, or through early agreement. It is also necessary to have a certain degree of supervision of this relationship, given that attorneys usually have much more information about and control over the situation than the parties themselves. Again, this institutional indicator can be determined through a few interviews with experts and/or clients of the system.
- Another aspect is mandatory membership in a bar association. With the exception of Chile, standard practice in Latin America and Europe is that membership be required of all practicing attorneys. Of secondary importance is analyzing the role of these professional organizations, i.e. whether they are basically groups that safeguard their common interests or ones that play an active role in ensuring professional quality and ethical standards. As with most institutional indicators, the most useful source of this information is likely personal interviews and documentary and bibliographic analyses.

Human Resources

| Indicators | Sources |
|---|---|
| Number of attorneys per 100,000 inhabitants | Bar association registers |
| First year law students per 100,000 inhabitants | Administrative information. Population statistics |
| New law school graduates per 100,000 inhabitants | Administrative information. Population statistics |
| Law students as a percentage of total university student population | Administrative information. Judicial statistics |

Indicators may be expressed as natural values or percentages.

Costs

| Indicators | Sources |
|---|---|
| Cost of legal services broken down by the 6 most important procedures or matters for each jurisdiction and instance | Bar association registers. Poll of a sampling of users. Registers of consumer associations |
| Percentage of users who believe that the cost of the services charged by their attorney was too expensive, by cases won and lost and income levels, ethnic background or membership in a marginalized group | Bar association registers. Poll of a sampling of users. Registers of consumer associations |
| Percentage of attorneys who believe that the services provided by the bar association do not justify the cost to attorneys | Poll of attorneys |



5. SPECIFIC INDICATORS FOR OTHER JURISDICTIONS AND AREAS

Quality

| Indicators | Sources |
|---|--|
| Percentage of experts who consider initial legal training of attorneys to be deficient | Poll of judges. Interviews with experts |
| Ratio of the number of complaints for professional incompetence received by bar associations, consumer associations or other pertinent groups, compared to the number of attorneys in the same area | Bar association records. Information from consumer groups. Interviews with consumer group leaders |
| Ratio of the number of complaints in which an attorney was disciplined compared to the total number of complaints | Bar association records. Information from consumers groups. Interviews with Consumer group leaders |
| Percentage of users who are unsatisfied with their attorney's performance, by cases won and lost and income level, ethnic background, or membership in a marginalized group | User poll. Consumer group records |



6. Using Indicators for
Management Purposes:
Measuring Judges' Performance





This section illustrates how to use indicators for a specific purpose: measuring the performance of judges. In some countries, such as Chile or Spain, there are monetary and other incentives associated with meeting performance standards. The following paragraphs provide a detailed illustration of a portion of an assessment system. Further information may be obtained from Spain's *Consejo General del Poder Judicial (CGPJ)*, *Vocalía de Estadística e Informática* (Judicial Branch General Council Statistics and Information Branch), as the document used for this section was still in draft form when this manual went to press (a brief summary of the new system is provided in Fernández, 2004). This example was chosen because it is a recent effort that combines

previous experiences, though it is not necessarily the best option, and certainly has appreciable weaknesses that may be addressed at another time. The most important aim at present is to show how indicators may be used for many purposes, including improving the performance of elements of judicial systems.

The project on Performance Assessment for Judges and Magistrates in Spain's judicial branch is expected to be published in early 2005. This system uses performance indicators grouped into "success factors," which often have sub-indicators to more precisely define which activities require attention and strengthening.

Success Factors and Indicators

| Main Factors | Success Factors | Indicators |
|---------------------------|---|---|
| | Effectiveness Assess quantity and quality of judgments | Volume of judicial work (1) Complexity of matters (2) |
| | Quality Assess the timeliness and effectiveness of enforcement of judgments | Procedural time limits are respected (3) Enforcement processes (4) |
| | Efficiency | Backlogs (5) Use of new technologies (6) |
| Global Correction Factors | Dedication Assess the contribution to the organizational operation of the justice administration system | Extra measures (7) Governance (8) |
| | Professional Development Assess participation in organized activities for professional development | Professional development activities (9) Academic development (10) |

Indicators, Sub-Indicators, and Sources of Information

| Indicators | Sub-indicators | Sources |
|-----------------|---|---------------------|
| Work Volume (1) | (1.1) Cases resolved by sentence (1.2) Cases resolved by judicial resolution | Judicial statistics |
| Complexity (2) | (2.1) Complexity of matters- high or average (2.2) Complexity of procedures: high or average | Judicial statistics |



6. USING INDICATORS FOR MANAGEMENT PURPOSES: MEASURING JUDGES' PERFORMANCE

| Indicators | Sub-indicators | Sources |
|---|---|---|
| Fulfillment of procedural time limits (3) | Hand down rulings within legal time limits | Judicial statistics |
| Enforcement processes (4) | Provisional and final enforcements | Judicial statistics |
| Backlogs (5) | (5.1) Rulings made (5.2) Pending procedures resolved | Judicial statistics |
| Use of new technologies (6) | 6.1) Case records 6.2) Sentences included in CGPJ (judicial branch) database | Judicial statistics Data from I/S applications |
| Extra measures (7) | (7.1) Mandatory changes in jurisdictional matters (7.2) Changes in judicial bodies | Information provided by the entity being evaluated |
| Governance (8) | Adapted for each specific case of judges and magistrates with non-exclusive governance responsibilities | Information provided by the entity being evaluated |
| Professional Development (9) | Participation in legal update courses | Information provided by the judge or entity being evaluated |
| Academic Development (10) | (10.1) Delivery of training activities (10.2) Legal publications | Information provided by the judge or entity being evaluated |

Values of indicators and sub-indicators. Each indicator and sub-indicator has a specific weight, with each

component having an appropriate value on a scale from 1 to 5 (with 3 representing standard performance).

Work Volume (1)

| | |
|-------------|---|
| Work Volume | Cases resolved through sentences Cases resolved by judicial resolution |
|-------------|---|

Assess cases resolved in different ways, assigning a specific value to each – sentence (5) or resolution (2).

Calculation of rating intervals

As a reference value the upper limit of Level 3 rating (standard performance level) will be used. The eighth decile (statistical variable that leaves out 80 % of unipersonal bodies) is a reference value for the upper limit of a Level 4 rating. The first decile (statistical variable that leaves out 10 % of unipersonal bodies) is a reference value for the lower limit of a Level 2 rating. These variables will be used to calculate—according to regular statistical procedure for determining intervals—the different ranges within the corresponding ratings above and below those mentioned, dividing the values into the appropriate intervals.

Range of lower intervals = (Median – 1st decile)-1) / 2

Range of higher intervals = (8th decile –Median)-1

Level 1: Below 1st decile

Grade 2:

Lower limit = 1st decile

Upper limit = lower limit + range of lower intervals

Level 3:

Lower limit = upper limit of Level 2 + 1

Upper limit = Median

Level 4:

Lower limit = upper limit of Level 3 + 1

Upper limit = lower limit + range of higher intervals

Level 5: Higher than 8th decile



6. USING INDICATORS FOR MANAGEMENT PURPOSES: MEASURING JUDGES' PERFORMANCE

Example:

| | |
|--------------------------|-----|
| 1st Decile | 89 |
| Median | 167 |
| 8th Decile | 218 |
| Range of lower intervals | 39 |
| Range of higher interval | 50 |

| Level 1 | Level 2 | | Level 3 | | Level 4 | | Level 5 |
|------------|-------------|-------------|-------------|-------------|-------------|-------------|---------|
| Lower than | Lower limit | Upper limit | Lower limit | Upper limit | Lower limit | Upper limit | Above a |
| 89 | 89 | 128 | 129 | 167 | 168 | 218 | 218 |
| | (89 + 39) | | (128+1) | | | | |

For those judicial bodies that expect a below average number of cases filed, and only for these (as in this case the body being evaluated cannot increase the number of rulings and, as a result, cannot move up the scale), this will vary accordingly. Thus:

- The projected # of cases to be filed marks the upper limit of the Level 3 interval.
- The value for Level 5 will be calculated in direct proportion to the number to obtain the average.
- These variables will be used to calculate the interval range for each.

Complexity (2)

| | |
|-------------------|--|
| <i>Complexity</i> | <p><i>Of matters:</i> High complexity Average complexity</p> <p><i>Of procedures:</i> High complexity Average complexity</p> |
|-------------------|--|

Highly complex matters

This value will be arrived at by determining the relative weight of those procedures considered the most complex compared to all of the other procedures that the judicial body in question handles. These may include cases involving large claims, bankruptcies, payment withheld, requests for debt reduction and extensions, ordinary matters, and marriage annulments.

Matters of average complexity

This value will be arrived at by determining the relative weight of those procedures considered less complex compared to all of the procedures that the judicial body handles, including small claims, redemptions, inheritance (only contentious), division of property, cognizance, oral, early termination

of contracts and other rental processes, injunctions, summary misdemeanor trials with immediate sentencing, contentious separations and contested divorce, custody of children, and contested non-parental guardianships.

Highly complex procedures

This value will be arrived at by determining the relative weight of those procedures considered highly complex that the judicial body handles: incidental issues, procedures requiring more than three hours.

Procedures of average complexity

This value will be arrived at by determining the weight of those procedures within the entity in question: interlocutory appeals, precautionary measures.



For all cases adequate performance is estimated assuming completion of 35% of highly complex matters and 65% of matters of average complexity. The specific

weight of highly complex matters and procedures is double that assigned to those of average complexity.

Fulfillment of procedural time limits (3)

| | |
|---------------------------------------|--|
| Fulfillment of procedural time limits | Issue sentence with the legal time limit |
|---------------------------------------|--|

Given that this time limit is legally established, one expects it to be observed by the magistrate or judge in most cases. Therefore the performance indicator must be more demanding. Thus, for the maximum level (5) of

rating, judges must fulfill the time limits in more than 95% of cases. All unipersonal entities are measured on a single scale:

| 1 | 2 | 3 | 4 | 5 |
|-------|-----------|-----------|-----------|------|
| Scale | | | | |
| < 80% | 80% - 84% | 85% - 89% | 90% - 95% | >95% |

Enforcement Processes (4)

| | |
|-----------------------|--|
| Enforcement processes | Provisional and final enforcement actions. |
|-----------------------|--|

The scale has been built using information on the number of enforcement processes resolved successfully as a percentage of the total number of enforcement orders registered according to official statistics. Placing this

percentage at the lower limit of Level 4 on the scale, and 100% (the maximum level possible) at the lower limit of Level 5, intervals are determined proportionally, as shown in the example below:

Example

| | |
|------------|---------|
| Registered | 180,639 |
| Resolved | 150,170 |
| Ratio | 83% |
| Interval | 8 |

| Level 1 | Level 2 | | Level 3 | | Level 4 | | Level 5 |
|---------|-------------|-------------|-------------|-------------|-------------|-------------|---------|
| below | lower limit | upper limit | lower limit | upper limit | lower limit | upper limit | above |
| 65% | 65% | 73% | 74% | 82% | 83% | 91% | 91% |

The difference between the maximum possible level of 100% and the optimum level of 83% is 17%, which must

be distributed in two intervals –levels 4 and 5 on the scale–, which gives us a range of 8.

Accruals (5)

| | |
|----------|---|
| Accruals | Resolved. Number of accruals finalized |
|----------|---|



6. USING INDICATORS FOR MANAGEMENT PURPOSES: MEASURING JUDGES' PERFORMANCE

This does not require a proper assessment because the judge him or herself determines the number of accruals. Nevertheless, as some point of reference is needed to establish this value, a starting point is set at a minimum number of accruals in order to assess the performance of judges and magistrates. This minimum level will be equivalent to 10% of the sentences required to surpass Level 1 of the workload volume indicator. This minimum level must be determined in relation to the workload volume indicator scale for each judicial body. The total number of sentences handed down will be taken, and compared to the total

number that corresponds to accruals, which will be added to the first. Where the result exceeds the minimum demanded, the judge or magistrate will obtain the same performance level that he or she would have obtained in "workload volume" for the total number of sentences resulting from the sum of both variables. The rating given in the workload indicator will also be adjusted to reflect this performance. The rating reached will be multiplied by the unit obtained and the product will be the performance value attained. The deviation will not be taken into account as the indicator does not have demand criteria itself.

Use of New Technologies (6)

| | |
|-------------------------|---|
| Use of new technologies | Case records Inclusion of sentences in the CGPJ database |
|-------------------------|---|

These indicators will operate as elements of correct practices and will affect values reached in the efficiency factor. The value of this indicator will register 3 points (or "corrected value") only where affirmative answers are

received for the sub-indicators. Nevertheless, the entity being assessed must be situated on Level 3 of the performance scale for this indicator to act as a corrective factor.

Extra Measures (7)

| | |
|----------------|---|
| Extra measures | Mandatory changes in jurisdictional matters Changes to judicial entities |
|----------------|---|

These two global correctors come into play when the changes are produced, in other words, when new judicial bodies or jurisdictions are created, adding 1 point to the corrected value of the indicator totals in both cases. In

order to function they require that the entity under assessment has reached at least Level 3 in overall performance according to the indicators.

Governance (8)

| | |
|------------|--|
| Governance | Adapted case by case for judges and magistrates with non-exclusive governance responsibilities |
|------------|--|

This corrective factor only affects judges who have a non-exclusive governance role that does not imply a reduction in their workload. Thus, the judges who will be assessed in this indicator will be non-exclusive senior judges or their delegates, Section and Chamber chief justices, and Provincial and Supreme Court chief justices. The value assigned will have a multiplying effect, so that when the circumstance is identified in the corresponding box, the corrected final assessment will be multiplied by the corresponding numerical value.

The indicator operates also according to the following criteria: The system asks whether the judge or magistrate is excused from judicial duties to fulfill governance duties. In the affirmative, the judge must indicate the percentage. Where the answer is affirmative, the intervals on the workload indicator scale will be automatically reduced in the same proportion, and the factor will not have a multiplying effect. Where the answer is negative, the factor will have a multiplying effect as shown in the following tables:



Senior judges and their delegates

| Number of courts in the sample | Numerical multiplying factor |
|--------------------------------|------------------------------|
| 2 – 5 | 1.05 |
| 6 – 10 | 1.10 |
| 11 – 20 | 1.15 |
| > 20 | 1.20 |

Other magistrates with governance responsibilities

| Magistrate's position | Numerical multiplying factor |
|---|------------------------------|
| Chief Justice of Section | 1.05 |
| Court Chief Justices with 1-10 Sections Provincial Chief Justices with 1-10 Sections | 1.10 |
| Chamber Chief Justices with 11-20 Sections Provincial Chief Justices with 11-20 Sections | 1.15 |
| Chamber Chief Justices with > 20 Sections Provincial Chief Justices with > 20 Sections Supreme Court Chief Justices | 1.20 |

Professional Development (9)

| | |
|--------------------------|-------------------------|
| Professional development | Legal refresher courses |
|--------------------------|-------------------------|

This sub-indicator operates incrementally, adding 0.5 points per course attended to the corrected value of the total of all indicators, only where the entity being evaluated

has reached at least Level 3 in the performance scale of the “workload” indicator.

Academic Development (10)

| | |
|----------------------|---|
| Academic Development | Teaching activities Legal publications |
|----------------------|---|

The first sub-indicator operates incrementally on the corrected value of the total of all indicators by adding 0.5 points per teaching activity delivered, with a limit of 2 activities per exercise. In regard to legal publications, the sub-indicator operates incrementally to the all indicators by adding 1 point per publication to a maximum of 2, leaving the CGPJ to determine whether to assess these

or not. The judge or magistrate will make reference in the section on Observations, as appropriate, to the title of publications that he or she wishes to be taken into account. In any case, both sub-indicators come into effect only where the individual being assessed has reached at least a Level 3 performance rating in the total of all his or her indicators.

7. A Proposed Set of Basic Indicators







This section presents a selection of some “basic indicators,” so named because they may be generated without an extensive or complex information system. These indicators are quantitative and tend to be easier to obtain. The aspects that they address correspond to those discussed throughout this document. In the interests of brevity we will not repeat the names of the sources and meaning of the indicators, which appear in the preceding sections of this document.

7.1. Common Aspects of Justice

7.1.1. Resources and Their Use

Judicial Branch. Budgetary Resources

- Justice expenditure as a percentage of GDP
- Justice expenditure as a percentage of total public spending
- Percentage of justice budget used to pay staff (in budgetary terms, Chapter I)
- Percentage of justice budget used for goods and services (Chapter II)
- Percentage of budget used for investment (Chapter IV)
- Per capita spending
- Judicial fees collected as a percentage of total justice budget
- Fines collected as a percentage of total justice budget
- Other revenues as a percentage of total justice budget

Judicial Branch. Human Resources

- Judges per 100,000 inhabitants
- Distribution of judges by type of judicial body, subject matter, and region; evolution over time
- Percentage of total number of female judges
- Judicial support staff per 100,000 inhabitants
- Percentage of total number of female judicial support staff
- Support staff per judge

Judicial Branch. Salaries

- Average salary of an entry-level judge (appeals court judge; Supreme Court justice)
- Average salary of an appeals court judge as compared to per capita income

Judicial Branch. Territory

- Average area covered per court
- Ratio of average area to judicial staff

Judicial Branch. Technology

- Percentage of judicial bodies with computerized court management systems
- Email accounts per court
- Percentage of judicial bodies fully equipped with computers

Judicial Branch. Organization

- Percentage of judicial bodies that share services

Judicial Branch. Provision of Judicial Services

- Number of days dedicated to judicial hearings and as a percentage of working days

Judicial Branch. Availability of Human Resources

- Number of days annually in which judges were absent from court, and as a percentage of total annual working days
- Number of days in which administrative staff were absent from the court, and as a percentage of total annual working days



7.1.2. Independence and Impartiality

- Percentage of judges with discretionary appointments or by other non-merit based processes
- Percentage of the judiciary that may be appointed and removed by discretion
- Ratio of an entry level judge's salary and that of an administrative staff member at the same seniority level
- Ratio between a Supreme Court justice's salary and the highest salary of a judge who sits on any other court
- Number of complaints regarding judges' conduct, broken down by motive, origin of complaint, and result of the complaint
- Number of judges disciplined in a year, broken down by motive

7.1.3. Competence

Judicial Education and Ongoing Training

- Resources assigned to ongoing judicial training, broken down as a percentage of total spending, and variations

7.1.4. Litigation, Workload, and Efficiency in Demand

Workload

- Cases filed per judge. Value and rate of variation
- Workload: cases filed added to those pending at the beginning of the period, per judge. Value and rate of variation
- Clearance rate (total number of cases filed plus number of cases pending from the previous period, divided by the number of cases resolved during the period). Value and rate of variation; distribution by subject matter, judicial body, region, etc.
- Case resolution rate; distribution by subject matter, judicial body, region, etc.
- Percentage of uncontested sentences. Value and rate of variation; distribution by subject matter, judicial body, region, etc.
- Complexity of workload (workload complexity determined according to index of types of cases; distribution by subject matter, judicial body, region, etc.)³⁹

Excessive Litigation

- Cases filed per 100,000 inhabitants, per judge; annual variation; distribution by subject matter, judicial body, region, etc.
- Percentage of uncontested cases or sentences, broken down by jurisdiction
- Annual rate of increase in the number of cases filed
- Rate of appeal (percentage of matters filed in the appeals courts as a percentage of the total number of sentences handed down in the first instance)
- Annulment rate (matters filed in superior or supreme courts as a percentage of total number of sentences handed down in the second instance)
- 25th percentile, median and 75th percentile of the monetary value of suits, broken down by jurisdiction
- Quickly resolved matters as a percentage of the total, broken down by jurisdiction

7.1.5. Access to Justice and Legal Aid

Access to Justice

Users

- Average (and median) cost of legal aid, broken down by type of procedure or matter (select the 6 most important (or less) for each jurisdiction or instance)
- Average private cost by type of case, for some typical cases in each jurisdiction (civil, family, juvenile, criminal, administrative, labor, etc.)

³⁹ For production (output) and workload indicators weighted for case complexity (IPC), see. *Coding and Decoding Vol. I*, p. 40 ff.

- Ratio of average private cost of matters and average income
- Number of judicial bodies (number of courts or tribunals) created in marginalized rural and urban areas, broken down by gender, ethnicity, religion and level of urbanization

Hours of Public Access

- Number of hours per day that judicial offices are open to the public
- List of day and evening hours

Legal Counsel

- Percentage of justice system users involved in family law cases who do not have legal representation
- Percentage of defendants without legal representation in criminal trials

Legal Aid (or Free Access to Justice)

Resources

- Cost of legal aid as a percentage of GDP
- Cost of legal aid as a percentage of total public spending
- Cost of legal aid as a percentage of total judicial budget
- Cost of legal aid per capita
- Cost of legal aid for civil, family, juvenile, criminal, administrative, and labor justice.
- Total spending on legal aid by type of case (civil, family, juvenile, criminal, administrative, labor, etc.)
- Number of legal aid cases as a percentage of cases filed in the different courts (civil, family, juvenile, criminal, administrative, labor, etc.)
- Percentage of cases defended by subsidized legal counsel with a positive outcome for clients, broken down by type of procedure and subject matter

7.1.6. Productivity. Cost effectiveness. Performance

Weighted indicators on productivity and workload

- Matters resolved per judge
- Matters resolved per judge, weighted for complexity
- Sentences handed down per judge

- Sentences handed down per judge, weighted for complexity
- Complex sentences per administrative staff
- Sentencing rate (sentences as a percentage of total matters resolved)
- Conciliation Rate (% of cases resolved by conciliation as a percentage of total number of cases resolved)
- Percentage of sentences not contested by the respondent
- Percentage of sentences not contested by the defendant
- Percentage of cases resolved by agreement or conciliation in court
- Percentage of sentences (estimative sentences over the total)
- Revenues to parties (apart from court fees and fines)
- Disbursements from parties (apart from court fees and fines)
- Percentage of hearings suspended

Public Cost. Cost Effectiveness

- Public cost by type of case resolved (civil, family, juvenile, criminal, administrative, labor, etc.)
- Revenues from courts fees and fines as a percentage of judicial budget (total and by jurisdiction)
- Annual rate of variation in cost per type of case (civil, family, juvenile, criminal, etc.)
- Cost per sentence issued (civil, family, juvenile, criminal, administrative, labor, etc.)
- Annual rate of variation in cost per sentence handed down for civil, family, criminal, administrative, labor matters, etc.
- Average private cost of cases as a percentage of average income

7.1.7. Case Duration and Delays

- Variation in average and median duration of the most important procedures by jurisdiction and instance
- Cases Pending. Information on total number. Distribution of each of the four main procedures.
- Variation in cases pending between the beginning and end of the period (in %)
- Pending rate. Distribution for each of the four main procedures in each jurisdiction and instance
- Clearance Rate. Distribution for each of the four main procedures of each jurisdiction and instance
- Matters pending per judge at the end of the period
- Percentage of cases pending for more than 12 months
- Case Duration (from filing to sentencing). For all procedures. Basic statistics (N, average, normal deviation, maximum, minimum and 5th, 25th, 50th, 75th, and 95th percentiles)
- Distribution of case duration for periods of 3, 6, 9, 12, 18, 24 and over 24 months
- Case duration (from filing to sentencing). Distribution by type of procedure (or for the four main procedures). Basic statistics
- Percentage of matters resolved in less than 3, 6, 9, 12, 18, 24 and over 24 months
- Time lapse from filing of a suit to first hearing
- Time lapse from filing of a suit to cases disposal
- Time lapse from filing to resolution for small claims
- Time lapse for suspended cases
- Changes in number of sentences enforced in less than 30 days from official sentencing
- Percentage of trials that are suspended
- Average time defendants spend in preventive custody (weeks)
- Average time defendants spend at liberty before and during trial (weeks)
- Jury trials. Number of days in attendance and absent

7.1.8. Quality

Quality of Judicial Rulings

- Rate of annulment on appeal
- Rate of reversal on appeal
- Rate of annulment in final instance
- Rate of reversal in final instance
- Percentage of sentences considered poorly founded or “formulaic sentences,” or excessive use of “cut and paste” practices
- Formulaic sentences

Quality of Care

- Number (and variation) of complaints brought by users against judicial bodies or responsible entity, public defender’s office, and other instances
- Percentage of complaints terminating in a discipline
- Average and median length of time between lodging of complaint and obtaining a response
- Percentage of users that have to wait more than 2 hours during the court day
- Percentage of witnesses that have to wait 1 hour or less during the court day
- Percentage of summonses suspended or postponed
- Variation in the number of users who used the internet to consult the courts

Quality in Judicial Procedures

Quality in the Procedural Process

- Percentage of witnesses in a case who were summoned but not required to participate
- Number of unsuccessful attempts to notify as a percentage of total notifications
- Percentage of cases in which notification was accurate and timely

7.1.9. Legitimacy. Trustworthiness. Transparency

- Number of complaints presented
- Variation in minor complaints by low-income sectors
- Variation in the proportion of complaints by low-income sectors
- Variation in the proportion of cases resulting in disciplinary measures or criminal charges
- Changes in the proportion of cases terminating in administrative or criminal disciplines
- Changes in the proportion of cases resolved informally or through mediation in favor of low-income individuals
- Transparency in procedures and judicial rulings: percentage of hearings open to the public

7.2. Specific Indicators for Criminal Justice

The preceding section can be complemented with the following indicators as well as those mentioned earlier in regard to general judicial bodies in regard to supplies, endowment, and level of use; production, productivity, and type of product; cost efficiency; duration and delays; quality, etc.

7.2.1. Access to Criminal Justice

- Rate of variation in number of people held in preventive custody (special mention of those who are in preventive custody for their inability to post bail)
- Variation in the average and median duration of preventive custody
- Changes in the quantity and quality of information available to victims, witnesses, plaintiffs and defendants on the rights to legal aid and access to dispute resolution services
- Change in diversity (gender, ethnicity, territorial, religious or other relevant type) of staff working in the justice sector
- Number of judicial bodies (local and higher courts created in rural and urban areas with marginal populations, disaggregated by gender, ethnicity, religion and level of urbanization)
- Number of judicial bodies per 100,000 residents, disaggregated by gender, ethnicity, religion and level of urbanization

7.2.2. Public Criminal Defense

- Public defenders per 100,000 inhabitants
- Percentage of cases represented by the public defender's office, broken down by procedure and subject matter

- Percentage of cases in which the outcome favored the public defender, broken down by procedure and subject matter
- Variation in the average duration between arrest and the first contact with the public defender
- Variation in the continuity of the defense, reached by calculating the number of contacts between the defendant and the defender
- Variation in time spent in preventive custody
- Variation in the number and average duration of sentences of clients of public defenders entering prison

7.2.3. Security

- Variation in street crime (robbery, assaults and other crimes, weighted by their seriousness)
- Variation in the domestic crime rate (incidents of domestic violence, household theft, homicides and other crimes committed in homes, weighted according to their seriousness)
- Variation in rate of crime in public places (in the workplace, schools, recreation and cultural areas, etc., weighted according to their seriousness)
- Variation in the rate of individuals who died while in contact with the justice system

7.2.4. Police

- Police officers per 100,000 inhabitants
- Crimes per 100,000 inhabitants
- Homicides per 100,000 inhabitants
- Crimes solved as a percentage of crimes committed, by type of crime
- Number of crimes committed by juveniles under 18, as a percentage of the total under-18 population
- Crimes committed by juveniles under 16, as a percentage of total under-16 population
- Number of auto thefts per 100,000 inhabitants
- Total number of robberies per 100,000 inhabitants
- Crimes and misdemeanors reported
- Percentage of cases solved by type of crime
- Number of individuals placed in custody by the public prosecutor's office (or the courts, in the inquisitorial system)
- Drug traffickers placed in custody by the public prosecutor's office (or the courts, in an inquisitorial system)
- Number of days lost due to illness or other causes (as a percentage of the total)
- Changes in the number of complaints that are investigated

7.2.5. Public Prosecutor's Office

- Prosecutors per 100,000 inhabitants
- Support staff per 100,000 inhabitants
- Percentage of prosecutors who are female
- Percentage of cases in which the public prosecutor's office brought charges as a percentage of all reported crimes, broken down by type of crime
- Percentage of matters resolved by agreement or plea
- Variation in the number of cases finalized in less than 12 months, and changes in these rates by income level, gender, ethnicity or other parameter
- Variation in waiting time for detainees' first interview with the prosecutor
- Change in the number of defendants in custody with bail set, and who are not able to pay said bail within one week

- Variation in the use of precautionary measures and witness protection orders in cases in which the victim is poor
- Variation in the proportion of public trials where the victim is poor
- Variation in prison sentences for crimes with poor victims compared to those with rich victims

7.2.6. Criminal Courts

- Percentage distribution of different procedures
- Frequency of custodial sentences
- Percentage of individuals convicted compared to number of sentences
- Percentage of those ordered to pay a fine
- Percentage of those sent to prison for less than 1 year
- Percentage of those sent to prison for 1 - 3 years
- Percentage of those sent to prison for 3 - 6 years
- Percentage of those sent to prison for more than 6 years
- Percentage of sentences in which repeat of offense was mentioned
- Average waiting time for defendants in preventive custody (weeks)
- Average waiting time of defendants at liberty before/ during trial (weeks)
- Juries. Percentage of days in attendance and not in attendance

7.2.7. Prisons

- Number of inmates
- Inmates per 100,000 inhabitants
- Convicts per 100,000 inhabitants
- Percentage of all inmates who are female
- Percentage distribution of prisoners by preventive custody, serving a sentence or other category, and distribution of each category by gender, age, and type of crime
- Inmates in preventive custody, as a percentage of all inmates
- Number of repeat offenders as a percentage of all inmates

- Prisoners under 18 per 100,000 inhabitants
- Prisoners under 16 per 100,000 inhabitants
- Number of inmates with access to water 24 hours a day
- Quality and nutritional value of food served, expressed in changes in malnutrition rates and related illnesses
- Prevalence of infectious diseases
- Rate of overcrowding in prisons (occupancy versus capacity)
- Availability of information on administrative grievance process and access to materials needed for formulating complaints
- Time lapse between a prisoner lodging a complaint and redress
- Proportion of complaints lodged that resulted in action taken

7.2.8. Non-custodial Sentences

- Number of convicted persons not sent to prison
- Number of convicted persons not entering prison per 100,000 inhabitants
- Percentage distribution of convicts serving non-custodial sentences, by type of crime and type of sentence
- Ratio of total convicted persons to non-custodial sentences broken down by crime type
- Proportion of offenders who do and do not benefit from non-custodial sentences, broken down by type of sentence
- Proportion of offenders sentenced to non-custodial sentences who successfully complete their sentence, broken down by income, gender, age, ethnicity and other potentially biased parameters

7.3. Specific Indicators for Other Jurisdictions and Areas

7.3.1. Indicators for Labor Justice

- Mediation, arbitration, conciliation and dispute resolution in the pre-judicial stage.
- Number of matters filed
- Number of matters filed for wrongful dismissal
- Number of matters resolved
- Number of wrongful dismissal matters resolved
- Percentage of wrongful dismissal matters resolved through agreement
- Average and median duration of matters resolved through agreement
- Average and median duration of matters resolved without agreement

7.3.2. Specific Indicators for Enforcement

- Number of sheriffs or others responsible for enforcement of judgments
- Number of administrative staff
- Sentences enforced as a percentage of total sentences
- Percentage of sentences in which enforcement is urged, broken down by the most common procedures
- Enforcement processes pending at the beginning of the period
- Enforcement processes arising during the period
- Enforcement processes resolved during the period
- Enforcement processes pending at the end of the period
- Time lapse between the initiation and termination of the enforcement process. Basic statistics
- Ratio between enforcement processes pending at the end of the period versus those pending at the beginning of the period
- Cost of enforcement as a percentage of the amount recovered
- Amount recovered by the enforcer as a percentage of the value of the judgment



- Percentage of enforcement processes terminated through agreements
- Percentage of enforcement processes terminated by judicial ruling
- Enforcement processes resulting in payment (number) as a percentage of all sentence enforcements sought
- Ratio of debts collected to those sought through enforcement
- Average and median amount of the collections carried out
- Ratio of amounts paid and amounts claimed during a given period (one year or other)
- Average length of time for collecting on a judgment
- Length of time (average and median) between initiation and termination of enforcement process
- Proportion of enforcement processes resolved within 30 days
- Ratio of the number of complaints in which an attorney was disciplined compared to the total number of complaints.

7.3.3. Indicators for Attorneys in Private Practice

Institutional Indicators

Human Resources

- Number of attorneys per 100,000 inhabitants
- First year law students per 100,000 inhabitants
- New law graduates per 100,000 inhabitants
- Law students as a percentage of total university student population

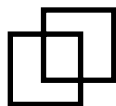
Cost

- Cost of attorney services broken down by the 6 most important procedures or matters for each jurisdiction and instance

Quality

- Ratio of the number of complaints for professional incompetence received by the bar associations, consumer associations or other pertinent groups compared to the number of attorneys in the same area.

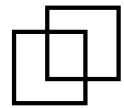
Appendices





■ APPENDICES

EXAMPLES OF THE USE OF INDICATORS IN THE JUSTICE SECTOR BY VARIOUS COUNTRIES AND ENTITIES



Index of Appendices

Appendix 1. Latin America

- Argentina
- Brazil
- Chile
- Colombia
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Appendix 2. Europe

- Belgium
- France
- Italy
- Spain
- United Kingdom

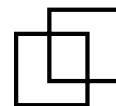
Appendix 3. International Organizations

- Justice Studies Center of the Americas
- World Bank Legal and Judicial Reform Practice Group

Appendix 4. Non-Governmental Organizations

- Andean Commission of Jurists
- Fundación Paz Ciudadana (Chile)
- Corporación Excelencia en la Justicia (Colombia)

These appendices offer a brief description of the documents and databases created by public agencies in several European (Belgium, France, Italy, Spain, and the United Kingdom) and Latin American countries (Argentina, Chile, Colombia, Brazil, and Costa Rica). In general, they reflect official statistics and data from periodic or specific research projects on various aspects of or problems with the judicial system in which the use of judicial indicators in these countries can be appreciated. The appendices also feature summaries of recently published related works by researchers or prestigious private centers in each of these countries. The final section offers information on research projects, databases, and related works published by international and non-governmental agencies.



MINISTERIO DE JUSTICIA, SEGURIDAD Y DERECHOS HUMANOS –
MINISTRY OF JUSTICE, SECURITY, AND HUMAN RIGHTS

Ministerio de Justicia, Seguridad y Derechos Humanos. Programa Integral de Reforma Judicial. *La Justicia Argentina en Cifras.* (Comprehensive Judicial Reform Program. Argentine Justice in Figures)

This document presents a synthesis of data on different aspects of the Argentinean judicial system (federal system and some figures for provincial justice): budgets of the national, provincial, and Buenos Aires' judicial branches, prosecutor's offices and public defender's offices; human resources: (magistrates, judicial and support staff of the judicial branch, and the prosecutor's offices); activity of jurisdictional bodies (national judicial branch): cases filed, pending, and resolved; crime rates; prison population; police force.

The following indicators are employed:

- Cases filed per 100,000 inhabitants; cases filed per judge
- Staff per judge
- Budget per judge, case, and inhabitant; justice budget as a percentage of GDP and fiscal budget
- Judges per 100,000 inhabitants
- Attorneys per 100,000 inhabitants
- Civil and criminal cases per 100,000 inhabitants
- Crimes per 100,000 inhabitants
- Criminal cases per prosecutor
- Indicators related to court activity: clearance rate;⁴⁰ rate of initial delay or congestion index;⁴¹ average cases filed per court;⁴² sentencing rate and rate⁴³ of trials ordered⁴⁴

PODER JUDICIAL DE LA NACIÓN - NATIONAL JUDICIAL BRANCH

MINISTERIO PÚBLICO FISCAL – PUBLIC PROSECUTOR'S OFFICE

Ministerio Público Fiscal (MPF). *Informe anual al Congreso de la Nación, 2003.*

(Annual Report to the National Congress, 2003.)

Chapter III contains a statistical analysis of the operation of the public prosecutor's office in all jurisdictions based on data obtained directly from prosecutors throughout the country. One part of the study refers to case management volume of new cases in the prosecutor's offices during 2002, how these were handled and ultimately resolved (percentage

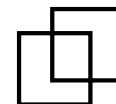
⁴⁰ Number of cases resolved / number of cases filed in the year. A result of less than 1 indicates that pending matters have increased and the available resources of the judicial body in question will be stretched beyond capacity.

⁴¹ Number of pending cases / number of cases resolved in the year. Measures delay in case disposal. Increase in this number indicates an increase in the cost of judicial service for those filing suits.

⁴² Used to identify workload in different courts and distribute it more equitably.

⁴³ Number of sentences handed down/ number of cases resolved.

⁴⁴ Number of cases sent to trial / number of cases resolved indicates productivity of criminal courts.



of cases dismissed, tried, not tried for failure to appear, declared incompetent, etc.). The proportion of cases sent to trial is used as an indicator of the system's efficiency in the investigative stage. The duration of cases is also studied (from filing to trial order). The activity carried out by prosecutors in the Appeals Chambers is also included. Other data includes analysis of type of crimes investigated by prosecutor's office: cases filed, trials ordered, and convictions per type of crime.

PUBLICATIONS OF INTEREST

Garavano, Germán (Dir.). *Plan Nacional de Reforma Judicial* (National Judicial Reform Plan). Ministerio de Justicia de la Nación.

This study of the Argentine judicial system was carried out by an interdisciplinary team of experts under the framework of the "*Programa Modelo de Reforma para las Administraciones de Justicia Provinciales*" (Model Program to Reform Provincial Justice Administration) in 1998. Proposals were developed for different areas of judicial policy and a set of indicators was proposed to describe and assess the system and design its reform. These include:

- a) Performance indicators⁴⁵
- b) Indicators related to efficiency and human resources⁴⁶
- c) Indicators related to the work of judicial bodies⁴⁷

Chapter 5 of this work analyzes statistics available on the judicial system from different provinces and some related studies.

⁴⁵ Performance Indicators:

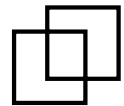
- Case disposal rate: cases resolved over cases pending (pending + new cases filed)
- Litigiousness rate: trials initiated per population group
- Efficiency rate: case length in days (beginning to end) per instance over established procedural time limits (beginning to end- in days) for that instance
- Average duration of trials: average duration (in days) of trials per instance
- Pending rate: number of cases pending at the end of a period over the total number of cases in that period (pending plus new cases filed)

⁴⁶ Indicators related to efficiency and human resources:

- Absentee rate: staff hours lost over total scheduled hours, per year
- Detailed absentee rate: percentage of staff hours lost by legal cause
- Cost of absenteeism: staff hours lost in the system valued at average cost per working hour
- Average procedural cost: calculation of average number of working hours per case, valued at the total variable cost per working hour (including total variable costs)
- Workload per judge: total number of cases annually per judge
- Staff workload: number of cases annually divided by the number of staff members per judicial office
- Lost staff hours: calculation of average cost of working hours lost from lateness, leaving early, etc.
- Labor cost per judge: total staff salary per court and per judge
- Administrative cost: administrative cost (total variable costs of administration including staff salaries) as a percentage of total costs
- Rate of administrative cost: total of administrative staff salaries as a percentage of strictly judicial salaries
- Administration rate: rate of staff dedicated to administrative tasks compared to those doing strictly judicial tasks
- Age breakdown of staff to identify staff aging trends
- Staff seniority breakdown: In terms of years of service and years until retirement. Allows for planning around changes in staffing levels

⁴⁷ Indicators related to the work of the courts:

- Average number of cases per judicial body and type of court
- Comparison of average number of cases among different courts
- Dedication of judges and court staff to administrative tasks (sample)
- Comparison of staff in different courts



Garavano, Germán (et.al.). *Indicadores de desempeño judicial. (Judicial Performance Indicators) FORES, 2000.*

This research project combines quantitative and qualitative indicators on the performance of the federal criminal and misdemeanor courts and the commercial courts of the Federal Capital.

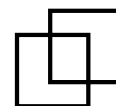
- **Indicators related to the cost of procedures:** Based on comparison of budgets and number of judicial bodies, number of cases filed, resolved, and tried in the criminal courts (cost per case file and average allocation of overall budget per court).
- **Productivity Indicators:** Case clearance rate (cases resolved over filed), rate of initial delay (cases in process over cases resolved) and pending rate (cases pending over cases filed). These rates were assigned a relative value using the ideal behavior of the indicator for each case as a reference, thus providing a performance ranking for individual courts in the jurisdiction.
- **Indicators of quality of judicial work:** Assessment of quality of rulings and performance through reversal and confirmation rates (number of first instance rulings overturned and number confirmed on appeal over the total number of cases appealed), annulment rate (first instance rulings annulled versus cases reviewed) and the trial rate (number of cases sent to trial over the number of cases filed). For reversals and confirmations, the index used absolute maximum and minimum values as a reference, while for annulments and trials an estimated value was used. In the commercial jurisdiction study, performance quality was based on the results of a poll of litigating attorneys in the jurisdiction, focusing on the conduct of magistrates, their capacity to direct, their attendance in court and availability, the organization of work in the court, the impartiality of magistrates' rulings, their legal expertise and general performance. The responses to the poll were used to create a weighted index of judicial work and a scale was created with a range of 0 - 170 points, whose spectrum includes unsatisfactory, regular, good and very good performance ratings.

Petrone, Daniel. *Cárceles sanas y limpias. Hacia un nuevo régimen penitenciario. (Healthy and Clean Prisons. Towards a New Penitentiary System.) Material for a Workshop on Crime Distribution and Penitentiary Service, 1 - 2 July 2004. Buenos Aires: Unidos por la Justicia, 2004.*

This study provides a diagnostic of the current situation of national and provincial penitentiary services based on statistical data. It includes discussions of various aspects of the prison system, including the relationship between carrying capacity and prison population, the evolution of the prison population, the number of convicts among prisoners compared to other countries, the percentage of repeat sentences, the percentage of HIV+ inmates, the relationship between the number of prisoners and guards, and prison budget allocations.

Marchisio, Adrián (Dir.). *La duración del proceso penal en la República Argentina. A diez años de la implementación del juicio oral y público. Resumen ejecutivo. (The Duration of Criminal Processes in the Republic of Argentina. Ten Years After the Implementation of Oral Public Trials. Executive Summary.) Material for the Workshop on "Justice and Violence." La Rural, 1 - 2 July 2004. Buenos Aires: Unidos por la Justicia.*

This document presents the results of an empirical study on the duration of criminal procedures and preventive custody in the Autonomous City of Buenos Aires. Data was obtained from a sampling of cases (files) involving sentences handed down in 2000 by the Oral Criminal Courts of this city. Data includes the duration (minimum, maximum, average and median) of different types of procedures from filing to resolution in the first and second instance, the duration of different stages and the number of procedures per time period. Among other aspects, the study examines the duration of preventive custody and the percentages of defendants in custody who were convicted and acquitted compared to those who were not in preventive custody during trial.



SUPREMO TRIBUNAL FEDERAL – FEDERAL SUPREME COURT

Banco Nacional de Dados do Poder Judiciário *National Judicial Branch Data Bank*

Database available on the Supremo Tribunal Federal (STF) Website. General information includes case movement (filed and resolved) in the STF, the Superior Courts (*Superior Tribunal de Justiça, Superior Tribunal Militar, Superior Tribunal Eleitoral, Superior Tribunal do Trabalho*), and in specialized judicial bodies (labor, electoral, and military), the first instance courts, and ordinary justice.⁴⁸ It also includes data on the number of judges and gender distribution, the number of judicial bodies and their regional distribution, and positions occupied and vacant.

CONSELHO DA JUSTIÇA FEDERAL – FEDERAL JUDICIAL COUNCIL

Conselho da Justiça Federal. Estatísticas da Justiça Federal *(Federal Justice Statistics)*

Contains information on the activity of the Federal Regional Courts and *juzgados*, number of judges, number of bodies, case movement (filed, resolved, pending), and data on revenues from judicial fees and fiscal enforcement activity for cases filed.⁴⁹

⁴⁸ *Supremo Tribunal Federal:*

- *Case movement:* cases filed, resolved, agreements handed down by the *Supremo Tribunal Federal* from 1940 to 2004. Distribution by type of procedure (1990-2004)
- Direct unconstitutionality cases heard, tried, and protective measures tried, 1988 to 2004
- Declaratory judgments of constitutionality: accepted, rejected, and in process, from 1993 to 2004
- Matters filed 1990 -1999 (some intermittently reported since 1949) by branch of law (percentages)

Tribunales Superiores (Superior Tribunal de Justiça, Superior Tribunal Militar, Superior Tribunal Eleitoral, Superior Tribunal do Trabalho): Processes distributed and by court from 1989 - 2003. Detail by type of process. Agreements published

Specialized courts (Labor, Electoral, Federal Military)

- Cases filed and resolved in first and second instance from 1990 to 2003
- Judicature from 1999 - 2003. Number of judges provided for by law in first and second instance, current positions held and vacant posts. Also broken down by gender.

Justicia Federal de primera instancia: cases distributed per court and per judge

Justicia Común: Cases filed per court in first and second instance; percentage of total judgeships filled and per population unit: number of inhabitants, positions provided for by law, positions currently occupied (male and female judges, total), vacant seats, percentage by gender, vacancy rate (high in some cases), relationship between number of judgeships provided for by law and population, number of judgeships occupied and population.

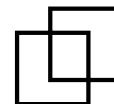
⁴⁹ Federal judges and substitutes (as of December 2003). Number and distribution by region and judicial district (posts created, occupied and vacant).

Number of courts created, implemented and not yet implemented. Distribution by region, judicial district and locality.

Tribunales Regionales Federales (1st – 5th Region): cases filed, resolved, and pending, 1993 - 2003. Distribution by region. First instance federal justice: Case movement: cases filed, resolved, and pending, 1997 -2003. Distribution by year, region, and judicial district.

Revenue from court fees (January – December 2003). Distribution by first and second instance bodies and per month.

Enforcement actions in progress, distributed by region, district and public agency.



Conselho da Justiça Federal. Publications of the Centro de Estudos Judiciários (CEJ).

Pinheiro Do Nascimento, Elimar; Barros Nunes, Ivônio. *A opinião da sociedade civil organizada a respeito da Justiça Federal (Organized Civil Society's Opinion of Federal Justice in Brazil)*. Brasília: CJP, 1995.

Final report of a study conducted by CEJ in order to examine organized civil society's opinion of Brazil's federal justice system, in particular the judicial branch itself, local justice and specialized bodies, with comparisons between these and federal justice. Interviews were carried out in the five regional cities where the federal court sits, with representatives of well-known national and regional NGO's: workers' unions, business associations, research and study centers, local experts and organizations linked to social movements.⁵⁰

Conselho da Justiça Federal. *A visão interna da Justiça Federal (An Internal View of Federal Justice)*. Brasília: CJP, 1995.

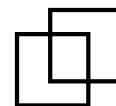
This document reports on a study of factors that lower the effectiveness of judicial services from the viewpoint of the service providers themselves and offers both an analysis of the problems and a discussion of their causes and solutions. The study was carried out through a questionnaire sent to all federal judges and through personal interviews with judges in the 5 regional federal courts.

Conselho da Justiça Federal. *A imagem da Justiça Federal na imprensa escrita (The Image of Federal Justice in the Press)*. Brasília: CJP, 1995.

An analysis of writings on federal justice published in the three major Brazilian periodicals from July 1992-June 1993.

⁵⁰ The interviews focused on the following themes:

- Federal justice system in the mass media (image of the system these project)
- Opinion of judges (importance of their role, level of skill)
- Opinion of federal justice (assessment, problems according to those interviewed, opacity or transparency, slow or rapid, elitist of democratic, efficient or inefficient, expensive or reasonable, modern or archaic, reasons for delays, reasons for archaic nature, partiality of federal justice acquiring to those interviewed, etc.



INSTITUTO NACIONAL DE ESTADÍSTICAS - NATIONAL STATISTICS BUREAU

Anuario de Justicia 2001 (Annual Justice Statistics, 2003). Santiago de Chile: Instituto Nacional de Estadísticas, 2003.

This document provides information on the activity of the Chilean Courts (Supreme Court, appeals court, local courts in different jurisdictions) as well as data from the National Children's Service (SENAME) and the local police courts (*juzgados de policía local*) presided by magistrates.⁵¹

PODER JUDICIAL - JUDICIAL BRANCH

Estadísticas Judiciales (Judicial Statistics)

Online database on the judicial branch webpage, offering information on cases filed and resolved per year from 1995 - 2001 in Chile's courts of appeal.

MINISTERIO DE JUSTICIA – MINISTRY OF JUSTICE

Ministerio de Justicia. Una nueva justicia para Chile. Nuevos actores (A New Justice for Chile. New Actors.)

This Ministry of Justice sub-site offers information on the number of courts, judges, and support staff by type of court and region; number of prosecutors and support staff in prosecutor offices; number of public defenders and the cost of criminal public defense. The section *Inversiones públicas* (public investment) details investments in information technology and infrastructure carried out and planned as part of the criminal procedure reform (including construction of new buildings, remodeling, and leasing) and their respective costs.

Servicio Médico Legal. Ministerio de Justicia. Anuario Estadístico 2000. (Annual Statistics of the Coroner's Office).

This report refers to the forensic activity for the period 1998-2000 (by specialty, type of testing and variation rates), analyses requested, and usage rates (by specialty and type of test).

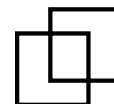
GENDARMERÍA – PRISON GUARDS

Gendarmería de Chile. Estadísticas Penitenciarias. (Penitentiary Statistics)

This report presents all of the data available on the Website on prison population overseen by *Gendarmería de Chile*. The information is presented in relation to categories such as gender, age group, prison status, region, etc. Data is also available on those serving alternative custodial and non-custodial sentences (parole, conditional release, daytime liberty), the crimes for which inmates are serving, and early release options (daytime liberty, parole).

⁵¹ In more detail:

- Cases filed and resolved in the Supreme Court, by type of case, subject matter, by outcome (accepted, rejected, inadmissible, dropped, abandoned, and filed).
- Civil and criminal cases filed and resolved in the courts of appeals, by type of appeal, subject matter, outcome.
- For civil court activity, the document presents detailed information on marriage annulments; in criminal matters, on convictions and acquittals by degree of responsibility, sex, age group, occupation, crime, place of crime, case duration by crime, etc; for labor cases, total cases filed, reactivated and resolved by procedure and subject matter; for juvenile justice, cases filed and resolved- for civil, protection, misdemeanors and crimes. Local police statistics include: judges in local police courts, cases filed, resolved and pending, as reported by local police courts, by type of offense.



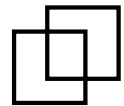
Anuario Estadístico Interinstitucional. Reforma Procesal Penal 2002. (Inter-instituional Statistics Report 2002). Poder Judicial, Ministerio Público, Ministerio de Justicia, Defensoría Penal Pública, Carabineros, Policía de Investigaciones, Gendarmería, Fundación Paz Ciudadana, 2003

This work summarizes case flow in local prosecutor's offices and regular and investigative police forces (*Carabineros* and *Investigaciones*) that are concluded by measures of the prosecutor's office, in regards to simplified and ordinary procedures, sentences in ordinary procedures and oral trials. Information is also included on average duration of different types of hearings, on people attended in the Victim and Witnesses Attention Unit, and transfer of defendants taken into custody.⁵²

The study only covers those regions of the country in which the new criminal procedure code was in operation throughout 2002. It allows for assessing the performance of the new system and the work carried out by its actors in 2002.

⁵² In detail:

- Complaints filed in 2002 by crime type and region, and suits presented;
- Discretionary measures applied by the Prosecutor's Office by crime type and type of measure;
- Judicial hearings conducted in ordinary procedures by crime type and region;
- Defendants in ordinary procedures by crime type;
- Jurisdictional resolutions applied in simplified, ordinary, abbreviated, and private criminal procedures by crime type and type of resolution;
- Appeals presented to the courts of appeal by type of appeal, region, and outcome;
- Average duration of hearings (oral trials, preliminary hearings, investigative hearings, etc.) per crime type and region;
- Victims and witnesses attended in the Prosecutor's Office Victims and Witnesses Attention Program by type of crime and region;
- Transfers of defendants in protective custody to prosecutor's office, guarantee courts (*juzgados de garantía*) and oral criminal trial courts.



RAMA JUDICIAL. CONSEJO SUPERIOR DE LA JUDICATURA - JUDICIAL BRANCH. SUPERIOR JUDICIAL COUNCIL

Banco de datos estadísticos.(Statistical Database)

This database allows users to perform online searches for statistical information on case movement in Colombia's judicial branch. It features data on cases filed and resolved annually for first and second instances and their distribution by types of filings and disposals and by type of matter or procedure. The data includes civil, criminal, labor, family, and juvenile cases.

For criminal cases data is also given on convictions and acquittals of defendants. In the civil ambit, information on the types of suits, including first and second instance appeals are available, as well as their outcome (in the first instance: by sentence, award, conciliation, transaction, abandonment, lapsing, withdrawal, annulment, and other terminations; in the second, by court orders appealed, appeal, complaint, review, inquiry).

Data on case movement is used for decision-making on territorial re-organization and allows for equitable distribution of workload in court offices.

JUDICIAL BRANCH PUBLICATIONS

Costos del servicio de justicia en Colombia. Estudio de casos (The Costs of Justice Services in Colombia. Case Studies). Consejo Superior de la Judicatura; Universidad Nacional de Colombia, 1998

This document analyzes seven ordinary jurisdiction cases in civil, criminal, labor, juvenile, and family justice, identifying fiscal and private costs at each stage, as well as bottlenecks during the judicial process.

Tiempos procesales y opinión sobre el servicio de justicia (Length of Procedures and Opinion of Justice Service). Consejo Superior de la Judicatura. Universidad Nacional de Colombia, 1998.

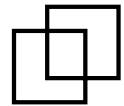
This document examines external, internal, and procedural factors for judicial delays and the duration of each stage of the procedural process, identifying the main bottlenecks in judicial processes.

Guía metodológica de la Estadística Judicial (Methodological Guide to Judicial Statistics). Consejo Superior de la Judicatura. Universidad Nacional de Colombia, 2000.

This document was designed to show how basic statistical concepts are applied to judicial management. The authors use simple language to explain how to interpret the results on court management and judicial activity.

Estadísticas sobre la acción de tutela (Statistics on the Use of the Tutela Protection Measure). Consejo Superior de la Judicatura; Corte Constitucional, 1999.

The study offers ways of estimating the social impact of the use of the *tutela* protection measure as a way of accessing justice, its impact as an immediate measure to protect basic rights, its degree of use, and its real benefit to Colombian society. This publication presents the development of *tutela* in regard to infringement of rights, victims, and the grounds for its use.



Encuesta de profundización. Jueces y Magistrados (In-depth Poll on Judges and Magistrates). Consejo Superior de la Judicatura. DATEC, 1999.

An opinion poll conducted among judicial branch staff to assess the quality of service, identifying strengths and weaknesses in judicial branch management.

Encuesta de opinión sobre la justicia. Demandantes, demandados y abogados litigantes (Opinion Poll on Justice. Complainants, Respondents, and Litigating Attorneys). Consejo Superior de la Judicatura. DATEC, 1999.

Poll of users of the judicial system that regularly gauges the opinion on different aspects of judicial service.

Indicadores de la justicia (Justice Indicators). Consejo Superior de la Judicatura, Universidad Nacional de Colombia, 1998.

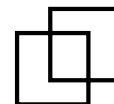
This document presents economic and demographic indicators, as well as those related to management costs: access, productivity, demand and congestion in the courts.

Encuesta nacional de justicia. Derecho de acceso al servicio de justicia (National Poll on Justice. The Right to Access Justice Services). Consejo Superior de la Judicatura. DANE, 1997.

This is the first national poll on justice applied by DANE via a module added to the *Encuesta Nacional de Hogares* (National Poll of Homes). The poll identified and described the different obstacles that users of justice services encounter: technical, cultural, bureaucratic, geographic and economic.

Diagnóstico de las finanzas de la rama judicial (Analysis of Judicial Branch Finances). Fedesarrollo. Consejo Superior de la Judicatura, 1999.

The study analyzes the finances of justice sector institutions (Jurisdictional Section, National Prosecutor's Office, Ministry of Justice and Law, Inpec, Superintendence of Notaries and Registry, and the National Drug Authority).



PODER JUDICIAL – JUDICIAL BRANCH

Poder Judicial. Departamento de Planificación. *Anuario de Estadísticas 2002 (Annual Statistics 2002)*. San José de Costa Rica, 2003.

This report includes data by subject matter (criminal, labor, transit, financial contentious/civil, civil, agrarian, family, domestic violence, etc.) and by judicial circuit on case movement in first and second instance courts, as well as cassation and constitutional chambers. It includes information on the public prosecutor's office (case movement, criminal cases filed by type of crime and judicial circuit; hearings and other work of prosecutors, etc.) and notarial movement.

Data includes:

- Cases filed (by type of judicial body and subject matter, type of procedure)
- Appeals filed (by type, ruling appealed, origin)
- Cases pending (by judicial body and subject matter)
- Cases resolved (by type of outcome)
- Average duration of trials
- Average duration of appeals (*habeas corpus*, *amparo* (protection), and unconstitutionality)
- Average duration of procedural stages

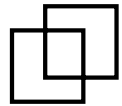
Corte Suprema de Justicia de Costa Rica. Presidencia. *Informe de labores. Administración de Justicia 2003 (Activity Report. Justice Administration)*.

This report addresses a variety of topics including the high rate of litigation and its attendant workload, based on available statistics.

Matters filed and their subject matter and provincial distribution are used as indicators for judicial protection and its concentration, and allow for setting priorities and focusing efforts.

The evolution of the case backlogs is examined to assess the effectiveness of the measures adopted to reduce congestion (increased human and technological resources, encouraging alternate methods). The highest volume of cases is concentrated in the criminal, civil, and transit jurisdictions (with the most cases filed annually). The case clearance rate (cases resolved/cases filed) and its evolution in different jurisdictional bodies are also used. In the year under study, this rate increased for criminal, labor and misdemeanor matters, juvenile crime, and domestic violence, and decreased in civil and contentious matters.

The judicial branch budget for 2000-2004 is also analyzed, in its absolute and relative variation.



SERVICE PUBLIC FÉDÉRAL JUSTICE – FEDERAL PUBLIC JUSTICE SERVICE

Service Public Fédéral Justice. *Justice en Chiffres 2003* (Justice in Figures 2003).

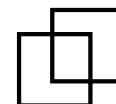
This publication presents a summary of information on different aspects of the Belgian judicial system, including: 1) Federal Public Justice Service budget (evolution 1992-2003, its allocations within the judicial branch, central administration, international cooperation, prison sentence enforcement, hearing, and budgetary evolution of ordinary justice); 2) The activity of the courts and tribunals (cases filed, pending, and resolved) by type of jurisdiction and matter (civil, criminal, commercial, and labor); 3) Number of magistrates and administrative staff by type of jurisdiction and matter; 4) Data on technology per jurisdiction (desktops, laptops, and PCs); 5) Evolution of arrests, prison terms, suspensions and imprisonment, prison terms by type of crime (1994-2001); 6) Evolution of the budget of the General Prison Sentence Authority; prisons and holding capacity; prisoners (preventive custody, convicted, confined, juveniles, foreigners under the Foreigners Office, suspension of parole), prison population by category (preventive custody, convicted, confined, under electronic surveillance); prison population by gender (evolution 1996-2001), distribution of staff among prisons.

Service Public Fédéral Justice. *Les statistiques annuelles des cours et tribunaux. Données 2001. Justice de Paix. Tribunaux de Police, Tribunaux de Commerce. Tribunaux Militaires, Notariats.* (Annual Court and Tribunal Statistics 2001. Magistrates' Court, Police Courts, Commerce Courts, Military Courts. Notaries).

This report offers statistics on the activity of the above named courts and tribunals: cases filed, resolved and pending at the beginning of the year, distribution of cases by judicial district and type of procedure/matter. Includes information on conciliation.

Service Public Fédéral Justice. *Les statistiques annuelles des cours et tribunaux. Données 2002. Greffes civil des Cours d'appel* (Annual Statistics of Courts and Tribunals 2002. Civil Court of Appeal).

Civil matters processed in the courts of appeal (cases filed, resolved and pending). Distribution by type of procedure and by geographic region (district).



MINISTÈRE DE LA JUSTICE – MINISTRY OF JUSTICE

Ministère de la Justice. *Annuaire Statistique de la Justice (Annual Justice Statistics). La Documentation Française, juin 2004.*

The report provides quantitative information on jurisdictional activity for civil, criminal and administrative instances, as well as prison information, judicial protection of youth and data on legal professionals.⁵³

Infostat Justice

This regular publication aims to inform the general public of studies carried out by the Ministry of Justice's Department of Statistics, Research and Documentation. It is published 3 or 4 times per year on a specific issue. Highlights include: Duration of civil matters in superior courts in 2001; Activity of commercial courts in 2002; Disciplines for dangerous driving conduct in 2001; Legal aid provided in 2001; Acquisition of French nationality; Economic and financial crime punished by the justice system; Appeals against criminal rulings; Evolution of preventive custody; Prison population; Appeals in civil processes; Repeat sexual offenders; Imprisonment; Sentences for infractions applied to juveniles.

Études et statistiques justice (Justice Studies and Statistics)

This publication brings together a series of studies that use all available data on a particular topic, such as acquisition of French nationality; evolution of matters in first instance civil courts; sentences in 1999, 2000 and 2001; divorce; and statistical analysis of rulings.

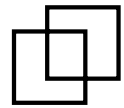
PUBLICATIONS OF INTEREST

Timbart, Odile. *Les études à la S/D SED (Studies of the S/D SED). Courrier des statistiques, n° 97, March 2001.*

This article describes investigative work carried out in the heart of the Ministry of Justice's Department of Statistics, Research and Documentation based on data gathered by the large-scale ongoing instruments that constitute the backbone of justice statistics in France: *Le répertoire general civil and, for criminal matters, Les cadres du parquet, le casier judiciaire national and le fichier national des détenus*. According to the author, these instruments are designed to meet administrative needs and thus do not supply all information necessary to carry out detailed statistical studies, above all in terms of defendants and their relationship to the justice system.

⁵³ Includes information on the following aspects of the judicial system:

- Justice system resources (material and economic)
- Civil justice: activity, matters filed, duration (detail for certain matters)
- Criminal justice (activity of the prosecutor's office, matters filed, work of prosecutors and investigative judges, matters resolved, judicial control measures adopted, temporary detention and convictions, court activity, appeals court, cassation court, prison reviews, victim assistance, convictions, crimes, misdemeanors, detail of convictions, voluntary and involuntary violence, sex offences, family offences and other offenses against persons, etc.
- Sentence enforcement and prison administration: prison population (serving sentences, in preventive custody), movement of prisoners (imprisonment, releases, extradition), activity of sentence enforcement judges, partial release system, day passes, parole
- Juvenile justice: prosecutor's office activity, activity of juvenile courts, convictions, crimes committed, misdemeanors, juveniles in custody, movement of imprisoned juveniles
- Administrative justice: activity of the judicial bodies
- Legal Aid: procedures accepted, rejected, beneficiaries
- Auxiliary staff: attorneys, attorneys in the *Consejo de Estado* (State Council) and the cassation court



The information gathered in the general civil area allows for closely monitoring the activity of civil jurisdictions, and includes: the number of cases in progress, flow of cases filed and resolved and average duration. The nature of cases and their different stages are identified; nevertheless, only partial information is gathered on socio-demographic aspects of civil justice clients.

The information gathered on criminal matters is used to study the effectiveness of responsibility, analyzing the relationship between: a) complaints and crimes prosecuted; b) cases adjudicated and resolved through sentences with criminal or administrative disciplines, or that are finalized with the victim dropping the matter or through a stay of proceedings, etc. Rate of recurrence is used to determine the effectiveness of the sentences handed down and their deterrent effect, and the time lapse between application of sentence and recurrence for different types of crimes.

In regard to the prison system, the studies analyze prison population, factors in its evolution, age, gender and nationality of inmates; also quality of prisons, in particular based on occupancy rate (occupation versus prison capacity).

The quality of the public service of justice is analyzed (above all for civil justice) through quantitative indicators, important among which is the duration of cases.

Saglio, Alain. *French Justice Statistics. An Overview. Courier des statistiques. English series. N° 7, 2001.*

This document presents a general view of judicial statistics in France. Among other aspects, the author refers to assessment of the public service of justice through quality indicators: equal access for all citizens, respect for the adversarial principle, the right to qualified counsel, reasonable duration of cases, etc. The most used indicator in civil justice is the average duration of procedures. Currently this aspect of quality is analyzed in more detail, focusing on the spread of the duration of cases, by type, by outcome and by judicial body; and in the variation of duration related to accruals and number of judges. For quality assessment, polls and sampling of judicial rulings or individual police records are also used.

Douat, Etienne (Dir.). *Les budgets de la justice en Europe (Justice Budgets in Europe). Paris: La Documentation Française, 2001.*

This document reports on a study of justice sector budgets in six European countries: Germany, Belgium, Spain, France, Italy, and the United Kingdom.

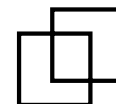
Cavrois, Marie-Luce; Dalle, Hubert; Jean, Jean-Paul (Dirs.). *La qualité de la justice (The Quality of Justice). Paris: La Documentation Française, 2002.*

This document is based on a colloquium on quality of justice organized by the *Ecole Nationale de la Magistrature* and the *Mission de Recherche Droit et Justice*. It gathers together university research and practical experiences in jurisdictional bodies in France and abroad.⁵⁴

Breen, Emmanuel (Dir.). *Evaluer la justice (Evaluating Justice). PUF, 2002.*

This is a collection of works carried out by an interdisciplinary team created by the Institut des Hautes Études sur la Justice and the Ecole Normale Supérieure. The document addresses a variety of topics such as measuring the quality of justice, encouraging quality in public services, learning from other countries' experiences, policies and the role of justice, the public image of justice, the European Convention on the Rights of Man, building quality standards for the justice sector, performance indicators, and notes on economic analysis.

⁵⁴ Includes the following aspects: Quality of service: users and justice professionals; European service standards; quality of public service in the justice sector; foreign experiences; instruments for assessing quality of justice service (methods for assessing the quality of superior instance court performance; application of ISO 9000 standard to judicial activity). Quality in perspective. A summary of the colloquium may be found in: *Qualité et évaluation de la Justice. Colloque tenu à l'Ecole Nationale de la Magistrature. Rapport de Synthèse, 21-22 mai 2001.*



MINISTERO DELLA GIUSTIZIA – MINISTRY OF JUSTICE

Ministero della Giustizia (2003). *Attività degli uffici giudiziari. Materia penale. Materia civile, (Criminal and Civil Court data)*

This database, which is housed on the Ministry of Justice Website, offers information on civil and criminal court activity for 2003.⁵⁵ The archive has data for previous years (since 1998).

Ministero della Giustizia. Direzione Generale de l'Organizzazione giudiziaria e degli affari generali. Ufficio delle Statistiche. *La durata dei processi civili in Italia (The Duration of the Civil Process in Italy)*

This work presents the results of a case study in progress for the court of appeal (in 1999). It analyzes the average duration of cases finalized with sentences (higher than those resolved in other ways) in first and second instance; the average duration of procedures by motive; average time between pronouncement of first instance sentence and filing of appeal; for particularly long cases the relationship between average duration of cases and procedural and organizational variables (number of judges, technical consultations received, hearings, etc.); and comparison of average duration of old and new judicial regime.

Ministero della Giustizia (2003). Direzione Generale di Statistica. *Movimento dei procedimenti civili, rilevazione dei tempi medi di definizione, variazione delle pendenze e capacità di smaltimento degli Uffici Giudiziari. Anni 2000, 2001 e 2002. (Civil Case Movement 2000-2002)*

This study describes civil case movement for 2000 - 2002 at the national, district and local level (appeals court, trial courts, and magistrates' courts). It also provides average duration of cases,⁵⁶ variation in number of cases pending⁵⁷ and the capacity of judicial bodies to resolve cases.⁵⁸

⁵⁵ Details include the following:

- Criminal justice: cases filed, resolved and pending at the end of the year; distribution by judicial body (appeal courts, trial courts and magistrates' courts).
- Civil justice: cases filed, resolved through sentence and pending at the end of the year; distribution by judicial body (appeal courts, trial courts and magistrates' courts), by subject matter and by district.

⁵⁶ Average duration rate is calculated as follows:

$$365^* \frac{(\text{cases pending initially} + \text{pending at end}) / 2}{(\text{filed} + \text{resolved}) / 2}$$

The ratio of average pending rate in a given year, and the partial sum of procedures filed and their definition is obtained.

⁵⁷ Percentage variation of cases pending: allows for monitoring the evolution of unmet needs in the justice system over time. Calculated in the following way:

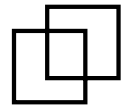
$$\frac{[\text{pending at end} - \text{pending initially}]}{[\text{pending initially}]} * 100$$

Values less than 0 indicate decreases in number of pending cases; greater than 0 indicate increase in number of pending cases.

⁵⁸ Case Resolution Rate: the number of cases resolved over the course of the year for each 100 cases in progress (filed and pending):

$$\frac{[\text{cases resolved}]}{[\text{cases pending} + \text{cases filed}]} * 100$$

This indicator is used to determine a judicial body's ability to finalize cases; it is analyzed together with the percentage variation of pending cases; in fact, a low rate of finalization does not indicate low productivity of the judicial body in question if it is accompanied by a low variation in cases pending; the productivity of judicial bodies also depends on the volume of cases entering the system.



Ministero della Giustizia (2003). Direzione Generale di Statistica. *Movimento dei procedimenti penali: rilevazione dei tempi medi di definizione, variazione delle pendenze e capacità di smaltimento dei procedimenti. Anni 2000-2001. Uffici Giudiziari Giudicanti e Requirerenti. (Criminal Case Movement 2000-2001)*

This report includes criminal case movement in judicial bodies at the national, district and local level (*Corti di Appello, Corti di Assise, Tribunali rito monocratico e collegiale e relative sezioni distaccate, GIP-GUP registro noti, Giudice di Pace*) and data from the prosecutor's office (*Procura della Repubblica registro noti*). Specifically, it includes average duration of cases and variation in pending rates and capacity of judicial bodies to resolve cases.⁵⁹

ISTITUTO NAZIONALE DI STATISTICA - NATIONAL STATISTICS INSTITUTE

Istituto Nazionale di Statistica (2002). *Statistiche giudiziarie civili. Anno 2001. (Annual Statistics Report for Civil Jurisdiction)*

This annual report of judicial statistics brings together detailed information on jurisdictional activity in first and second instance civil, labor, and administrative jurisdictions. In general terms the report describes case movement, outcomes and duration.⁶⁰ The range and detail of data on enforcement is notable, even more so given that statistical publications generally do not publish this type of information, though it is one of the most important aspects for those filing judicial suits.

Istituto Nazionale di Statistica (2001). *Annuario statistiche giudiziarie penali (Annual Statistics Report for Criminal Jurisdiction)*

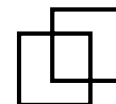
This annual report includes statistics on cases and prisons. It describes case movement (filed, resolved and pending) in criminal jurisdiction and in the prosecutor's office, crimes committed and defendants, as well as sentences handed down. For prisons, the report details imprisonment and release by gender, age, nationality, etc., the prison population, the activity of inmates, among other aspects.

The data available is used to build indicators for assessing the work of the judicial apparatus in regards to the demand for justice. The number of cases pending and, above all, the increase in this number, shows incapacity or difficulty in meeting the demand for dispute resolution during the year. Crimes reported to judicial authorities are an important reference point for the study of "apparent" criminality, which is that exposed through public complaints and police action. In addition, the prison population indicator (occupancy versus prison capacity) reflects overcrowding in prisons.

⁵⁹ *Vid.* Above notes.

⁶⁰ The information available in this publication includes:

- Case movement (filed, resolved and pending) 1991-2001. Distribution by type of procedure, subject matter (bankruptcy, urban leasing, guardianship, separation and divorce), land distribution. Cases resolved, by type of ruling, by subject matter, by duration (from filing to sentence);
 - Enforcement processes. Distribution by type of enforcement order, by district; judicial sales and amount by type of creditor, by main debtor and object of sale. Judicial sale of goods and properties; distribution of each by value, value obtained, region, duration of enforcement procedure, executive deed, amount, type and value of the debt, by percentage of the debt recovered;
 - Bankruptcy by field and business, closed bankruptcy by legal format and business;
 - Cases finalized through sentence, classified by duration (between filing and sentence) and by subject matter;
- The number of cases resolved in different time period (up to 6 months, 6-12 months, 1-2 years, 2-3 years, 3-4 years, more than 4 years) and the average duration of different types of cases.



Istituto Nazionale di Statistica (Dic. 2003). *Annuario statistico italiano 2003 (Italian Statistics Report 2003)*

This report by the National Statistics Bureau is focused on justice and summarizes information related to the activity of jurisdictional bodies in civil, criminal, and administrative areas.

Istituto Nazionale di Statistica. *La criminalità minorile nei grandi centri urbani, 2002 (Juvenile Delinquency in Urban Centers, 2002)*

This document presents the results of studies conducted on juvenile delinquency in five provinces with large urban centers: Milan, Turin, Rome, Naples, and Palermo. The document refers to types of crimes reported and the most significant demographic and social features of the juvenile delinquents. The following indicators are used:

Juvenile delinquency quotient:⁶¹ Obtained by comparing number of crimes committed by juveniles in a given area (generally districts, regions, provinces or municipalities) and resident population. Indicates the effect of these phenomena on the population.

Specific juvenile delinquency quotient: Relates the number of crimes committed by youth in a given territory with the number of youth between the ages of 10-17 resident in the same territory. Unlike the previous indicator _which reflects the effect of juvenile delinquency on victims this indicator focuses on the juvenile population effectively at risk of committing crimes.

Centrality rate and containment rate: These two indicators attempt to describe the flow of juvenile delinquency in different regions. They allow for identifying zones that act as magnets for delinquents and those that have more homegrown delinquency.

The centrality rate for juvenile delinquency⁶² is expressed as the ratio of two differences: in the numerator, the difference between the number of youth accused of crimes in a given area, and what percentage of those are also residents of the same area; in the denominator, the difference between resident populations between the ages of 10-17, and how many are also perpetrators. The result is a picture of the relationship between “imported crime” in the area and the “honest” portion of 10-17 year olds who reside in the same area. The greater the numerator compared to the denominator, the higher the rate of “imported” delinquency in the area; in other words, the zone would seem to act as a magnet for juvenile delinquents from other areas. A high result may be obtained from high numerators or relatively small denominators.

⁶¹ Symbolically:

$$q_j = \frac{d_j}{P_{j\ 10-17}} * 1000$$

Where:

q_j is the specific quotient of juvenile criminality in the locality j;

d_j is the number of reported crimes committed by juveniles in the locality j;

P_{j10-17} is the resident population of the locality j, between 10 and 17 years of age.

⁶² Symbolically:

$$c_j = \frac{m_j - r_j}{P_{j\ 10-17} - r_j} * 100$$

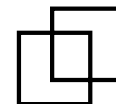
Where:

c_j is the centrality rate of juvenile delinquency in locality j;

m_j is the number of juveniles accused of crimes within the locality j;

P_{j10-17} is the resident population in locality j between 10 - 17 years of age;

r_j is the number of juveniles accused of crimes within the locality j and who reside in this locality.



The *containment rate*⁶³ gives a direct way of measuring domestic crime in terms of the number of youth who have committed a crime in the area in which they reside, compared to the overall resident population of 10-17 year olds in the same area.

Istituto Nazionale di Statistica (2003). *Il rapporto dei cittadini con la giustizia civile. Coinvolgimento nelle cause civili e forme alternative di risoluzione. Indagine Multiscopo sulle famiglie»Aspetti della vita quotidiana»*. Dicembre 2001 - marzo 2002. (Citizen's Report on Civil Justice)

This document summarizes the results of a poll on different aspects of daily life, including public opinion of two aspects of civil justice: a) the capacity of the justice system to resolve civil disputes within a reasonable time and for an acceptable cost (people with cases in progress were interviewed as well as those without); and b) alternative dispute resolution methods for civil cases: degree of awareness of available methods and assessment of these.

COMMISSIONE PER LA GARANZIA DELL'INFORMAZIONE STATISTICA - COMMISSION ON GUARANTEEING STATISTICAL INFORMATION

Valeria Napoli, Nicoletta Belvedere, Irene Savi. *Indicatori per l'analisi dell'attività della giustizia e, in particolare, della giustizia amministrativa. Rapporto di Ricerca*. (Indicators for Analyzing the Activity of Justice, Particularly Administrative Justice) Roma: Commissione per la Garanzia dell'Informazione Statistica, 2000.

This work analyzes case movement (filed, pending, and resolved) in the contentious-administrative courts from 1988-1997, average duration of cases, and the percentage distribution of cases filed by subject matter. The following indicators are used:

Rapporti di ricambio⁶⁴: Reflects the demand for justice and response capability of the judicial administration. Compares cases filed and resolved, multiplying the result by 100.

⁶³ Symbolically:

$$a_j = \frac{r_j}{P_j 10-17} * 100$$

Where:

a_j is the rate of confession of juveniles committing crimes in locality j ;

r_j is the number of juveniles accused of crimes in locality j and who reside in this locality;

$P_j 10-17$ is the resident population in locality j between 10-17 years.

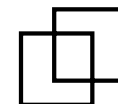
⁶⁴ Symbolically:

$$\frac{E}{S} * 100$$

Where:

E = cases resolved

S = cases filed



Rapporti di estinzione⁶⁵: Expresses the effective overall demand that is really met by the judicial system. It is the quotient between cases resolved in a given period and cases pending at the beginning of the same period, added to the cases filed during the period in question, with the result multiplied by 100.

Durata media dei procedimenti⁶⁶: Obtained by dividing cases pending in a given period (the sum of pending at the beginning and at the end of the period) by the number of cases filed during the period and those resolved, multiplying the result by the number of days in the period. This indicator calculates the probable case duration, based on actual case flow of filed, resolved and pending cases, without taking into account events that may affect these in future, such as changing staff levels, changing legal situations, etc.

Percentuale di rinnovo⁶⁷: Average duration expressed in years multiplied by 100. Expresses the rhythm of replacement of cases pending with cases filed, in other words, the annual rate at which backlogged cases are cleared out of the system.

⁶⁵ Symbolically:

$$E \div (S + P_i) \times 100$$

P_i

Where:

E = cases resolved

P_i = cases pending initially

⁶⁶ Symbolically:

$$D = \frac{P_i + P_f \times 365}{S + E}$$

Where:

D = duration in days

P_i = pending at the beginning of year

P_f = pending at end of year

S = appeals (filed)

E = rulings (cases resolved)

⁶⁷ Symbolically:

$$\frac{S + E}{P_i + P_f} \times 100$$

$P_i + P_f$

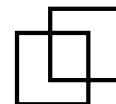
Where:

S = appeals (filed)

E = rulings (cases resolved)

P_i = pending at beginning of year

P_f = pending at end of year



CONSEJO GENERAL DEL PODER JUDICIAL – JUDICIAL BRANCH GENERAL COUNCIL

Consejo General del Poder Judicial. *Informe sobre la situación de los órganos judiciales. Año 2003* (Report on the State of Judicial Bodies 2003). Madrid: CGPJ, May 2004.

This report describes the activity of judicial bodies in civil, criminal, contentious-administrative, and social matters in 2003. The information contained in the document includes data on case movement (pending at the beginning and end of the year, filed and resolved), case disposal (sentence, order to suspend), the enforcement of sentences, clearance rates (cases resolved/filed), rates of cases pending (cases pending/resolved), sentencing rates (cases with sentences/cases resolved), congestion rates [ratio (pending at the beginning of period + filed) / resolved], and the rate of litigiousness (cases filed per 1000 inhabitants). The information is broken down by territory and subject matter.

Consejo General del Poder Judicial. *Memoria* (Annual Report). Madrid: CGPJ, 2003.

Appendix G of this report contains judicial statistics, presenting a panoramic vision of the justice system in 2002 and the evolution of litigation and resolution of cases by the courts, including distribution by subject matter and region. Rates for cases pending, sentencing, congestion and litigiousness are found.⁶⁸ As a quality indicator for original sentences, the percentage of sentences annulled and reversed is calculated. Indirect estimations are made for case duration, as the judicial statistics do not provide this information. Average duration is estimated by the number of cases resolved and pending: *pending rate* (pending cases versus resolved at the end of a given month, times 12).

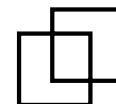
REGULAR SOCIOLOGICAL RESEARCH PROJECTS CARRIED OUT BY THE CGPJ

The *Barómetros de opinión* (opinion polls) have analyzed public opinion on the administration of justice over various years. Three of these are carried out regularly: the *Barómetro de opinión general*, which collects the opinions of the public on the operation of the justice system; the *Barómetro interno*, which gives the opinion of the Spanish magistracy; and the *Encuestas a usuarios de la justicia*, which studies the opinion of users of the justice system (complainants and respondents in the civil jurisdiction); witnesses, defendants in custody and at liberty (in the criminal jurisdiction) and expert users of the system (practicing attorneys / litigants). The most recent versions of these polls are described below.

Toharia, José Juan. *Imagen de la Justicia en la Sociedad Española. Séptimo Barómetro de Opinión* (Image of the Justice System in Spanish Society. Seventh Opinion Poll). Madrid: Consejo General del Poder Judicial, Noviembre de 2000.

Gathers and analyzes public opinion on different aspects of the judicial system: general opinion of justice, confidence in the judicial system, judicial independence, impartiality of judges (equal treatment of defendants; corruption in the administration of justice), professional competence of judges, accountability of judges for misconduct or criminal behavior, access to justice, effectiveness of justice. Previous versions of the *Barómetro de Opinión General* were conducted in 1984, 1985, 1986, 1988, 1990 and 1997.

⁶⁸ Described above under CGPJ document *Informe sobre la situación de los órganos judiciales. Año 2003* (May 2004).



Sexto Barómetro de Opinión de la Judicatura española. Encuesta a una muestra nacional de jueces y magistrados (Sixth Opinion Poll on a National Sample of Judges and Magistrates). Baromter Madrid: Consejo General del Poder Judicial, julio de 2003. Toharia, José Juan (Dir.).

The polls focused on the following issues: the state of Spain's justice system (in particular its slowness); judge's opinion of their work (job satisfaction, professional spirit, judicial selection and education), judges' image (how they think the public views them), justice reforms pending, their opinion of the CGPJ (degree of knowledge of the CGPJ's activities, opinion on judicial appointments, defense of judicial independence and protection of the judiciary by the CGPJ), women in the judicature (increase in women's participation, the reaction of male colleagues, women's challenges in the judicial career, opinion of family versus professional life). Previous versions of the *Barómetro Interno de Opinión* were conducted in 1984, 1987, 1990, 1993 and 1999.

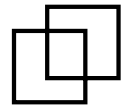
Encuesta a usuarios de la Administración de Justicia (Usuarios año 2003) (Justice Administration User Poll 2003). Madrid: CGPJ, 2004. García de la Cruz, Juan José (Dir.).

A national poll based on interviews of complainants, plaintiffs, witnesses and victims in the justice system, and includes the following issues: overall assessment of justice administration by users; procedural duration and assessment, responsibility for delays, as per user opinion; punctuality; appraisal of treatment; legal language: comprehension of summons; user perception of level of knowledge of judiciary; perception of judges' openness and concern; assessment of injured parties: restitution of rights, information on their rights and obligations; assessment of qualified assistance; free justice: ease of retaining legal counsel; assessment of facilities, infrastructure and hours of attention; perception of justice administration: users versus general public.

Consejo General del Poder Judicial. Encuesta a usuarios de la Administración de Justicia (usuarios no expertos y usuarios expertos) (Poll of Users of the Justice Administration- Expert and Non-expert Users). Madrid: CGPJ, December de 2001.

This national poll polls complainants and respondents (civil jurisdiction); and witnesses, defendants in custody and at liberty (criminal jurisdiction). Attorneys practicing in the four jurisdictions were also polled. Personal interviews were used to obtain information through a structured, pre-coded questionnaire (with some open questions) administered in the courts.⁶⁹

⁶⁹ The issues addressed in the poll are similar to those described in the previous section. García de la Cruz, Juan José (Dir.). *Encuesta a usuarios de la Administración de Justicia (Usuarios año 2003)*. Madrid: CGPJ, 2004.



ECONOMIC AND STATISTICAL RESEARCH AND GENERATION OF INDICATORS

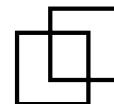
The *Consejo General del Poder Judicial*, some autonomous communities, and independent researchers have been working to analyze the situation and the problems in the justice system for a little over twelve years. Their efforts are based on empirical evidence with a minimal amount of rigor in the information and indicators rather than, as still occur in most cases, previous conceptions, perceptions, and opinions that do not have this factual basis. These studies can be structured depending on reference to the supply and demand of judicial services, cost of services, their duration, and the quality of justice. These documents represent information and indicators on characteristics related to litigiousness, who uses the justice systems, the motives of those who use them and the results that they obtain, the duration of the procedures, the cost of their resolution, the frequency with which people sue, appeal or go to cassation; the frequency with which an appeal or case in cassation is revoked; and the production and productivity of the various bodies. Some of these studies have been used to carry out evaluations of legislative changes in civil jurisdictions (the reform of the *Ley de Enjuiciamiento Civil*), criminal jurisdictions (the *Ley de Juicios Rápidos*), and contentious-administrative jurisdictions (the creation of the contentious-administrative tribunals). Others were used to arrive at a global diagnosis in the context of the *Libro Blanco de la Justicia* (1997) and to mark a new method of systematic information gathering on the basis of judicial files and sentences (see Moreno and Pastor, 1997). The Council also used experts or consulting agencies to carry out statistical and economic studies on contentious-administrative justice in 1992. The most important studies of this type were done between 1997 and 2002. Some, like the Andalusia and Basque Country studies, represent very important efforts in this area beginning in 1995.

Proyecto sobre Tratamiento Estadístico de la Información Generada por el Consejo General del Poder Judicial. (Project on the Statistical Treatment of the Information Generated by the General Council of the Judicial Branch) (Pastor, Santos, Dir.).

This effort resulted in a redefinition of the content of the Council's annual report and a set of additional products, including *Volumen II de la Memoria Anual* (Volume II of the Annual Report) (1999, 2000, and 2001); *Informe Trimestral sobre la Actividad de los Órganos Judiciales* (The Quarterly Report on the Activity of Judicial Bodies); *Informe de Gestión de los Órganos Judiciales* (Report on Management of Judicial Bodies); *Barómetro Semestral sobre el Grado de Dilación en la Justicia Española* (Biannual Barometer on the Degree of Delay in the Spanish Justice System); and *Informe sobre Efectividad, Duración y coste de la Situación Actual en Materia de Ejecución de Sentencias* (Report on the Effectiveness, Duration, and Cost of the Current Situation in the Area of the Execution of Sentences).

Proyecto sobre la duración y otras características de los procedimientos penales y contencioso-administrativos en la Comunidad Autónoma de Andalucía. 2004. (Project on Duration and Other Characteristics of Criminal and Contentious-Administrative Procedures in the Autonomous Community of Audalusia). (Pastor, Santos, Dir.).

This study analyzes three sets of questions (a) Who uses the justice system, what are their motives, and what results do they obtain?; (b) How long do procedures last?; (c) What are perceptions of judges and other operators? The analysis covers the first instance and preliminary investigation courts, criminal justice courts, and provincial hearings. It also presents an evaluation of the law on speedy trials and analyzes similar characteristics in the contentious-administrative jurisdiction with regard to the contentious-administrative courts and the contentious-administrative rooms in the superior courts.



Proyecto sobre la Justicia Civil en Andalucía (2002-2003) (*Project on Civil Justice in Andalusia*).

This project analyzes the profiles of justice system users and their motives for turning to the justice system; the results that they obtain; the duration and delays of the procedures; and the evolution of the duration. The information comes from procedural computer applications as compared to the data provided in record books. It includes the first instance and first instance and preliminary investigation courts and provincial hearings. This project analyzes the use and capability of computer applications.

Proyecto sobre los Costes Sociales de la Justicia en el País Vasco. (Project on the Social Costs of Justice in the Basque Country). (Moreno, Víctor, Díez-Ticio, Amor, y Pastor, Santos, Dirs.).

This practice analyzes the characteristics of cases filed and resolved in 2001 and 2002 and represents a continuation of the studies that were carried out in 1999 and the duration of the procedures. The information is based on procedural computer applications. This project was innovative in the analysis of the costs of justice in this community.

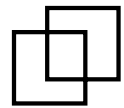
INSTITUTO NACIONAL DE ESTADÍSTICAS – NATIONAL STATISTICS BUREAU

Instituto Nacional de Estadísticas. *Estadísticas Judiciales 2002* (Judicial Statistics 2002). Madrid: INE, 2004.

This annual publication is conducted jointly with the *Consejo General del Poder Judicial*. In addition to reflecting the activity of jurisdictional bodies in criminal, civil, contentious-administrative, and juvenile court matters, it makes evident the evolution of different variables over the last 10 years. The information is classified by region and type of judicial body.

Instituto Nacional de Estadísticas. *Anuario Estadístico de España 2002-2003* (Annual Statistics for Spain 2002-2003).

Chapter 6 focuses on justice and presents a summary of information on prison population, crimes committed and parole granted; activity of the criminal, contentious- administrative and civil courts (cases filed, resolved, pending); classified by sentences and subject matter.



DEPARTMENT FOR CONSTITUTIONAL AFFAIRS

Department for Constitutional Affairs. *Judicial Statistics. Annual Report 2002.*

This report presents data on the courts for civil, family, juvenile, and criminal matters as well as information on the number of cases filed and resolved, duration of cases, duration of procedural stages, waiting time for hearings, and other aspects. The data is broken down by the cause of the suit and type of procedure, in totals and percentages compared to previous years. It also includes information on the number and gender of judges in different judicial bodies, and information on legal aid and public defense (requested, accepted and denied).

Department for Constitutional Affairs. *Time intervals for Criminal Proceedings in Magistrates' Courts.*

This quarterly publication presents the results of ongoing monitoring of duration of criminal procedures (from filing to disposal). Latest issue: March 2004.

Department for Constitutional Affairs. *Magistrates' Courts Waiting Times on the Day & Users Reaction Polls.*

This regular newsletter focuses on the results of two polls on quality of justice services. One measures waiting time for defendants from arrest to first hearing. The other determines the degree of user satisfaction with non-judicial aspects of justice services. Eleven questions are asked: six referring to facilities and five on information and assistance received before and during their time in court. The newsletter has four sections: the first two present the result of the polls and the latter two contain detailed tables of the most recent poll results. Published annually up to 2000, now bi-annually.

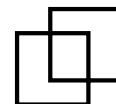
Department for Constitutional Affairs. *Average Time from Arrest to Sentence for Persistent Young Offenders.*

This publication presents regular, systematic studies of average time from arrest to sentence for persistent young offenders. The aim of the studies is to determine whether the 1996 goal to reduce this timeframe by half has been accomplished in England and Wales (from 142 to 71 days). Latest issue: January- March 2004.

Department for Constitutional Affairs. *Women in the Judiciary*

Department for Constitutional Affairs. *Ethnic Minorities in the Judiciary*

Tables available on the webpage of the DCA containing up-to-date information on ethnicity and gender of the judiciary.



JUSTICE STUDIES CENTER OF THE AMERICAS

Report on Judicial Systems in the Americas 2003-2003

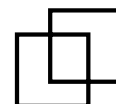
The report includes the 34 member nations of the Organization of American States (OAS), which are also members of JSCA. It contains basic information on each country, such as the population, GDP, per capital income, fiscal and judicial budgets; institutional structure of the judicial sector; and description of main civil and criminal procedures in each country. Indicators related to human resources are presented for different justice system institutions (judges, prosecutors, public defenders, police, and attorneys), as are indicators for case volume and movement, duration, number of complaints, crime rate, and prison population. A series of subjective (perception-based) indicators are also included in the Report, which are based on the results of studies conducted in the region: polls, reports and studies of international organizations and risk assessment agencies.

PUBLICATIONS OF INTEREST

Galindo, Pedro. "Subjective Indicators. Studies, Risk Ratings and Polls Of Public Perception of Judicial Systems. Recent results for the Americas" . In *Report on Judicial Systems in the Americas 2002-2003*. JSCA, 2003 (Also published in Spanish in: *Sistemas Judiciales*, N° 6, dic. 2003, pp. 4-35.)

Galindo, Pedro. "Justicia, información y políticas públicas. Un debate en torno a los indicators subjetivos". *Sistemas Judiciales*, N° 6, dic. 2003, p. 94-102.

Riego Ramírez, Cristián. *Comparative Report on the Follow-up Study of Judicial Reform Projects in Latin America*. JSCA, 2003.



WORLD BANK LEGAL AND JUDICIAL REFORM PRACTICE GROUP

Legal and Judicial Sector at a Glance. Worldwide Legal and Judicial Indicators.

This database contains quantitative and qualitative information on judicial systems in many countries in different regions. It is one of the most significant works to date on comparing official justice sector statistics, both for the broad range of themes and aspects it addresses and for the number of countries and regions included. A glossary of legal and judicial terms is used to ensure homogeneity of data.

The database is divided into two sections. The first contains a general description of the legal and judicial systems in the countries in question: a general view of legal and judicial institutions (judicial branch, prosecutor's office, public defender, ministry of justice, etc.), information on the judicial career, justice sector budget, alternative dispute resolution, human resources, salary levels, legal education and legal professions. Data sources and links of interest in the different countries are also indicated.

The second section presents a set of indicators -related to budget, demand for judicial services and workload for civil and family jurisdictions, human resources and salaries - and the corresponding values for each country;⁷⁰ it also contains a comparison of the indicator values among countries and regions.⁷¹

⁷⁰ Indicators by country:

Budget

- Fiscal budget per 100,000 inhabitants
- Justice budget per 100,000 inhabitants
- Justice budget as a percentage of total fiscal budget

Demand and workload (civil and family matters)

- Clearance rate (cases resolved over cases filed)
- Congestion rate (cases resolved over cases pending)
- Cases filed per judge
- Cases resolved per judge
- Cases pending per judge

Human resources and salaries

- Number of judges per 100,000 inhabitants
- Number of court staff per 100,000 inhabitants
- Number of judges / total judicial staff
- Estimated annual salary of Supreme Court Justices
- Estimated annual salary of second instance judge
- Estimated annual salary of a first instance judge

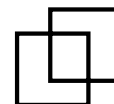
Compression rate: (ratio of highest to lowest salary in the judicial hierarchy; also for court staff)

⁷¹ *Comparison between two indicators or variables:*

- Fiscal budget per 100,000 inhabitants / justice budget per 100,000 inhabitants
- Fiscal budget / justice budget as a percentage of fiscal budget
- Justice spending per 100,000 inhabitants / clearance rate (cases resolved over cases filed)
- Estimated spending on staff / justice budget per 100,000 inhabitants
- Number of judges / Number of judicial officials
- Number of judges / number of legal professionals per 100,000 inhabitants
- Salary of Supreme Court Justices / salary of first instance judges

Civil and family justice:

- Clearance rate (cases resolved over cases filed)/congestion rate (cases resolved over cases pending)
- Number of judges / clearance rate
- Number of judges / congestion rate
- Total court staff / clearance rate
- Total court staff / congestion rate.



ANDEAN COMMISSION OF JURISTS

Andean Commission of Jurists. *Indicadores Judiciales Andinos* (Andean Judicial Indicators)

This ACJ project seeks to develop a “System of Andean Judicial Indicators” in order to provide a panoramic vision of justice in the region based on existing information in each country. The indicators reflect specific aspects of justice administration:

Judicial access and supply: indicators that measure public access to judicial services, the supply of such services and the infrastructure in each country.

Court performance: indicators to assess efficiency and effectiveness of jurisdictional bodies by analyzing productivity, efficiency, congestion, workload and other aspects.

Budget: a set of indicators to assess the costs of judicial service in terms of budgetary allocations and international aid.

There is also a project for applying Andean judicial indicators to constitutional processes for human rights protection. Main sources of information include case files and statistics on cases filed and resolved in different instances in the region. Indicators to measure procedural stages will be applied as well as performance indicators to verify the quality of outcomes (number of safeguard actions resolved through *amparo* (protection) or dismissal of the charges, confirmation of rulings in higher instances, agreement of litigants with outcomes).

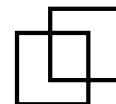
FUNDACIÓN PAZ CIUDADANA (CHILE)

Fundación Paz Ciudadana. *Anuario de Estadísticas Criminales 2003*. (Annual Crime Statistics 2003)

Gathers information on complaints to *Carabineros* and *Investigaciones* police forces (by type of crime, region, crime per 100,000 inhabitants, evolution), information on the prison population under *Gendarmería* (evolution of those serving sentences in prison and alternative measures), and on case processing in the criminal justice system (cases filed, pending and resolved) and outcomes in guilty verdicts, acquittals, temporary and final stays and others.

Fundación Paz Ciudadana; Adimark. *Índice Paz Ciudadana 2001*

Measures level of victimization and fear of crime among the population, as well as the public’s willingness to report crime. The information is obtained by a phone poll to adults over 18 in 23 municipalities in the Metropolitan Region of Santiago and 14 other cities in Chile. Conducted annually since 1998.



Fundación Paz Ciudadana. Informe comisión evaluación Reforma Procesal Penal 2003 (Report of the Commission to Evaluate the Criminal Procedure Reform)

Report of the commission charged with assessing the gradual introduction and operation of the new criminal justice system in the first eight regions. The report contains concrete suggestions to improve the application of the new model in the Metropolitan Region.

CORPORACIÓN EXCELENCIA EN LA JUSTICIA (COLOMBIA)

Corporación Excelencia en la Justicia. Indicadores judiciales (Judicial Indicators)

The indicators contained in this document provide a general view of the Colombian justice system. Comparisons are made on some judicial aspects with countries in the Andean and Latin American region and from other regions. In general, data analyzed correspond to 1999 or 2000 or before.

Operative Indicators:

Structure of the demand for justice by areas of judicial attention (1999); percentage of demand for civil, criminal, labor, family, etc. cases.

Case movement (cases filed and resolved) in ordinary, disciplinary, contentious-administrative, and constitutional jurisdictions for the 1990s.

Civil Indicators:

Evolution of the demand for civil justice per 100,000 inhabitants and per judge.

Temporal Indicators:

Average duration of civil processes (by region, type of procedure: executive, cognizance, with or without change of agents, etc.) and criminal procedures (by crime type).

Spending Indicators:

Evolution of fiscal spending as a percentage of GDP, of the national budget, evolution of Judicial Branch spending 1992-1998; evolution of spending on the prosecutor's office; evolution of spending on the Attorney General's Office.

International Indicators

Andean countries: installed capacity (number of judicial locales: different types of courts and chambers); judicial support staff; caseload; judicial budget per capita; regular homicides per 100,000 inhabitants.

Latin American countries and countries in other regions: prison population in Latin America; international comparison of homicide rates.

Corporate Indicators:

Case movement in ordinary jurisdiction (1999): civil, family, criminal; distribution of the demand for ordinary justice.

Legal Education:

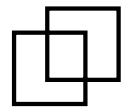
Supply and demand of undergraduate programs, specialization, Masters and Doctorates; attorneys per 1000 inhabitants.

Access to Justice:

Perception of impediments to access to justice (unawareness of rights, cost of fees, delays in case processing) for civil, criminal, labor and family law.

Conciliation:

Outcomes of conciliations: failed and successful.



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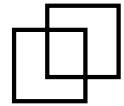
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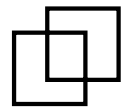
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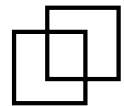
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