

---

# *Table of contents*

<b>Foreword .....</b>	<b>V</b>
<b>Table of contents.....</b>	<b>VII</b>
<b>List of tables .....</b>	<b>XV</b>
<b>List of figures .....</b>	<b>XVII</b>
<b>1 Introduction: Administration and quality work in courts ....</b>	<b>1</b>
1.1 Opening remarks .....	1
1.2 Court administration.....	4
1.2.1 History of court administration as a discipline .....	4
1.2.2 Constitutional issues in court administration.....	7
1.2.3 Accountability .....	11
1.3 Quality management at courts .....	13
1.3.1 History of quality management at courts.....	13
1.3.2 Concepts of quality management .....	15
1.3.3 Implications for judicial professional autonomy .....	17
1.4 Safeguarding judicial values and standards.....	18
1.5 Research questions and method .....	22
1.6 Outline of the book.....	24
<b>2 Quality management in judicial organisations.....</b>	<b>27</b>
2.1 Introduction .....	27
2.2 Approaches and concepts of quality management .....	28
2.2.1 Quality control of products and the PDCA cycle ....	28
2.2.2 Total Quality Management (TQM) .....	29
2.2.3 Organisation development through double loop learning.....	30
2.2.4 New public management (NPM).....	31
2.2.5 New public governance (NPG) and digital era governance (DEG).....	33
2.2.6 Summary and some considerations .....	34
2.3 Models and tools of quality management.....	35
2.3.1 EFQM Excellence Model.....	35
2.3.2 CAF: the Common Assessment Framework .....	37
2.3.3 ISO 9000 series.....	39
2.3.4 Other tools .....	41
2.3.5 Summary and some considerations .....	41

2.4	Models and tools for quality management in judicial organisations .....	42
2.4.1	USA CourTools .....	43
2.4.2	International framework for court excellence (IFCE).....	45
2.4.3	Council of Europe: CEPEJ tools .....	48
2.4.4	European Commission: EU justice scoreboard and EU barometer.....	52
2.4.5	Scandinavian countries: internal and external dialogue .....	53
2.4.6	Models at national level.....	54
2.5	Discussion .....	55
<b>3</b>	<b>Administration and quality work in the courts of Germany</b>	<b>59</b>
3.1	Introduction .....	59
3.1.1	Coordinated policy-making .....	61
3.1.2	Structure of this chapter.....	63
3.2	Administration of courts and judges .....	63
3.2.1	Organisation of the courts.....	63
3.2.1.1	Structural analysis of justice administration and the failed ‘great justice reform’ .....	69
3.2.2	Judicial offices.....	72
3.2.2.1	Composition of the courts.....	72
3.2.2.2	Professional judges .....	74
	Judges .....	74
	Qualification, recruitment, appointment, evaluation and promotion .....	75
	Disciplinary proceedings .....	78
	Ongoing debate about the legal position of judges.....	80
	Rechtspfleger.....	84
3.2.2.3	Lay judges.....	85
3.2.2.4	Court clerks.....	87
3.2.3	Court administration, budget and accountability .....	87
3.2.3.1	Court administration .....	87
	Federal level and state level.....	88
	Debate about enhancing judicial autonomy .....	89
	Lower Saxony .....	93
3.2.3.2	Budget and accountability .....	94
3.3	Systematic quality management efforts .....	99
3.3.1	Strategic initiatives .....	102
3.3.1.1	The creation of ‘service units’ .....	103

3.3.1.2	Management responsibilities of judges.....	103
3.3.1.3	Permanent education of judges.....	104
3.3.1.4	Quality management.....	104
3.3.2	Quality officers.....	105
3.3.3	Performance measurement for management purposes.....	105
3.3.3.1	PEBB§Y: Calculation system for staffing needs.....	106
3.3.3.2	JuMIS: Justice management information system.....	108
3.3.4	Professional values and standards.....	111
3.3.4.1	Comparison circles for benchmarking: AgiL, LiVe, OliVe.....	111
3.3.4.2	Professional content as organising principle.....	115
3.3.4.3	Standardisation through bottom-up customised automation of workflow.....	116
3.4	Analysis and discussion.....	118
3.4.1	Political versus managerial perspectives.....	118
3.4.2	Managerial versus judicial perspectives.....	119
3.4.3	Judicial versus political perspectives.....	121
3.4.4	Final remarks.....	122
<b>4</b>	<b>Administration and quality work in the courts of the Netherlands.....</b>	<b>125</b>
4.1	Introduction.....	125
4.1.1	Limited constitutional provisions.....	125
4.1.2	Reform of the judiciary.....	128
4.1.3	Structure of this chapter.....	129
4.2	Administration of courts and judges.....	130
4.2.1	Organisation of the courts.....	130
4.2.1.1	Ordinary courts.....	133
	District courts.....	133
	Appeal courts.....	134
	Supreme Court.....	135
4.2.1.2	Specialised administrative tribunals.....	135
	Dispute over reorganisation specialised administrative tribunals.....	136
4.2.2	Judicial offices.....	140
4.2.2.1	Composition of the courts.....	140
4.2.2.2	Professional judges.....	141
4.2.2.3	Court clerks.....	145

4.2.3	Court administration, budget and accountability.....	145
4.2.3.1	Court administration .....	145
	Council for the judiciary .....	146
	Court management boards .....	147
	Supreme Court.....	149
4.2.3.2	Budget and accountability .....	150
4.3	Efforts for quality work.....	158
4.3.1	Strategic initiatives .....	158
4.3.2	Quality officers .....	159
4.3.2.1	Quality portfolio holders in the court boards .....	159
4.3.2.2	Quality coordinators in the courts.....	160
4.3.3	Performance measurement for management purposes.....	161
4.3.3.1	RechtspraakQ: A hybrid measurement system .....	161
4.3.3.2	RechtspraakQ in practice .....	166
	Permanent education.....	167
	Peer feedback mechanisms .....	168
	Timeliness.....	170
	Reflection on RechtspraakQ.....	170
4.3.4	Professional values and standards .....	171
4.3.4.1	The process of defining values and standards .....	171
	The ongoing debate about values and standards .....	172
	Developing explicit measureable standards	175
4.3.4.2	Judges regaining their professional domain	176
4.3.4.3	Organisation development: state of affairs .	181
	Responsiveness to court users .....	181
	Limited double-loop learning: confusion of roles .....	182
4.4	Analysis and discussion .....	184
4.4.1	Political versus managerial perspectives .....	185
4.4.2	Managerial versus judicial perspectives .....	186
4.4.3	Judicial versus political perspectives.....	187
4.4.4	Final remarks .....	188
<b>5</b>	<b>Administration and quality work in the courts of Norway...</b>	<b>193</b>
5.1	Introduction .....	193
5.1.1	Nordic legal context of Norway's judicial system...	194
5.1.2	Structure of this chapter.....	197

5.2	Administration of Courts and Judges .....	197
5.2.1	Organisation of the courts.....	197
5.2.1.1	Ordinary courts .....	201
5.2.1.2	Specialised courts .....	202
5.2.2	Judicial offices.....	204
5.2.2.1	Composition of the courts.....	204
5.2.2.2	Professional judges .....	205
	Judges .....	205
	Deputy judges .....	206
	Appointment process .....	206
5.2.2.3	Lay judges.....	208
	Co-judges (meddommer).....	208
	Jurors .....	208
5.2.3	Court administration, budget and accountability .....	209
5.2.3.1	Court administration .....	209
5.2.3.2	Budget and accountability .....	211
5.3	Efforts for quality work.....	213
5.3.1	Strategic initiatives .....	213
5.3.2	Quality Officers .....	214
5.3.3	Performance measurement for management purposes.....	216
5.3.4	Professional values and standards .....	216
5.3.4.1	Judicial standard-setting .....	216
	Supervisory Committee .....	217
	Contact with the media.....	217
	Register of extra-judicial activities.....	218
5.3.4.2	Common assessment framework (CAF).....	219
5.3.4.3	Internal-external dialogue.....	222
5.3.4.4	Quality framework for development (KRUT).....	223
5.4	Analysis and discussion .....	230
5.4.1	Political versus managerial perspectives .....	230
5.4.2	Managerial versus judicial perspectives .....	231
5.4.3	Judicial versus political perspectives.....	233
5.4.4	Final remarks .....	233
<b>6</b>	<b>Administration and Quality Work in the Courts of Switzerland.....</b>	<b>235</b>
6.1	Introduction .....	235
6.1.1	Diversity of judicial systems .....	235
6.1.2	Structure of this chapter.....	236
6.2	The confederal judiciary.....	237

6.2.1	Introduction .....	237
6.2.2	Administration of courts and judges.....	238
6.2.2.1	Organisation of the courts.....	238
	Civil jurisdiction .....	239
	Criminal jurisdiction.....	240
	Administrative jurisdiction .....	240
6.2.2.2	Judicial offices.....	244
	Composition of the courts.....	244
	Professional judges .....	245
	Judges .....	245
	Substitute judges .....	246
	Lay judges .....	247
	Court clerks .....	248
6.2.2.3	Court administration, budget and accountability.....	249
	Court administration .....	249
	Budget and accountability .....	250
6.2.3	Efforts for quality work .....	255
6.3	The canton of Bern.....	256
6.3.1	Introduction .....	256
6.3.2	Administration of courts and judges.....	257
6.3.2.1	Organisation of the courts.....	257
6.3.2.2	Judicial offices.....	258
	Judges .....	258
	Court clerks (Gerichtsschreiber).....	259
6.3.2.3	Court administration, budget and accountability.....	259
	Court administration .....	259
	Budget and accountability .....	260
6.3.3	Efforts for quality work .....	262
6.3.3.1	Strategic initiatives .....	262
6.3.3.2	Quality officers .....	265
6.3.3.3	Performance measurements for management purposes.....	266
6.3.3.4	Professional values and standards .....	268
6.4	The canton of Neuchatel .....	270
6.4.1	Introduction .....	270
6.4.2	Administration of courts and judges.....	271
6.4.2.1	Organisation of the courts.....	271
6.4.2.2	Judicial offices.....	272
	Judges .....	272
	Court clerks (greffiers-rédacteurs).....	273

6.4.2.3	Court administration, budget and accountability.....	273
	Court administration .....	273
	Budget and accountability .....	275
6.4.3	Efforts for quality work .....	276
6.4.3.1	Strategic initiatives .....	276
6.4.3.2	Performance measurement for management purposes.....	277
6.4.3.3	Professional values and standards .....	279
6.5	The canton of Zug .....	279
6.5.1	Introduction .....	279
6.5.2	Administration of courts and judges.....	280
6.5.2.1	Organisation of the courts.....	280
6.5.2.2	Judicial offices.....	281
6.5.2.3	Court administration, budget and accountability.....	281
	Court administration .....	281
	Budget and accountability .....	282
6.5.3	Efforts for quality work .....	285
6.5.3.1	Strategic initiatives .....	285
6.5.3.2	Performance measurement for management purposes.....	285
6.5.3.3	Professional values and standards .....	285
	Knowledge exchange.....	285
	Short routes.....	286
6.6	The Republic of Geneva.....	287
6.6.1	Introduction .....	287
6.6.2	Administration of courts and judges.....	288
6.6.2.1	Organisation of the courts.....	288
6.6.2.2	Judicial offices.....	291
6.6.2.3	Court administration, budget and accountability.....	292
	Court administration .....	292
	Budget and accountability .....	297
6.6.3	Efforts for quality work .....	301
6.6.3.1	Strategic initiatives .....	301
6.6.3.2	Performance measurements for management purposes.....	303
6.6.3.3	Professional values and standards .....	305
6.7	Analysis and discussion .....	308
6.7.1.	Political versus managerial perspectives .....	308
6.7.2.	Managerial versus judicial perspectives .....	309

6.7.3	Judicial versus political perspectives.....	311
6.7.4	Final remarks.....	312
<b>7</b>	<b>Comparative analysis and conclusion .....</b>	<b>315</b>
7.1	Introduction.....	315
7.2	Administration of courts and judges .....	316
7.3	Judicial offices .....	318
7.4	Budget and accountability .....	321
7.5	Efforts for quality work.....	324
7.6	Judicial values applied in practice.....	327
7.7	Judiciaries' responsiveness to society .....	329
	Small-scale responsiveness .....	330
	Large-scale responsiveness .....	331
7.8	Conclusion and recommendations.....	333
	<b>Literature .....</b>	<b>339</b>
	<b>The Interviewees.....</b>	<b>369</b>
	<b>The Authors .....</b>	<b>371</b>