

## CITIZEN REPORT CARDS METHODOLOGY AS THE EFFECTIVE INSTRUMENT OF THE QUALITY OF A COURT WORK EVALUATION

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*Abstract. The essence and the main functions of the Citizen Report Cards Methodology has been considered. Experience of their use in the research of the quality of the work of the Ukrainian pilot courts has been shown. The great attention is given to the peculiarities of this methodology to the evaluation of the quality of the court work through public opinion-participants of the judicial proceedings. In particular, the focus is on the features of the sampling of respondents, specificity of drawing up of questionnaires (card of the citizen report, form of the results presentation on the base of the Index of public perception of the court work, the presence of feedback «court-citizen»..It is given the system of evaluation criteria by which measured the level of satisfaction of citizens (direct participants in the proceedings) of the court work and, by this, it is demonstrated the degree of approximation of the actual indicators of a specific court to certain quality standards that should have a perfect trial. Identified six dimensions of quality and corresponding to them indicators (indications) in the court activity in the democratic society and which can be used during citizens polls-court visitors.*

*Key words: citizen report cards methodology, citizen report card, quality of a court work, criteria of the evaluation, quality dimensions, index of perception of the court work.*

### 1. Introduction

The development of the democracy in Ukraine is impossible without improvement of the judicial system. Because the assignment of the court is the protection of the rights and freedoms of its citizens. In the discussions on the state of the legal proceedings it is often used different, contradictory information concerning indicators of the judicial bodies functioning. The main source of this information is the internal indicators of the court activity and official statistics. But, in this case, there is a risk of one-sided view on the problem without taking into account the external evaluation, that is, reaction on the part of the state or civil society to the quality of the judicial proceedings. And it is in this reaction quite often the most real reflection of the level of the satisfaction of the essential public expectations as to the activity of the court has been found.

### 2. Materials and Methods

Lately, the representatives of the judicial bodies are increasingly turning to results of public opinion polls on state and functioning of the judicial system. But usually such polls cover all the population which is not always competent on the investigated problems. That is why, search and use of such methodologies are becoming so important permitting to determine the quality of the court activity with the help of the indicators of the subjective evaluations of the trial by persons being its direct participants.

The problem of the quality in the process of the court work evaluation is almost not studied by the Ukrainian scientists. At the same time as in the researches of the west authors it is one of the key one stipulated by the practical problems of the modern stage of the judicial bodies reforming [1].

Purpose of this article is considering of the peculiarity of the Citizen Report Card Methodology and possibility of its using during the research of the Ukrainian courts quality of work.

### 3. Results

Quality of the court work one can determine as the degree of compliance with certain established standards of productivity, effectiveness and quality. The base of these standards is public expectations concerning quality of the court services (for example, completeness of information, convenience and comfort of the court premises etc.) and also established by law regulations of the court work (for example, duration of the judicial proceedings etc.).

In order to have holistic view of the state of affairs in the court it is important using of the methodologies permitting to determine the court activity quality not only on the base of objective information (for example, court statistics) but also with the help of the indicators of the subjective evaluations of the judicial proceedings by persons being its immediate participants. The Citizen Report Cards Methodology is just such an instrument. Besides, it is actually is the form of the public monitoring of the quality of the court system functioning.

The Citizen Report Cards Methodology (CRC) was firstly used in the Indian city Bangalore at the beginning of the 1990<sup>th</sup> years in order to investigate the state service quality[2]. The results of the poll of the services users have changed the imagination of the public services on quality of their work and the real needs of consumers.

The essence of the methodology is the use of the system of criteria (standards of quality) and indicators,

empirical dimensions revealing the degree of approach of the subject of the provision of services ( its static and activity characteristics) to the certain standards of quality giving in totality an idea of what should be the perfect subject.

The main functions of the CRC is as follows:

- diagnostic one – it is collected quality and quantitative information on the basic standards and available shortcomings in the spheres of provision of services and also the comparative analysis of the services quality in the different territorial units has been conducted;

- evaluation of the responsibility – it is revealed aspects according to which the institutions being responsible for provision of services do not achieve compulsory or expected standards. Established facts of inconsistencies one can use for forming lines and specific activities of improving services;

- monitoring – periodical conducting of the researches gives the possibility to retrace changing of the services quality for a certain period. Due to the comparison of the results of different polls it is revealed the improvements or deterioration in services provision [3, p.15].

In 2008 in Ukraine as the result of the support of the United States Agency for International Development (USAID) «Ukraine: rule of law» project it has been implemented the pilot program of survey of citizens as to their satisfaction of the court functioning quality based on the Citizen Report Cards Methodology as instrument of the evaluation of the effectiveness of the court activity by the court services users. Investigations have been conducted by the Ukrainian public organizations in the pilot courts which have expressed a desire to ascertain the opinion of its visitors concerning work of the court.

Effectiveness and usefulness of such a methodology have received the confirmation during the first stage of the survey in the Ukrainian courts being carried out in 2008-2009 years by public organizations and it has been improved during realization of the second (2009-2010), third (2010-2011) and fourth (2012) rounds.

The Citizen Report Cards Methodology is based on the use of the traditional for the scientific sociological researches of the survey method but has its own peculiarities.

The first peculiarity is *sampling of the respondents*. In counterbalance of the traditional sociological polls of public opinion, the methodology CRC foresees joint cooperation between those providing court functioning, that is, by judges, employees of the court staff, head of the judicial institutions and those taking part in the court proceedings. That is, these polls concern only those who directly had or have experience of the decision of the case in the court.

One more peculiarity is method of the program formation and tools of such a research. Within the frameworks of the above mentioned project together with representatives of the courts have been determined those aspects of the court functioning which can be estimated with the public and also tools itself has been worked out - *the Citizen Report Card - the questionnaire* including questions concerning public perception of the court activity.

Key elements for formation of questionnaires is criteria of evaluation (further on it is «dimensions of quality») and indicators.

Dimensions of quality reflect certain standards in the court activity, the contents of which is expectations of citizens as to the judicial activity in the democratic society.

Within the frameworks of the pilot project the following dimensions of quality have been considered: *Accessibility of the judicial information, Territorial accessibility of court, Financial accessibility of court, Safety, Convenience, Respect and Politeness, The optimality of the trial, The Independence and Impartiality of judges, Fairness and Competence*. This list has been created on the base of the analysis of the general principles of the court functioning, in the democratic society and taking into account the peculiarities of their reflection in the Ukrainian legislation.

But from the possible dimensions of quality and relevant indicators concerning them it has been distinguished only those which could be used during polls of the citizens - public-visitors of the court.

Within the frameworks of the USAID «Ukraine: rule of law» project it has been worked out the system of dimensions of quality which can be used for evaluation of the quality of the Ukrainian courts functioning. It composed of six dimensions which in their turn evaluated with the help of the certain indicators:

- physical availability of the court (to what extent it is easy for the first time to find the courthouse, how convenient to get to the courthouse by public transport, taking into account the citizens with disabilities as to the unimpeded getting to the court and use of its services etc.);

- convenience and comfort of the staying in the court (sufficient number of comfortable places for waiting and processing of documents cleanliness and tidying up of premises, adequacy of lighting etc.);

- completeness and clarity of information (convenience of information stands location, adequacy of available in the court information regarding the location of offices and halls, samples of documents, availability of necessary information on the court's website);

- compliance with the terms of the trial (timeliness of started hearing on the case, the timely receipt of subpoenas and reports of consideration of the case, reasonableness of the delay / transfer of the hearing in the case consideration etc.);

- the perception of the court staff work (quality of work of the court staff during official registration of documents, professionalism, knowledge of their job, manifestation by court staff such features in communication as: kindness and respect, willingness to help, etc.);

- the perception of the judge's work (correctness and politeness of judge attitude to trial participants, level of the judges' readiness to consideration of the specific case, independence and impartiality of the judge's work).

The next peculiarity of the Citizen Report Cards Methodology is the *form of the results presentation*. It is necessary to note that historically the term «report card»

comes of concept of the school report card showing pupil's marks of this or that subject and also general evaluation and place (rank) in his or her class [4, p.7].

The method of CRC uses the same conception of «evaluation» and «comparison» as in the school report card. Herewith, the generalized results analyzed as with the purpose of the determining of level of quality of individual services provided by the relevant institutions so ranking of all services providers in accordance with the degree of the customers satisfaction with the provided service.

Results of the quality of the court work received during this research, namely, evaluation of dimensions and indicators one can analyzed on the base of the approach to the construction of the generalized evaluations, that is, index of the public perception of the court work [5, p.52-53].

Important methodological aspect of the analysis of the Index of the public perception of the court work is comparison of its individual components with the corresponding evaluations of the perfect court. That is, if each of these dimensions would acquire its maximum meaning then actual index would have been one and a court would be perfect according to his work. But in practice to reach such a result is practically impossible. That is why, in the course of these researches of the quality of the court work it is proposed to focus on the real maximum evaluation on the base of the quality dimensions determined on the base of the totality of the considered courts and the court with the highest (maximum) evaluations has to be considered as the perfect court.

Let's consider the example of the analysis of the Index of the public perception of the court work according to the results of the research realization in one of the 15th pilot courts of Ukraine conducted in December 2010. Actual evaluation of the quality of work of the Kharkiv district administrative court (further on KDAC) according to the Index of the public perception of the court work is 0,77. This evaluation is lower in comparison with the maximum meaning of the perfect court (table 1).

Finally, the peculiarities of the CRC method is the presence of the feedback. *Valuation by citizens* is subject perception how comfortable they feel themselves in the court, how complete and understandable was information received by them in the court, whether they are satisfied with the speed of resolution of the case, clearness of the taken decision and other issues actually forming opinions of the citizen as to the court. Practical benefit of the CRC methodology is the possibility of the received results use in a particular court administration and judicial system as a whole –creation of preconditions –in order the courts received the possibility more fully and adequately to take into account the citizens' opinion under conditions even of inadequate funding, lack of clear administrative of the judicial branch of power, discrepancies in legislation and the most important under condition of existing pressure on judicial power to make court more open for people, more understandable, to enhance the court's credibility as a reliable and effective state institution.

#### 4. Conclusions

So, it is necessary to note that the Citizen Report Cards Methodology is quite effective instrument of the evaluation of the court work quality. It reflects the opinion of the *citizens* and has content of their subject perception of that how full and understandable was information received by them in the court, to what extent they are satisfied of the speed of the case decision, understandability of the taken decision and other issues that really form perception of the citizens on the court. Using of the CRC methodology provides courts with operational and current information on quality of the separate aspects of its activity and permits to use the received results in the course of administration as one of the particular court so the whole judicial system in general.

Table 1.

Evaluation of the quality dimensions of Kharkiv district administrative court

	Quality dimensions	Perfect court	Maximum meaning (in other pilot court)	KDAC
	Index of the public perception of the court	1,00	0,96	0,77
1.	Territorial accessibility of the court	1,00	0,99	0,73
2.	Convenience and comfort of the staying in the court	1,00	0,99	0,72
3.	Completeness, accessibility and clarity of available in the court information	1,00	0,98	0,80
4.	Compliance with the terms of the trial	1,00	0,98	0,74
5.	The perception of the work of court staff	1,00	0,99	0,79
6.	The perception of the work of judges	1,00	1,00	0,82

The best work quality of the analyzed court is provided according to the quality dimensions «The perception of the work of the judges» (0,82) and «Completeness, accessibility and clarity of available in the court information» (0,80). At the same time, focusing on the indicators of the perfect court one can make a conclusion that the most problematic in the functioning of the court is providing of the convenience and comfort of the staying in the court (0,72).

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