

The Role of the Judiciary in Acceleration of Uganda's Economy

Engendering Performance Management in the Judiciary: The Kenyan Experience

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Background

- Performance management involves planning, organizing, delivering & evaluating organizational programmes/projects towards expected results.

History of Performance Management in the Judiciary

- The Integrity and Anti-corruption Committee Report 2003
- The 2005-2008 Strategic Plan
- Ethics and Governance Sub-Committee of 2005
- Ethics and Governance Committee 2008 Report
- The Task Force on Judicial Reforms 2008
- The Judiciary Transformation Framework 2012-2016
- Performance Management and Measurement Steering Committee

Challenges Facing the Judiciary

- Case Load Data
- Human Capacity
- Budgeting
- Information Communication Technology
- Infrastructure Capacity

Current Performance Initiatives

- Regular Customer, employee Satisfaction and work environment survey: Performance Management Directorate undertakes regular customer, employee satisfaction and work environment surveys
- Daily , Monthly and Quarterly Court Statistics.

Proposed Performance Indicators

- **Access to Justice**– An indicator of success of the Judiciary in making court services accessible to court users, in terms of:
 - Location,
 - Physical structures,
 - Procedures,
 - Responsiveness of personnel and
 - Court user fees.

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•**Expeditious Disposal of Cases-**

- This is the percentage of cases resolved within established time frame by case type in a specified period.

Proposed Timelines

Judiciary Case Weights per Timeframe

Court	Matter	Timeframe (Days)	Weight
Supreme Court	Hearing and determination of Presidential election petitions	30	0.15
	Hearing and determination of general applications	60	0.29
	Advisory Opinion	90	0.44
	Petitions on validity of state of emergency	14	0.07
	Hearing and determination of petitions and Appeals from Court of Appeal	90	0.44
	Dissemination of all decisions from Supreme Court to all courts and to all Judicial Officers	7	0.03

Judiciary Case Weights per Timeframe

Court	Matter	Timeframe (Days)	Weight
Court of Appeal	Interlocutory Applications	30	0.15
	Criminal and Civil Appeals	180	0.88
	Election petition appeals	180	0.88
	Dissemination of all decisions from the Court of Appeal to all courts and to all Judicial Officers	7	0.03

Judiciary Case Weights per Timeframe

Court	Matter	Timeframe (Days)	Weight
High Court (Both as an appellate and trial court)	Certified Urgent Applications	30	0.15
	All applications	180	0.88
	Injunction applications - hearing	60	0.29
	Injunction applications - determination	30	0.15
	Hearing and determination of civil and criminal matters	360	1.76
	Election petitions	180	0.88
	Delivery of Judgments	60	0.29
	Criminal Reviews and Judicial Review matters	90	0.44
	Dissemination of all decisions from the High Court to all subordinate courts and to all Judicial Officers	7	0.03

Judiciary Case Weights per Timeframe

Court	Matter	Timeframe (Days)	Weight
Magistrates Courts and Kadhi Courts	Certified Urgent Applications	30	0.15
	All applications	180	0.88
	Injunction applications - hearing	60	0.29
	Injunction applications - determination	30	0.15
	Hearing and determination of civil and criminal matters	360	1.76
	Election petitions	180	0.88
	Delivery of judgments/rulings	60	0.29
	Other Applications of cases civil and criminal in nature	90	0.44
Tribunals	Hearing and determination of matters filed	90	0.44

Targets for Judges and Magistrates

Activity	Cases Per Day					Deputy Registrars
	Judges		Two Judge Bench	Magistrates		
	Criminal matters	Civil matters		Criminal matters	Civil matters	
Hearings/Part-heard)	3	3	2	6	5	-
Interlocutory applications	3	5	2	5	5	5
Mentions	10	10	10	10	10	10
Taxation	-	-	-	-	-	5
TOTAL	16	18	14	21	20	20
Judgments/ Rulings (Excludes convictions upon plea of guilty and settlements in civil cases)	A minimum of 10 per month		5	A minimum of 20 per month		5

Targets for Court Judicial Staff

Activity	Standard
Retrieval time for files	Within 5 minutes
Response to written queries	Within 2 days
Preparation of cause lists	Prepare and disseminate its cause list 7 days in advance including posting on the Judiciary website
Preparation of court summaries	Within 1 day by close of business each day
Typing of court proceedings	50 page documents a day, with a line spacing of 1.5
Signing of summons to enter appearance, certification of proceedings, orders and decrees, certificate of costs, certificate of delay, entry of default judgment and other registry related processes	7 days from the date of request

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• **Remand Custody** – This measure is the average length of time a suspect is held in custody awaiting trial.

➤ The measure is used to demonstrate efforts to alleviate overcrowding in jail as well as ensure suspects are brought to court on time.

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• **Court files integrity** – Measures the accuracy, completeness and timeliness of court files. This measure is a percentage of court files that meet the established standards.

➤ Accurate, complete, up-to-date, and readily available case files and records are critical to the effectiveness and efficiency of daily court operations.

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- **Trial and Delivery Date Certainty** –The certainty with which case processing events such as mention, hearing and judgment dates are held as scheduled.
- This is measured as percentage of trials and deliveries that are held as first scheduled.

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• **Case Clearance Rate** - Measures the extent at which the court system is able to dispose cases relative to the cases filed within a specified time period.

➤ *A figure of 100% implies that the court is coping up with its workload. More than 100% indicates that the court is reducing its case backlog while less than 100% means that the court is accumulating more cases.*

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- **Case Backlog** – Case backlog is the number of unresolved cases older than the set timeframe. Equally, it is the proportion of unresolved cases older than the set timeframe.
- **Court User Satisfaction** - Gauges the level of stakeholder satisfaction with the services offered by the Judiciary.

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- **Work Environment and Employee Satisfaction Index** -Work Environment measures status of the work environment and how it may affect performance. The index helps to identify factors affecting working conditions and measures to be put in place to address them appropriately.
- Employee satisfaction index measures motivation levels of employees derived by working for the Judiciary. It reveals the willingness, interest and contentment of employees with the working place. A high satisfaction index enhances job performance and productivity.

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•Productivity

- It is an overall efficiency measure between court productivity and resources allocation (number of staff, as well as judicial officers) in a given period.
- Court productivity can be measured by labor productivity which is calculated by dividing the total output (e.g. cases disposed) by the number of personnel (Judicial officers and staff) working on cases in a given period.

Objectives of Performance Management

- To clarify institutional roles to enable accountability for results
- To define the performance indicators of an institution
- To celebrate achievement and best practices
- To link planning, budgeting and performance for effective/optimal use of resources
- To improve services to the customers
- To provide an impetus to focusing on critical court performance initiatives that enhance the confidence of the public;
- Share responsibility for judicial performance improvement;
- Improve accessibility and affordability of judicial services
- Promote accountability for results towards expeditious delivery of justice

Benefits of Performance Management to Employees

- Self-assessment opportunities
- Clarifies the job accountabilities and contributes to improved performance
- Clearly defines career paths
- Promotes job satisfaction
- Improved organizational performance
- Employee retention and loyalty
- Improved productivity
- Motivating employees,
- Measuring progress,
- Highlighting achievements
- Addressing disenchantment for improved productivity

Benchmarking Experience

- Courts in Australia and USA have customised and prioritised the International Framework for Court Excellence (IFCE) and implemented them in a graduated manner.
- The most prominent measures are timeliness, court user satisfaction and cost per case.
- These measures are integrated into comprehensive information management systems comprising automated case management among others

Way Forward

- Keep It Simple
- Stay on the “Right” Paths
- Count What Counts and Measure What Matters Most
- Continuously Ask “How Are We Doing”?
- It’s Not About the Numbers
- Performance Measurement Is an Instrument of Power
- Performance Measurement and Management Will Face Resistance

Conclusion

- *“..... chart a course for every endeavor that we take the people’s money for, see how well we are progressing, tell the public how we are doing, stop the things that don’t work, and never stop improving the things that we think are worth investing in.”*

President William Bill J. Clinton, on signing the Government Performance and Results Act of 1993