



## **Could Innovation also Emerge from the Public Sector? Creating an ISO-like Judiciary Quality Management Standard**

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### **Abstract:**

This paper explores the conceptual differences between the GICA-Justicia Project initiative and other available models, process performance guidelines, and tools. Comparison was basically carried out through a review of specialized literature, papers, and reports; semi-structured interviews and focus groups with experts in the judicial quality assurance field from different countries; and applying the author's experience as technical counterparts in the GICA-Justicia Project (co-authoring a Quality Management Standard and training/auditing during the Quality Management System deployment and accreditation stages). The paper is meant to unveil how the GICA-Justicia Quality Management Model and the GICA-Justicia Quality Management Standard, as GICA-Justicia Project by-products, combine to create an innovative process performance approach to quality assurance in judicial environments.

**Keywords:** GICA-Justicia Quality Management Standard, GICA-Justicia Quality Management Model, Judiciary Quality Assurance, Judicial Process Performance Tool.

### **1. Introduction**

As reported by Poder Judicial (2010b), an initiative called GICA-Justicia Project (*GJP* from here on), carried out in Costa Rica's Judiciary during 2009 and 2010, created the specific tailor-made GICA-Justicia Quality Management Standard (*GJP-Standard* from here on) for *Judiciary accreditations*, by taking into account the particular characteristics of judicial environments and linking *ISO-9000 like* compliance requirements in a *holistic and systematic fashion*, upon which guidelines, a *Quality Management System* could be deployed.

The purpose of this paper is to describe the GPJ in-house experience; highlighting the novelty, systematic and holistic features of both its *GJP-Standard* and also its *Quality Management Model* (*GJP-Model* from here on) created and implemented. The paper targets to unveil to the reader the **conceptual differences between the *GJP-Standard* and other process performance improvement approaches available for judiciary environments**. To the best of the authors' knowledge; heavily supported by literature review, focus groups and interviews to experts in the topic from different parts of the world, besides their complementary experience as technical counterparts in the GPJ (co-authoring the *GJP-Standard* and training/auditing during its quality management system deployment and accreditation stages), up to date, this is the only available quality management standard specifically suited for adjudicative organizations where auditing is vested on a national third party accreditation body. The paper keeps a chronological narrative sequence, in order to aid the reader to follow GJP's thread line.

### **2. Limitations**

Literature review limitations to spot other approaches available that might rival the *GJP-Standard*, may constrain the findings herein presented. For instance, although the literature review was chosen for being considered the most relevant to the study, there is a chance authors may have missed some other relevant literature that could complement/enrich this study, additionally to other similar initiatives that could potentially be developed in other parts of that world and which have not been yet reported in journals or specialized literature. In addition, some may argue, especially the ones deeply involved in the development and/or deployment of the models herein mentioned, that the analysis perspectives taken by the authors might be debatable, due to a lack of deep knowledge and on-hands experience with the approaches. The latter might also be influenced by approaches' complexity and even conceptual differences. The authors intended at all

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times to make justice to the approaches' conceptual features found in literature review and supported by the interviews to experts.

### 3. The GICA-Justicia Project Experience

As stated in Mendel (2002 p. 410) when quoting Brunsson and Jacobsson (2000) "standardization refers to the attempts to explicitly formulate general rules defining and regulating activity". In this way, standardization processes within organization are focused on developing procedures instead of setting goals and outcomes, and so, as cited by Meyer (1997 p. 10) in Mendel (2002 p. 410), this "*content free* rationalization imparts a *procedural* nature to quality management standards." The impact result of the latter, when applied to organizations' process and structures, is that it "produces a formal managerial reform program, which are combined with a monitoring mechanism or conformity assessment results in accreditation or certification regime" (Mendel 2002 p. 410).

For some years Costa Rica's Judiciary had already incorporated within its strategic planning the provision of a tool to improve the delivery of quality judicial services to citizens, outlining an innovative project to design and implement a quality management model based on a set of costumed-made quality management standards for judicial environments; which could be foundational to trigger judicial quality management system accreditation processes in all types of courts throughout the country. Thus, in 2009 Costa Rica's Supreme Court launched the GJP, reasserting its commitment to fill the gap of a specific quality management standard for the Judiciary (Poder Judicial. 2010a), structured with a target of consolidating public policy directly *derived from the active involvement of citizens*, in a quest to *integrally* solve judicial management and process performance issues (Poder Judicial 2010b). GJP's ultimate goal was to improve service delivery for all Judiciary users; based on an approach that pursues transversal and replicable implementation of management practices throughout courts.

For data gathering and implementation purposes, two pilot offices were chosen: the Second Court of Appeal, in charge of labor and family matters, and the Domestic Aggression district court in the city of Heredia (See Appendix 1 for a description of the Costa Rica's Judiciary System). The GPJ was carried out in almost 2 years, counting at the beginning with around 14 direct involved staff, split up into 10 judiciary civil servants performing administrative and coordinating tasks and a group of 4 technical advisors/consultants, within which the authors are counted.

#### 3.1 The Familiarization with the Judiciary Stage

Initially, identifying and selecting most knowledgeable, cooperative and change-inclined judiciary's staff as *positive leaders* to rapidly *pass the voice* that a *particular project* was being carried out, was a vital must-do initial endeavor, in special because judiciary staff number was small and was basically confined to two adjudicative offices. As technical team – which comprised the authors - was initially unacquainted of the judicial environment minutia; gaining insight into the *subjective understanding* of judiciary public servants was paramount. On the opposite side, as their field of work was legal, most judiciary staff was not knowledgeable of quality assurance concepts, and so, they were skeptical and fearful about the technical team, who were initially perceived as *intruders*. It was then necessary for the technical team to demonstrate their real interest on judicial servants' *daily stories* targeting to gain their trust and so, as a natural effect, the underlying characteristics/nature of their conceptions and attitudes about process performance and process performance assessment could surface, besides of understanding, learning and speaking their *judicial jargon*. So that, natural, informal and unstructured *ice breaking go with the flow* interviews became a suitable means for the purposed pursued. Fully working along with judiciary staff provided a way to discover discrepancies between their *says* and *beliefs* and their real job performances. The fact that the technical team was neophyte to the judicial environment was considered propitious (from a more open mind to new ideas and concepts standpoint) as they naturally were compelled to make conceptual comparisons to other organizational cultures previously in contact with, which in turn contribute to a faster absorption of ideas and concepts and a better understanding of the Judiciary's underlying organizational culture features.

As complementary tasks to get acquainted with Judiciary's systemic and process performance patterns and structural service delivery flaws, other sources of information were also reviewed: a Judiciary's internal good management practices pool, previous newspapers' publications pointing out process performance problems, service delivery user's complaints provided by Costa Rica's Judiciary Service Comptrolling body and a national service perception survey performed by a third party consulting firm. The analysis of all of this data targeted

#### 3.2 The citizens' participatory workshops stage

During a two month window, 17 citizens' workshops were carried out throughout the 15 Costa Rica's jurisdictions, where 1100 participants were accounted (Poder Judicial 2009). Workshops participants were requested to both fill out 2 questionnaires: a) an in-house semi-open questionnaire intended to capture *service delivery experiences and general process impressions and perceptions about the Judiciary* b) ServQual-Service Quality (Parasuraman *et al* 1988), chosen to systematically capture and measure user's service delivery satisfaction (See appendix 2 for the description of the

ServQual model), in order to identify problems and their underlying causes related to service performance. Problems spotted by ServQual were thought to provide an *empirical structure* to subsequently write the *GJP-Standard* and for process improvements' implementations. The original ServQual version was thoroughly reviewed and adapted to adequate it to Costa Rica's *judiciary jargon*, which required of several lengthy meetings and small pilot runs to validate *wording*, avoiding as much as possible the tool's denaturalization.

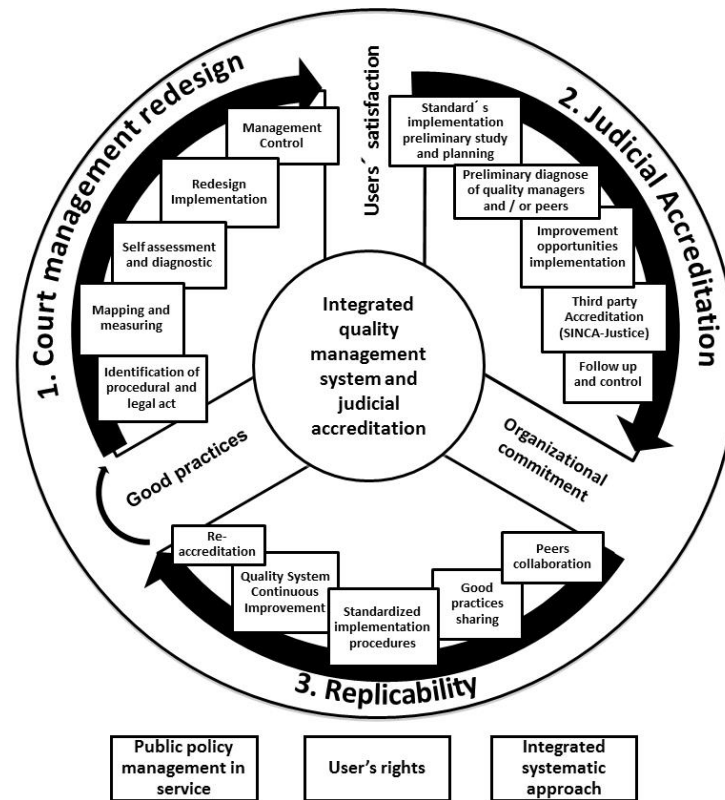
Additionally as reported by Poder Judicial (2010a), the adapted ServQual version was employed in a nationwide survey for all Costa Rica's jurisdictional districts by means of a stratified sampling plan, using a 94% confidence level and a 3% error factor, pursuing to obtain an *average service delivery satisfaction index for the average costarrican judiciary user*. Results showed that up to 85% of national end users had some sort dissatisfaction with the services provided by the judiciary. As targeted, findings helped in spotting the main sources of users' dissatisfaction, where the most prominent sources turned out being *low service delivery speed, service delivery within a promised time window, constant unwillingness to answer queries, lack of accurate report upon service conclusion and lack of commitment of judicial public servants to perform as promised*.

### 3.3 The GJP-Model and GJP-Standard development stage

Due to their close relatedness, the *GJP-Standard* emerged simultaneously with the *GJP-Model*.

#### 3.3.1 The GJP-Model

As reported in Poder Judicial (2010b), the *GJP-Model* was developed as a mandatory foundational requirement not only supportive of the specific *GJP-Standard* development but also for any other future judiciary related quality management standards that could potentially be created. The *GJP-Model* was primarily founded on the explicit needs of Judiciary's internal and external users previously identified during the familiarization stage (Poder Judicial 2010a), and its functional role was to become the *highest rank ruling guideline* for establishment the of any quality management standard related to the GICA-Justicia initiative in particular or any other quality management standard related to the Judiciary in general. The rationale was that, as explicitly required by the *GJP-Model*, insofar as adjudicative offices engage in continuous improvement cycles, a particular focus should be given to users' service requirements satisfaction, for which, quality objectives, management time cycles, labor quotas and performance evaluations must be set and adapted in a permanent, continuous and sustainable fashion. Figure 1 shows the *GJP-Model*.



**Figure 1.**  
**GICA-Justicia Quality Management Model**  
 Source: Adapted from Poder Judicial 2010a, p 39

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The *GJP-Model*'s components and supportive constituents are shown in appendix 3, described and adapted from Poder Judicial (2010a, p. 39). As the *GJP-Model*'s purpose is generic, the terminology used is also generic.

### 3.3.2 The GJP-Standard

The *GJP-Standard* was created by taking into account all particularities of adjudicative functions, including administrative, civil, property or criminal and others, putting together the core requirements of any quality management standard and including adjudicative processes performance specifics, in accordance to Poder Judicial, (2010a) as cited in Zuniga and Murillo (2013). The *GJP-Standard* provides minimum regulatory character within its description and consequences, especially because its guidelines only relate to process performance matters and avoids intervening with adjudicative topics which are already set by national legislature (Poder Judicial 2010a). As stated by Zuniga and Murillo (2013), the *GJP-Standard* was written employing *characteristic adjudicative jargon* to help public servants working in this environment to easily familiarize with it. Its requirements intend to apply to any judicial office exercising adjudicative functions, regardless of its size.

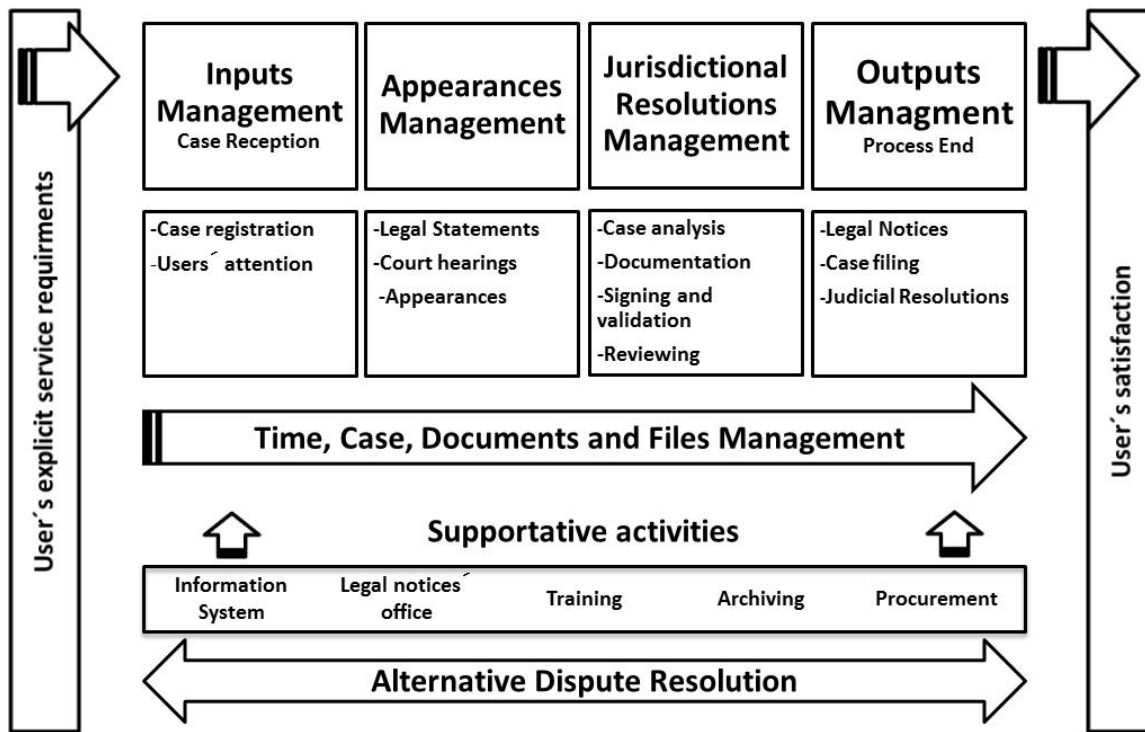
#### **The Validation Workshops**

The *GJP-Standard* went through several development stages based on a buy-in philosophy of getting all stakeholders on board to incorporate their views into its structure. Initially, several drafts were written, as a joint effort of technical staff and judiciary internal personnel, employing as inputs all findings previously gathered. After this iterative process was finished and a solid draft had emerged, a series of lengthy and comprehensive review and validation workshops initiated, which at the end aggregated more than 300 people (Poder Judicial 2010b). The first validation workshops were performed with internal judiciary public servants, and later on, national experts deeply knowledgeable of the local adjudicative environment were included. As the *GJP-Standard* progressed, international experts, with several years of experience implementing quality management systems in adjudicative environments, mainly based on ISO 9000, were also requested to participate (Tukiainen *et al* 2009). It is worth noting that the first version was written and approved not to remain static but to evolve over time, adapting it to adjudicative offices changing needs as a result of the various stakeholders' direct feedback.

#### **The Structure**

The *GJP-Standard* comprises 5 main chapters linked to one another as its target is to perform systematically, and includes appendixes that explain concepts, internal and external bodies' requirements and vocabulary. The following is brief explanation of its 5 chapters:

1. **Quality Management System Organization:** *quality management system* basics are defined, as well as transversal deployment guidelines in gender equality, vulnerable populations' accessibility, transparency, ethics, free citizens' participation and involvement and environmental management. General requirements to deploy a *documented quality management system* are outlined and *quality management system manager's* general characterization and related responsibilities are provided.
2. **Documentation and Communication Management:** Basic documentation hierarchy and guidelines for tracking documents and versions required by the *quality management system* is described. Moreover, guidelines to establish communication from/to end user and internal judiciary servants are described, as they are the main focus of the *quality management system*, and so, they are potentially a feedback source for improvements to be introduced in the *quality management system*.
3. **Resources' Management:** Guidelines to properly manage required resources for the *quality management system* are given and general internal processes' functioning are described; specifically the ones related to facilities, IT systems and services, and staff, based upon the fact that human resources are the most important assets for court to deliver judicial services (selection, competencies, and training, and career development are described)
4. **Judicial Process Realization:** The basic, general and common characteristics of the non-judicial processes related to judicial offices are described, given that *GJP-Standard* pursues to become as standard and applicable as possible to any adjudicative office. General requirements regarding time management, documents and file management, hearings' management and input/output activities management are described by means of a related process delivery approach which is basically focused on liking users' requirements with their satisfaction. The general process delivery approach allows detecting and managing improvement opportunities through non-compliance management and corrective and preventive measures implementation. As seen on Figure 2, the *process delivery approach* that characterized any generic judiciary process sequence comprises the 4 main steps and 4 ancillary activities. Every step and ancillary activity is explained in appendix 4, adapted from Poder Judicial (2010a, p 44). As in the case of the *GJP-Model* terminology employed is generic.



**Figure 2**  
**GJP-Standard Process Delivery Approach**  
 Source: Adapted from Poder Judicial 2010a, p 44

**5. Performance appraisal and quality management system improvement:** The required general guidelines for the quality management system improvement are described, specifically emphasizing on tracking performance indicators, system auditing, non-conformities management, end users satisfaction measurements, civil servants performance assessment and internal reviews.

### 3.4 The Quality Management System Deployment Stage

Judiciary public servants, involved in the project since the beginning, were trained by the technical team as *internal quality management system managers*, -system's owners or system managers in another words- whose task was to understand the *GJP-Standard's* requirements and then, create and/or gather the necessary evidence to proof non-applicability or requirements' compliance, in addition to coordinate, implement and track all changes required by the deployed *quality management system*. The intensive training was a *guided learn-by-doing process*, in which *system managers* and other judiciary servants accompanied the technical team in the creation and development of all the quality management system's compulsory documentation: a *quality manual*, clear set *quality objectives*, written *protocols* explicitly required, written *protocols* to document courts' internal management practices, management practices *instructives* and *records*. Since there were not previous references for many of those documents, it was necessary to create them *from scratch*.

Additionally and as formally required by the *GJP- Standard*, at least one *internal audit* was required to be performed prior to the *accreditation audit* in order to determine quality management system's compliance, for which the technical team served as *internal auditors*. On their side, *system managers* supported by another designated personnel were dedicated to prove compliance to *GJP-Standard's* requirements and also to adapt corrective actions when non-compliance issues were pointed out by *internal auditors*, under this very same *learn-by-doing* philosophy.

Regarding improvements' introduction, the initial process performance changes were put into practice, targeting to correct the dissatisfaction sources pointed out by ServQual. As expected, implementation also required of an extensive training to judicial public servants by carrying out several meetings and coaching sessions in order to explain to them about the changes to be introduced and medium term benefits expected from their short term efforts. By introducing in detail the steps to follow, much of the shared organizational fear to chance, turned into a cooperative attitude in most judiciary servants within the pilot courts. The many cultural organizational findings, which surfaced during the stage of familiarization, were extremely useful during those coaching-like meetings. One of the major implementation challenges encountered on one hand by *system managers* and on the other by regular working personnel was to establish and

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implement *performance goals* and *work quotas* to speed up the system's throughput in both pilot courts, as a way to increase cases' backlog drainage. Some practical implications of the GPJ will be shown in a subsequent section.

### 3.5 The Quality Management System Accreditation Stage

A *sine quo non* condition for the quality management system accreditation to take place implied the creation of a *Judicial System's National Accreditation Body*, called National Quality and Accreditation for Justice (SINCA-Justicia in Spanish); in order to comply with one of the *GICA-Justicia Quality Management Model's* guideline which explicitly required: "the involvement of a *National Authority for Quality and Accreditation for Justice*" (See sub-phase Accreditation within Phase 2 in appendix 3). *SINCA-Justicia* was legitimized through the approval of a *national bill* signed in 2010 by Costa Rica's President, the State Minister and the Justice Minister, comprising 7 impartial institutions from different sectors (Poder Judicial 2010b, p61). This body was an independent third party nationwide accreditation committee in charge of approval or rejection of *quality management systems* through *accreditation audits*. It actually held a session to determine, *who*, taken from the pool of technical counterparts, were going to serve as *accreditation auditors*, and so, the authors were legitimized as such. The thesis behind *SINCA-Justicia's* decision was that due to the novelty of the *GJP- Standard*, only the technical team involved in its development, were capable of deeply understanding *GJP- Standard's* minutia and systemic linkage. The option of familiarizing external experts in quality assurance with general *GJP- Standard's* requirements was overlooked due to GJP's time constraints. Thus, it is important to notice that during the implementing stage, out of the technical team, authors were kept away from helping judiciary servants in deploying the *quality management systems* in both pilot courts, as they needed to be as detached as possible from a previous knowledge about the quality management systems in order to maintain impartiality and objectivity. It is also worth noting that during the accreditation audits, judiciary servants served as observers to legitimize transparency during the entire process.

Every single *GJP-Standard* requirement was typified and *assessment points* were allocated in order to count with a *positivist weighting* rationale to determine *quality management system's* compliance, regarded in terms of *non-conformity*, *low non-conformity*, *high non-conformity* and *conformity*. The Domestic Aggression District Court had a maximum achievable score of 1500, out of which it scored 1423 points and so reaching a 95% compliance level. According to the final assessment audit report (Poder Judicial 2010b) 4 low conformities, 0 high conformities and 44 conformities were found, in addition to 12 *non-applicable* requirements. The Second Court of Appeal, also had a maximum 1500 achievable score, reaching a 81% compliance; within which 8 low conformities, 0 high conformities, 49 conformities and 3 *non-applicable* requirements were found (Poder Judicial 2010b). Both courts approved the *accreditation audit*, as the minimum compliance percentage guideline set by *SINCA-Justicia* was 80%.

### 3.6 Continuous Improvement and Institutional Replicability.

The idea behind the 2 pilot's experiences was to initiate a *GJP-Standard* replication quest in other district courts: quality management good practices implemented and proved successful were expected to be *passed on*, adapted and then adopted. For such purpose and in order to comply with the *GICA-Justicia Quality Management Model* requirement "to constitute an internal *Quality Management Office*" (see *mainstay 3: Integral system approach* in appendix 3), a specialized body called CEGECA (in Spanish Centro de Gestión de la Calidad: Judiciary Center of Quality Management) was formally created with Supreme Court's approval (Poder Judicial 2010b, p76). With a modest financial and human resources allocation, CEGECA's initial responsibility revolved around the centralized management of:

1. Implementing quality management systems based on the *GJP-Standard* in the different courts aspiring to be accredited,
2. Tracking performance improvements for the accredited courts, in a centralized fashion.
3. Evaluating, developing and advising best practices for current accredited courts or courts on the accreditation path.
4. Drafting, reviewing and proposing new versions of the *GJP-Standard* based on improvements opportunities found during implementation experiences.
5. Coordinating and participating on the development of new quality management standards' drafts related to other judiciary bodies.
6. Coordinating and performing pre-accreditation audits.
7. Training judiciary servants in *GJP-Standard*, *GJP-Model* and affine quality assurance topics.

## 4. GJP-Standard: Is it really an innovative quality assurance approach?

As reported by Ng (2011 p. 111) "next to quality organization theories and learning organization theories, there also exists models of quality, both nationally and internationally." The *United States Trial Court Performance Standards and Court Tools*, the *Dutch Rechtspraak*, the *Finnish Quality Benchmark Project* in Rovaniemi, the *German Lower Saxony benchmark effort*, the *Australian Justice Scorecard*, *Singapore Quality Award*, the *Swedish Working with Quality in Courts Manual*, *European Commission for Efficiency of Justice (CEPEJ)'s Checklist for Quality Justice*, *International Consortium*

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for Court Excellence, the EFQM (European Foundation for Quality Management) Award are all available approaches/models specifically intended for the judiciary, pursuing quality assurance and process performance improvements (United Nations 2011).

#### 4.1 The Conceptual Comparison to other Approaches

The above-mentioned approaches/models have common characteristics of focusing on users' satisfaction measurement, court management, personnel, financial and material resources, access to law and justice, court processes, among others (CEPEJ 2008, p. 251). As previously stated in literature review, those approaches work "well in promoting specific important areas of quality of justice" (Contini and Carnevali 2009, p. 9), and with the exception of CEPEJ's Checklist and specially the Swedish approach, their problem is their "narrow view of quality" and a paucity of an "inclusive supportive dialogue and organizational learning" focus (Contini and Carnevali 2009, p. 9). Benefits of the latter are highlighted precisely because judicial quality can be assessed and improved by contribution of all actors: judges, managers, stakeholders (Contini and Carnevali 2009, p. 15) since as stated by United Nations (2011 p. 101): "performance evaluation must be assessed not only with legal and managerial methods, but also by creating channels to listen court users and more generally public expectations." In what follows a brief review of the known quality assurance approaches/models in what pertains their general quality management affine features is given:

*Standards* developed by the National Center for State Courts during mid-90s, are a set of 22 goals and 68 indicators, and not quality management standards for quality assurance accreditation *per se*, which regular basis measurement may become difficult to sustain (Schaufler 2007). In addition the *Australian Justice Scorecard* and *Singapore Quality Award* although intended for the judiciary quality assurance purposes, are basically self-assessment tools which very much resemble the well-known Malcolm Baldrige Award.

*Rovaniemi's benchmark project* basically concentrates on developing in-house quality indicators for 6 areas: process, decision, treatment of the parties and service users, proceedings' promptness, judge's competence and professional skills, and adjudication's organization and management, where each year potential improvement that merit further attention may be addressed during the quality conference. The measurement methodologies comprise self-evaluation, surveys, evaluation by a group of expert evaluators, statistics, and statement by the courts itself. The *German Lower Saxony* effort basically is founded on this very same concept, so that, both models become in a general sense self-assessment tools, which was particularly corroborated for the Rovaniemi's benchmark project case by Tukiainen (2009).

As stated in Zuniga and Murillo (2013), CEPEJ's 200-items operating performance checklist is basically a introspection questionnaire for self-assessment of judges, courts or entire judiciaries, covering macro/micro dimensions and including stakeholders' voices. Unfortunately it has limitations transforming quality assessment into "innovation, organizational change or specific policies" as stated by Contini and Carnevali (2009, p. 10), in contrast to the Swedish *Quality Work Manual*, which relies on quality improvements boosted through joint reflections, incorporating the legitimate voice of all internal/external relevant players. So, instead of simply reaching sets of goals as the other approaches do, it seeks incremental improvements in service areas considering local needs: resources, organization and users' expectations (Contini and Carnevali 2009, p. 11). The *Swedish dialogue model* takes into account suggestions of both internal staff and external users, gathered through interviews carried out by judges themselves, later used for *quality circles-like* meetings (Hagsgard 2008, p. 1), which is certainly a clear notion of a foundational continuous improvement quality assurance principle.

*Rechtspraak* in the Netherlands, share many similarities with the *GPJ-Standard* conceptions as it is a judiciary's common and overarching quality system, intended to apply to all courts pursuing quality improvements in a planned manner (Netherlands Council for the Judiciary 2008). *Rechtspraak* is based on the INK (Instituut Nederlandse Kwaliteit: Dutch Institute for Quality) model which is based on the EFQM model) which its conceptual framework and comprises 9 areas: *leadership, strategy and policy, management of staff, management of resources, management of processes, customers and suppliers, staff, society and management and finance*. In addition a tenth area of *improvement and innovation* was added. Each court and each sector within a court has its own set of quality regulations which are used to measure all ten areas, through a mix of adjudicative and process performance quality dimensions: independence and impartiality, timeliness of proceedings, expertise of the judges, treatment of the parties at court sessions and judicial quality, setting targets for them. As they are constantly under development the quality system certainly exhibits process improvement characteristics. It is based on four measuring instruments: court-wide positioning study, client satisfaction survey, visitation and audits which performed by court's staff in the very same way internal audits are carried out for the *GPJ-Standard*. In addition, there is a complaints procedure and a peer review or *interview*, where the latter is a type of consultation between colleagues performing the same work but not working together, which primary target it to improve the judges' individual performances in special related legal and adjudicative matters (Netherlands Council for the

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Judiciary 2008). From all the previous measurement methods, visitation appears to be more similar to an external audit since it is performed by outside parties such as a university professor, a lawyer or a public prosecutor. However those mentioned third parties are not formally vested accredited bodies. Hence, the *Dutch Rechtspraak* is in a sense, a very well designed quality management self-assessment system, where quality is not assured through a legitimized third party body.

In accordance to Hall and Keilitz (2012), the *International Consortium of Court Excellence*, founded in 2006 has devoted to the “development and maintenance of a framework of values, concepts, and tools” (ICCE 2013a, p6) for court administration, comprising groups and organizations from Europe, Asia, Australia, and the USA, where the Australasian Institute of Judicial Administration (AIJA), the Federal Judicial Center, the National Center for State Courts (NCSC), [the Subordinate Courts of Singapore](#) are to be highlighted as founder members.<sup>2</sup> In 2008 they developed the *International Framework for Court Excellence (IFCE)*, which just as the *GJP-Model* and consequently the *GJP-Standard*, pursues “continuous improvement achieved through optimal internal organization of the courts, strong leadership, clear court policies, quality resource management, effective and efficient court operations, high quality and reliable court (performance) data and a high level of public respect” (ICCE 2013a, p5). Since 2008 the original version has been applied by many courts throughout the world, and recently the original version was been updated to reflect *IFCE*’s feedback and experience of those courts and incorporates the latest developments in international court improvement strategies (Hall and Keilitz 2012) which certainly matches the evolvement process expected in the *GJP-Standard*.

*IFCE* intends to assess court’s performance (regardless of location, size, resources or technology available) against *seven detailed areas* and provides clear guidance to performance improvement through the incorporation of case studies, processes and a range of available gauging tools. As stated by ICCE (2013a, p. 6) the *IFCE* “provides a model methodology for continuous evaluation and improvement that is specifically designed for use by courts. It builds upon a range of recognized organizational improvement methodologies while reflecting the special needs and issues that courts face”. So that, the *IFCE* does not actually requests a fixed set of performance tools, remaining flexible for a court to choose *how* it desires to address a particular issue. As stated in ICCE (2013a, p. 7) the idea is “to closely link globally accepted performance measures with the Framework methodology and to articulate best practices in court and judicial administration”, exactly matching the concept behind the *GJP-Standard* which does not explicitly state how improvements should be done and what tools are to be used for such a purpose.

The set of improvement tools is taken from a spectrum of approaches, models and tools used by the different ICCE’s members (See appendix 5), some of which are mentioned in or related to this paper: such as *United States Trial Court Performance Standards and Court Tools*, *Dutch Rechtspraak*, *Rovaniemi’s Quality Benchmark Project*, *Singapore Quality Award* and *CEPEJ’s Checklist for Quality Justice*. The rationale for this arsenal of different approaches, models and tools to exist is actually very pragmatic since as reported by ICCE (2013a, p. 26) “a court should not be hesitant having identified a problem or area for improvement to look first at what else has been done around the world to address similar court issues”, which “can save resources and time by providing some ideas of what may or may not work”. The latter certainly matches the encompassing supportive *replicability principle* of the *GJP-Model*.

Although structured differently, the *IFCE*’s seven areas comprise all the *GJP-Standard*’ adjudicative offices dimensions, pursuing the same holistic and systemic linkage. In fact, conceptually speaking the *IFCE*’s goes beyond the performance dimensions of the *GJP-Standard*, in the sense it aggregates a *Public Trust and Confidence* dimension as it is argued that “without public trust a court is hampered in its ability to function as an effective court” (ICCE 2013a, p. 11). Although the *GJP-Standard* claims to be a tool to increase public trust in the Judiciary, that fact is it does not incorporate a specific chapter with requirements to assess this dimension. In *fact*, this paucity in the Latin-America’s court systems is considered to be due of its idiosyncrasy, maturity and especially its reluctance to somehow be assessed by the public.

The *IFCE*’s flexibility concept extends to the adjudicative office’s willingness to embark in its pursuit for court excellence in the since that “courts worldwide can voluntarily assess and improve the quality of justice and court administration they deliver” (ICCE 2013a, p. 6), which is also an important premise in the *GJP-Standard* accreditation quest. However it may appear that exists a difference regarding the accreditation process, as in the case of the *GJP-Standard* all requirements

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<sup>2</sup> The additional members are: Australian Capital Territory Magistrates Court, Commonwealth Judicial Education Institute (Canada), Council of Judges of Courts of General Jurisdiction of Ukraine, County Court of Victoria, Australia, Customs Appeal Tribunal Malaysia, District Court of New Zealand, Dubai International Financial Centre Courts, The European Commission for the Efficiency of Justice (CEPEJ), Family Court of Australia, Federal Circuit Court of Australia, Judiciary of Guam, Judiciary of Swaziland, Land and Environment Court of New South Wales (NSW), Magistrates’ Court of Victoria, Australia, Magistrates Service of Papua New Guinea (PNG), Palau Supreme Court, Queensland Civil and Administrative Tribunal (Australia), Spring Singapore, Supreme Court of Brazil, Supreme Court of Victoria, Australia, Supreme Court of Nepal, Supreme Court of the Philippines, , Supreme Court of Seychelles, Supreme and National Court of Papua New Guinea (PNG) and the World Bank.



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must be met - unless non applicability is demonstrated - in order to be awarded with the accreditation, and so it turns into a *pass-no pass process*. In the case IFCE it appear that is up to the court which areas are to be assessed since as stated by (ICCE (2013a, p. 26): “in the end it is for a court itself to decide what it wishes to do”, argument which is actually reinforced by ICCE (2013a, p26) by stating that “the Framework is flexible and allows each court to determine its own priorities and therefore its own path to improving its performance”.

Although both approaches follow a weighted auditing scale, the major difference between them is precisely the auditing process. First, as previously stated the *GJP-Standard* adheres to a *pass/no pass scheme* meanwhile the IFCE is assessed in *notches* as “*excellent, very good, good, near benchmarks, poor or no results*” (ICCE (2013a, p23) and so the scale is divided in *3 pass notches* and *3 no pass notches*. The latter is certainly more advantageous, as it poses more challenges to the court which had passed the audit in order to keep on improving the quality management system towards *excellency*, where it is the “court that controls and undertakes the process and it is the court that sets the targets it will measure its performance and success against” (ICCE 2013b, p. 2). Secondly, and although the same principle is followed by both approaches as “courts see their own performance from one limited perspective but engaging with court users opens up a range of new perspectives” (ICCE 2013a, p. 15), the major difference is actually concern to the way the whole auditing process is carried out. Although the IFCE “calls for active involvement of the court’s other professional partners, including the legal profession/bar, public prosecutors, law enforcement agencies, and other governmental and non-governmental agencies” (ICCE 2013a, p. 15) it remains a *self-assessment process*, contrary to the *GJP-Standard* accreditation process which is vested on SINCA-Justicia as a third party external body. Another difference is that in the case of *GJP-Standard*, intervals are set by SINCA-Justicia every two years, although in the case of IFCE “is recommended that courts should aim to do an annual self-assessment but the timing is a matter for each court (ICCE 2013a, p. 13).

In summary, as stated by Contini and Carnevali (2009) when cited by Zuniga and Murillo (2013), even when *Swedish Quality Work* and the *CEPEJ’s checklist*, in addition to the *Dutch Rechtspraak* and the *International Framework for Court Excellence* seem to perfectly align to a general quality assurance philosophy, pushing evolvement within time through stakeholders contributions; and even when they both aim to be similar to Kaizen (continuous improvement) or TQM (Total Quality Management) models exploiting available resources to get better services, redesign procedures, structures and relationships with users/stakeholders; they both lack of a paramount quality management systems’ feature: *assessment from a neutral third party*.

Nevertheless, it must be noticed that although the *EFQM* is a self-assessment tool (as previously stated), the *EFQM Award* has been considered one of the most stringent compliance model as only 10 out of around 30000 companies implementing the *EFQM Excellence Model* worldwide get to be chosen champions each year. In fact, a team of independent assessors, chosen out the pool of EFQM members, spend an average of 300 hours reviewing documentation and conducting interviews on-site per applicant, in order to gather a holistic overview of organization’s strategy deployment. Moreover, it is vested on an EFQM Jury, as an independent body comprising of senior managers from leading organizations, to review applications and determine the level of recognition to be awarded (EFQM 2013). As per the latter, the model becomes a *third party audited tool*, however, and even when there are public institutions applying for the award, literature review did not render a case of its application in an adjudicative organization.

The fact and the matter is that traditionally, as stated by United Nations (2011), judiciary inspection/auditing bodies have collected information and evaluated courts’ functioning from legal perspectives, and then reported to both governance bodies and/or the public. Documental search rendered the existence of only one *third party body* (United Nations 2011 p. 115) performing similar functions to SINCA-Justicia: the Inspection Directorate of Jordan Ministry of Justice, assessing performance of all types of courts considering both legal (law proper application and cases’ procedures, decisions’ soundness, postponements’ reasons) and managerial (sentence issuing time, cases’ yearly percentage) performances. Although Directorate’s audits are targeted to be performed monthly, tight evaluation schedule and limited resources available has pushed internal inspections to be performed yearly, based on specialized criteria and special subordinates’ performance assessment forms (United Nations 2011 p. 116). Prior to Directorate audit, internal audits were performed within courts, which is a *distinctive quality assurance system internal audits’ feature*. However, and although Directorate is a governmental legitimized body as SINCA-Justicia is (Poder Judicial 2010b), audits are performed following a set of criteria and not proper Quality Management Standard’s guidelines, which is a foundational requirement for any quality management system’ deployment.

#### **4.2 GJP-Standard’s Holistic and Integral Foci**

The view of judiciary performance in developed countries, as claimed by ICCE (2013 p. 27) is that “almost every court faces the same kinds of problems of limited resources and increasing workloads with judges and staff working exceptionally hard and seeing no answer but more resourcing.” However, in governmental bodies, especially in Latin-

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America on top of the latter, a lack of commitment of public servants, high bureaucracy and uncoordinated processes and decisions might also converge to negatively impact service delivery and process performance, which in turn force a characteristic “adding patches” issue solving function (Parody *et al* 2009), without integrally boarding the problems from their very same roots. Those short term problem solving implementations, which in many cases lack of technical rationales as they simple obey to *occurrences* of decision makers, end up being just a waste of resources as concerning issues are only partially or never solved (Hernandez *et al* 2009). In fact as stated in ICCE (2013 p. 27): “management by *anecdote* and *feelings* has no place in modern management and history has shown that invariably rushed responses exacerbate rather than alleviate problems.” The absence of sustainable solutions to process performance issues has been a distinctive common denominator of Judiciary institutions in Latin America and the GJP initiative has actually targeted, at least conceptually, to become an integral tangible solution to it (Parody *et al* 2009). Unfortunately, to the time being, only 5 accreditation experiences have been successfully achieved in district courts in Costa Rica, for which there is no yet, much available empirical data to support the *practical holistic benefits* of the *GJP-Standard* and the *GJP-Model*. So that, both *GJP-Standard* and *GJP-Model* holistic approach could only be conceptually decanted, until more empiric evidence becomes available to prove its *live* systemic potential, since as supported by ICCE (2013 p18): “actions may well be considered anecdotally to be working well, but only through measurement and feedback will the real impact be identified”.

The GPJ pursued to concentrate *all judicial reform efforts under a single management policy*. This policy - intended also to strengthen other public policies - targeted to be governed by rules and minimum regulatory requirements for all processes (with a direct impact on the quality of justice service) performed within the Judiciary. It is evident then that the GPJ was conceptually designed to agglutinate all required efforts, stakeholders and institutions related to judiciary process performances’ issues and render an *integral quality management standard* which aim was to solve the intricate issues related to judiciary process performance. The creation a *GJP-Standard* required the cooperation of many agents, in especial technical personnel that could systemically analyze and link complaints, requirements, comments and technical advices provided by national and international stakeholders and capture them together into a quality management standard. The richness of all the data sources used during the entire *GJP-Standard* and *GJP-Model* creation, certainly provided a mixture of different points to views, incorporated in the holistic/systemic GPJ character.

As recognized by Tukiainen (2009): “the GPJ was extremely ambitious in the sense that it had a much broader and systemic focus, surpassing the characteristics of the project in Finland which basically revolved around just setting performance goals for courts and judges.” The previous statement was extremely revealing to corroborate the conceptual integrality of the GICA-Justicia approach; in especial because a common denominator in literature points out Rovaniemi’s Project as a benchmark for judicial institutions in Europe, which in addition is a continent with a longer tradition for standardization (Mendel 2002 p. 413).

Nonetheless, when compared to above mentioned approaches, the *GJP-Standard* exhibits a major deficiency, as it fully lacks of internalizing the *costs of quality* related to the process performance. There is vacuum in general, regarding assessing judicial processes from a monetary perspective, as in general, performance is not linked to budget allocation in the Latin-American Judiciaries. In that sense, an accredited court could reach a high performance regardless of the resources required to achieve that and so become *effective* but not *efficient*.

#### **4.3 GJP Standard’s Systemic Linkage Features**

The main features that characterized any quality management standard are easily identifiable on the *GJP-Standard*. The *GJP-Standard* is divided into a series of five chapters which are interrelated to one another, and their specific requirements are systemically linked. The *GJP-Standard* specifically requires that whole *quality management system* must be fully documented, existing a very well defined hierarchy of documents. Requirements for documentation control are specifically set for the quality management system and as it evolves, manuals, procedures, records, etc., are mandatorily required to be updated and obsolete documentation identified with *supersedes* nomenclature.

The *GJP-Standard* requires for a *quality management system* to be set up that a *system’s manager* be designated and becomes the *system’s owner* in charge of coordinating the quality management system deployment; certainly another clear common characteristic of any *quality management system*. The *system’s manager* task is also vested, but in a higher institutional hierarchy, on the CEGECA body, as the judicial office with the responsibility of the institutional coordination of quality assurance matters: implementation, training, and coordination of the various internal quality management systems’ deployment efforts.

Although distinguishable in many of the above mentioned approaches, another *GJP-Standard* important feature is its expressed requirement - when deploying a quality management system - to get embarked in a *continuous improvement quest* through the implementation corrective actions: in the best case when *high/medium non-conformities* are found

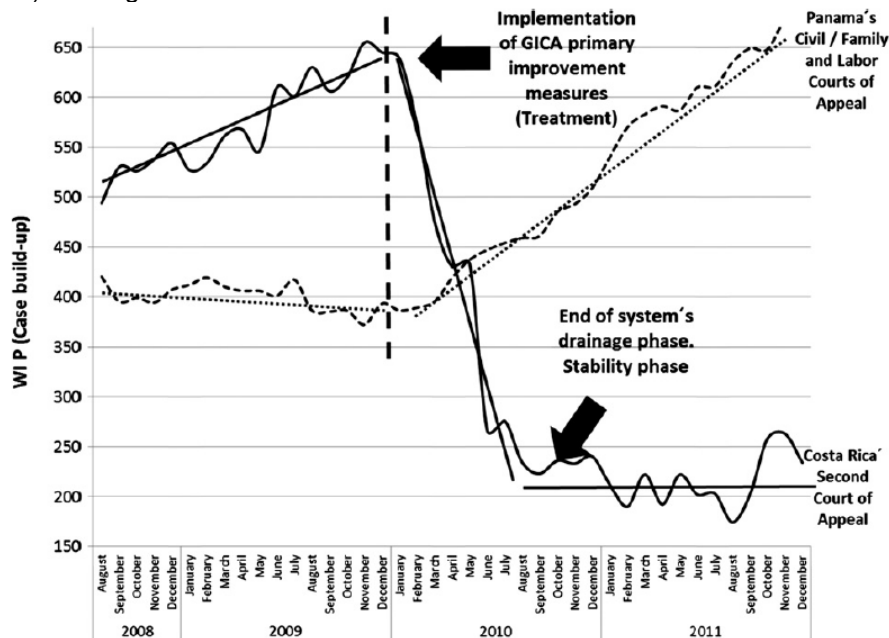
during internal audits performed by either the internal court personnel or by CEGECA, or in the worst case when *low non-conformities* are spotted by SINCA-Justicia at the time the accreditation audit is carried out.

In fact, the existence SINCA-Justicia as a third party impartial body is probably one most prominent characteristics of the whole GICA-Justicia quality assurance institutional mesh, as the body was specifically created to only serve the GPJ initiative. This formal and institutionalized body actually serves as a formal *Standard Development Organization (SDO)*, providing the proper conditions for both the *GJP-Standard* and the *GJP-Model* to evolution: insofar as *flaws* in the current version of the *GJP-Standard* are found, changes are introduced, pushing the its evolvement in a *continuous improvement cycle*.

In summary, as suggested by all the previous arguments, a quality assurance process performance initiative, founded on a *tailor-made ISO-9000 like quality management standard* specifically designed for judiciary environments - assessed by a formally legitimized third party body - had not been carried out or least had not been reported (Contini 2013; Ng 2013), until the appearance of the *GPJ-Standard* in 2009.

## 5. Practical Implications

In accordance to Zuniga and Murillo (2013 p.8) within judiciary environments there is a widespread perception quality management systems are just a means to measure performance to justify staff downsizing; blinding them to foresee the potential they offer to perform better. In addition, it exists a constrain regarding extra process capacity (more staff than required), as staff relocation to other judiciary areas is not as immediate as in private firms, especially because labor code protects judiciary public servants (if calculated, those idle positions would certainly surface process inefficiencies financially speaking). During the *GJP-Standard* deployment phase, process turn around experiences were executed successfully, not without facing the initial resistance from judiciary staff, skeptical of the future possible results but majorly reluctant to have their performance assessed. There were many process performance benefits derived from its implementation. Herein we present only a high impact example within a six month window, as the Second Court of Appeal experienced a case's backlog drainage from almost 650 cases to the targeted average of 200 cases as reported by Zuniga and Murillo (2013). See figure 3.



**Figure 3**  
**Longitudinal view of back log behavior in the Second Court of Appeal in Costa Rica, before and after the deployment of the GICA-Justicia Quality Management Standard.**  
**Source:** Zuniga and Murillo (2013 p 7)

As reported by Marin (2013) for the five courts accredited in Costa Rica up to date, the *integral solutions promised* were not that evident for judiciary staff at the beginning; however, as time has gone by, processes in courts have thoroughly improved and judicial servants have acquired consciousness of the systemic implications when underperforming, creating a more disciplined working environment. It would have been almost impossible to persuade the judiciary's staff just by providing qualitative arguments, for which the solid numeric data collected, was paramount in grounding and clarifying judiciary's staff perceptions about the process performance and end user's requirements.

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## 6. Assertions

When it comes to the judiciary, the authors agree on the argument that “the mere existence of court policies and procedures by itself does not guarantee excellence in court performance” (ICCE 2013a, p18). In fact, Hagigh (1992) when cited by Mendel (2002 p. 413) argues that adherence to a particular quality management standard ensures, through a third-party verification and internal “surveillance” audits, that an organization counts with a documented quality management system, understood as a written set of rules and procedures, following the quality management system’s guidelines. Thus, although many of the approaches and models herein explored intend to improve process performance and service delivery for the judiciary, none depicts an ISO-9000 standard like structure, especially in the sense that accreditation is mandatorily carried by a neutral national third party body. Many academics and practitioners in the specific judicial quality management field, especially researching and working in developed countries, may agree that performance assessment (See Appendix 6 for performance evaluation benefits) and quality management operationalization may need to be as flexible as possible and so, reducing the constraining mandatory requirements imposed by *ISO 9000 like quality management standard*. However, the operational reality of Latin-American judiciaries, where budgets are not related whatsoever to staff performance in particular or court performance in general; and where it exists a spread-out reluctance of judiciary staff to open to performance assessment; the *binding nature* of the GJP-Standard -after a court has voluntarily agree on its adoption- constitutes an reinforcing and leveraging feature to promote accreditation. This argument justifies the great paucity the *GJP-Standard* exhibits regarding the assessment of costs in relation to process performance. Nevertheless, as recognized by Zuniga and Murillo (2013 p. 8) “it should be taken into account that quality standards cannot be universally and indiscriminately applied to any and all situations. It is possible that in certain countries, the characteristics of courts do not allow deployment or they may render it useless.” In fact, regarding Central American countries – which could be extrapolated to the entire Latin-America - it is also recognized that “underlying structural conditions in the system need to be addressed first” (Zuniga and Murillo 2013 p.8).

The entire GPJ was designed to respond innovatively in filling some gaps found in all other approaches analyzed on this study, by creating a *model* adjusted to the specific requirements of the Judiciary sector, in a quest for quality assurance and sustainable service delivery performance improvements through deployments of quality management systems in all related environments. Although, the other models may comprise particular dimensions and characteristics that represent distinguishing features, such as the *Public Trust and Confidence* dimension depicted by the IFCE, the *GJP-Standard* has also its own novel features that only such a specific quality management standard may offer. For instance it comprises guidelines for alternative conflict resolutions or court functioning concerning vulnerable population sectors, paramount elements of any judicial environment that would be fully overlooked by any other quality management standard such as ISO 9000 just to mention the most well-known one. Those *adjusted requirements* for the judiciary environment make the *GJP-Standard* an *ISO-9000 standard like* innovative continuous improvement tool, provided that the absence of quality-performance cost related requirements is ignored.

In the light of the New Public Management approach, concerning judicial systems, two key statements describe how the *GJP-Standard* could become a promising process performance improvement tool. The first one, as stated by Moore (1995, p.28): “*The aim of managerial work in the public sector is to create public value just as the aim of managerial work in the private sector is to create private value*”. The second one is excerpted from a study published by CEPEJ, where Berthier and Pauliat (2008) state: “*The administration of justice is now viewed as a tool supposed to restore the public’s confidence in their justice system*”. The fact that Costa Rica’s Judiciary is a public institution turns the *GJP-Standard* into a potential new innovative tool promising to improve judicial process performance. Its implementation in adjudicative offices could directly benefit national budgets, employees’ working milieus and especially end users, who among other things will see a positive impact in their service experience through faster response times, just to mention one key factor. The *GJP-Standard* is a potential *public value creation tool*, targeting on one hand to improve citizens’ perception of service quality and on the other hand regaining public confidence in the judiciary. As a matter of fact, from an organizational reputation point of view, the *GJP-Standard* adoption represents a potential *performance credibility seal* for the judiciary in the same way the ISO 9001 standard for instance, provides service quality management credibility to traditional organizations.

The subsequent effects of the five current *GJP-Standard* implementations are to gradually reproduce, not only in all district courts throughout Costa Rica, but also internationally. The fact that the *GJP-Standard* is new in the worldwide scenario and Costa Rica is the only country in the world embarked in its implementation provides the country’s judiciary an exploitable *frontrunner’s advantage* towards accomplishing this goal within Central America. *GJP-Standard* targets to become a widespread and well-recognized quality management standard within Latin-America’s Judiciaries, with which it shares process, cultural and organizational similarities.

Although very professionally executed, the entire GPJ has lacked of proper reporting in peer reviewed journals o affine literature, and thus limiting its potential contributions to the current body of knowledge on the topic, besides unveiling to

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the international practitioners community, especially in Latin-America, its potential as a sustainable judicial problem solving tool.

Bearing all the previous in mind, a natural question that could potentially emerge is *how many other initiatives could eventually be carried out around the world, exhibiting quality assurance characteristics, about which the authors and the international community interested in judiciary quality assurance and process performance improvement topics, are not aware of*, due to a paucity of formal reporting. Thus, all the arguments herein expressed are conditioned to a broadening of the reported literature/practitioners universe as stated in the limitation section of this paper.

## 7. Future Research

Undertaking multiple case studies and replicate them by multiple examples is recommended. However this is something impossible for the entire GPJ and the *GJP-Standard* development as they were unique experiences that could not be replicated under the same conditions. What is possible and naturally pursued by any quality assurance approach is to replicate *GJP-Standard* deployment in a series of different district courts throughout Costa Rica and internationally, a certain fertile field for future research. If the potential for the *GJP-Standard* to become a widespread and well recognized quality assurance tool is recognized, the Latin American countries –as procedural, cultural and organizational similarities are shared- would represent a pool of novel information for further research. Of course, the latter requires Judiciaries' explicit commitment to adopt the *GJP-Standard*.

In addition, contacting academics and practitioners who wrote documents used in literature review could be beneficial, as they can recommend complementary literature to thicken the specific knowledge pursued herein, especially regarding those other affine efforts being developed, but which have not yet been published or reported; as they represent the potential data sources to further take this current study under a narrative approach, broadening and complementing the universe of quality assurance approaches.

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## Appendix 1. Costa Rica's Judiciary System

The adjudicative scope consisted of Full Court (when the Supreme Court exercises its adjudicative role), Courts of Appeal, Tribunals, Lower and Higher District Courts.

The courts and tribunals were created on the basis of their jurisdiction in relation to the subject, amount and territory. The jurisdiction was determined by the Full Court by its own territorial division (other than the Administrative Territorial Division of the Republic of Costa Rica as defined by the Constitution), which posits the principle of adequate public services, taking into account aspects concerning the citizens' access to justice. According to the Organic Law of Judiciary, they were integrated by the number of judges considered as necessary. There were various tribunals and district courts according to its subject, as well as mixed courts (dedicated to several subjects, consistent with the number of cases to be seen), which are listed below:

### **Tribunals** (composed of three or more judges):

Criminal Court of Appeal  
Civil  
Criminal  
Juvenile Criminal  
Administrative  
Family  
Labor  
Agricultural

### **District Courts**

Lower Amount  
Misdemeanor  
Criminal  
Juvenile Criminal  
Sentences' Execution.  
Traffic  
First instance in civil, family, agricultural, alimony, labor, domestic violence, childhood and adolescence, administrative and civil estate.

The Supreme Court consisted of 4 high level tribunals, which with the exception of the Constitutional Court, were primarily responsible for handling appeal recourses.

- First Court of Appeal: civil, commercial, agricultural and administrative litigation.
- Second Court of Appeal: labor, family and civil cases where the appeal recourse was not jurisdiction of the First Court of Appeal as provided by law.
- Third Court of Appeal: Sentences issued by a tribunal of Supreme Court judges in a criminal subject (If the sentence was previously issued by a single judge, the appeal case was decided by the Tribunal of Criminal Appeal)
- Constitutional Court: in charge of protecting and preserving the principle of Constitutional Supremacy (provided that no rule, treaty, regulation or law of the country's legal system, could be above the Constitution.) by means of the action of unconstitutionality. Besides treating legislative and constitutionality judicial consultations, it was responsible for the protection of fundamental rights through the writ of habeas corpus and amparo.

Recourses of appeal from courts of first instance in higher amounts or inestimable amount were the responsibility of tribunal of three judges with jurisdiction on the particular subject. If the amount exceeded the set quantity, the case could be elevated to a Court of Appeal, where the First or Second Court of Appeal had to jurisdiction to resolve depending on the subject. Appeals from lower amount district courts of first instance in civil, labor and administrative disputes were subjected to review by higher amount courts, but never reached the Court of Appeal give the fact an appeal recourse could not be filed

**Appendix 2. ServQual Model**

The gap model assumes that users establish service quality based on the **difference** between **expectations** about what they will get and **perceptions** of the service that is actually delivered. The higher this difference, the higher dissatisfaction.

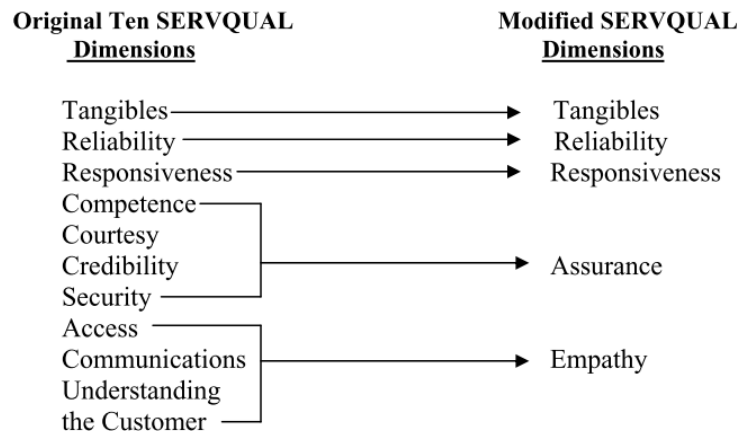
**Service Quality (Satisfaction) = Expectations - Perceived Service**

The model uses the 10 dimensions identified by Parasuraman et al (1985), which are related to the quality characteristics of in the public sector:

- **Access:** how accessible is the public servant and how easy is to contact him/her.
- **Responsiveness:** willingness of public servant to help users and provide prompt service, being aware of the need for flexibility in customizing the service towards the particular requirements of users.
- **User understanding:** judicial servants effort to understand users and identify their needs
- **Communication:** listen to users and recognize their comments, besides of keeping them informed in a language they can understand
- **Reliability:** the ability of public servant to perform the expected services in a reliable and accurate fashion.
- **Courtesy:** public servant’s respect, consideration and friendliness.
- **Credibility:** public servant’s truthfulness and honesty
- **Professionalism:** knowledge and skills required to provide the expected service.
- **Security:** no risk, danger or doubt perceived by users.
- **Tangibility:** physical characteristics such as facilities appearance, technology, equipment and staff, who are seen as contributing to the staff ability of provide a service given level.

On later studies, dimensions were aggregated and reduced to 5:

- **Tangibles:** Appearance of physical facilities, equipment, personnel, and communications.
- **Reliability:** Ability to perform the promised service dependably and accurately.
- **Responsiveness:** Willingness to help customers and provide promised service.
- **Assurance:** Judicial servants’ knowledge, courtesy and ability to convey trust and confidence.
- **Empathy:** the organization provides care and individualized attention to its customers.



**Correspondence between SERVQUAL Dimensions and Original Ten Dimensions for Evaluating Service Quality**

Source: Parasuraman et al (1985)



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## Appendix 3. GICA-Justicia Quality Management Model's constituents

### Mainstays of Quality Management Model.

The 3 mainstays conceptually underpin the *GICA-Justicia Quality Management Model*:

1. *Justice sector's public policies in service management* as they are an essential foundation to achieve an efficient functioning of organizations in this judiciary sector. They must be oriented to guarantee users' rights and should not only be limited to requirements' compliance and law enforcement. The various tools and instruments they propose must transcend to be used as inputs of continuous quality cycles implementation. The judicial organizations with the willingness to undertake a continuous improvement *Quality Management System* implementation quest, facilitate management practices' efficiency improvement achievements, as well as services' provision.
2. *Users' rights*. The *GICA-Justicia Quality Management Model* must be capable of not only identifying users' service requirements but also gauge them in order to plan, execute, control and adjust the judicial organizations' quality objectives.
3. *Integral system approach*. The model establishes rules to align the various efforts emerging from the different management practices in judicial organizations, both internal and external, pursuing continuous improvement through the synergic leveraged gained. It is suggested to pertaining governing body in the Judiciary, to constitute an internal *Quality Management Office*, on which the *Quality Management System* deployment functions could be centralized and widespread throughout the entire judicial organization.

### Axes of Quality Management Model

The *GPJ-Model* has 3 crosscutting axes:

1. *User's satisfaction* responds to the fulfillment of their expectations, given that their requirements have been explicitly defined.
2. *The judicial organizational commitment* requires that public servants understand the model and also get involved in the implementation of their stages, which facilitates the detection, analysis and elimination of compliance constraints set in the judicial organization quality objectives.
3. *Good management practices* pursued collaboration between different offices within the judicial organization. Offices already accredited with GJP-Standard are encouraged to share among each other the implemented management practices identified as successful. The ultimate goal is to standardize them, through the creation of protocols, instructions, records and other documentation.

### Phases and sub-phases of the GJP-Quality Management System Model deployment.

As a general rule all *GPJ-Model* phases and sub-phases must be guided by those axes, regardless if the judicial organization is going through a design stage, implementation, execution and/or validation. The 3 model phases comprise the continuous improvement cycle:

**Phase 1: Redesign.** Based on the continuous improvement cycle, aims to achieve incremental improvements in the organization management processes, by data collection and its analysis. The sub-phases of this methodology are:

- a. **Identification of management and adjudicative procedures.** User's service requirements must be identified and defined, the operational requirements set out in legislation must be properly understood, a responsible for each of the activities must be established and organization's quality objectives must be determined.
- b. **Mapping and measurement.** Management and adjudicative procedures flow map must be created, including at least: measurement of current process times, volume of input and output cases and process capability.
- c. **Self-assessment and diagnosis.** Collected information must be analyzed in order to determine process impact factors and to identify improvement opportunities. It is important to spot *process bottlenecks* and resource constraints, in order to propose an improvement plan containing corrective and preventive measures, targeting to decrease the impact of process causes in a prioritized fashion. It should identify the control points and develop performance indicators in order to monitor management practices.
- d. **Redesign implementation (management improvement).** Plans set in the previous sub-phase must be implemented. At least it is required to implement new management process times and work quotas in addition to the establishment of performance indicators for each sub-phase implementation plan.
- e. **Management control.** As a validation sub-phase, the proposed solutions performances are assessed. The formulated indicators must be controlled and the set plans and proposed improvements objectives must be followed-up.

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**Phase 2: Accreditation.** The stages for this phase must be coordinated with the *Quality Management Office* established by the judicial organization for that effect, which are defined as follows:

- a. **Previous study and planning for the Quality Management Standard implementation.** A permanent staff must be constituted within the adjudicative or management office, which must be trained for deployment and implementation of any of the GICA-Justicia related quality management standards.
- b. **Preliminary assessment of quality managers and peers.** The judicial organization opting for accreditation must request a preliminary assessment to the *Quality Management Office*, which must designate *quality managers* unrelated to the office. *Quality managers* should preferably be familiar with management practices to be audited in order to be able to recommend corrective or preventive actions to the adjudicative office or administrative office in accordance to the *non-conformities* identified. Besides, they should also recommend to the *Quality Management Office*, the accreditation opting office suitability to formally engage in the accreditation or to implement improvement plans prior to the accreditation audit.
- c. **Implementation of improvement opportunities.** The preventive and corrective improvement plans proposed in the previous sub-phase are implemented, so performance indicators are established. The expected outcome is that the office demonstrates its suitability to undergo the accreditation process.
- d. **Accreditation.** For this sub-phase a *National Authority for Quality and Accreditation for Justice* must be involved. This external body has the responsibility of accreditation of the Quality Management System deployed in any organization belonging to the judicial sector. In order to execute its duty, it must appoint an auditors' team for the specific task, who will conduct the formal accreditation audit according to any specific applicable Quality Management Standard, chosen from the *GICA-Justicia Quality Management Standards*' family (Up to date this only one *Quality Management Standards* but Costa Rica's Judiciary expects this family to grow in the medium range). The adjudicative or administrative office complying with the minimum requirements of any of the *GICA-Justicia Quality Management Standards* will be subjected to accreditation.
- e. **Monitoring and control.** As for any deployed *Quality Management System*, follow-up maintenance and improvements are expected in order to over time transform the *system* into a robust organizational tool for continuous improvement. The indirect result is the commitment strengthening of all stakeholders involved and/or related to the *Quality Management System*.

**Phase 3: Repeatability.** An accredited adjudicative or administrative office can serve as *peer reviewer* for their counterparts' accreditation processes, sharing its proven successful management practices. In general, this phase intends to standardize management practices, as well as to accelerate the learning curve of new adjudicative or administrative offices opting for accreditation, and so reducing deployment times. The sub-phases are:

- a. **Peer Collaboration.** Adjudicative and administrative offices must assist their counterpart offices aspiring to establish *Quality Management System*. Only management practices approved by the judiciary's *Quality Management Office* could be adopted and implemented.
- b. **Best practices sharing.** It comprises the collection, classification and evaluation of management practices of various accredited adjudicative and administrative offices.
- c. **Standardize implementation procedures.** Judiciary's *Quality Management Office* seeks management knowledge within the various accredited adjudicative and administrative offices. The implemented Quality Management System and associated good management practices should be transferable to all offices within the organization seeking accreditation. Management practices must be approved and validated by organization's *Quality Management Office* in order to turn them into organizational crosscutting management references, targeting reductions of learning curves and *Quality Management System* deployment times.
- d. **Quality Management System continuous improvement.** Comprises the global monitor and control of all already accredited judicial organization and/or administrative offices' Quality Management Systems. It intends that deployed Quality Management Systems reach sustainability and get continuous feedback from both the judiciary's organization's staff and also from external users, under a citizens' involvement approach.
- e. **Re-accreditation.** Future accreditation processes intend to provide sustainability to the *Quality Management System* previously achieved by a particular adjudicative or administrative office. It implies that at set intervals, Quality Management System re-assessments are run on accredited offices, in order to demonstrate they keep compliance with the particular requirements set by any of the GICA-Justicia Quality Management Standards the office have been accredited with.

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## Appendix 4. Process delivery approach´s main phases and ancillary activities' explanation

### Main Phases

- **Inputs´ Management:** Any management practice that represent information inputs for the office opting for accreditation must be identified, characterized and monitored, as it triggers execution of activities, procedures and internal interrelated management practices. These management practices could be transversal to the entire judicial process and include users´ visits, phone calls, documents and legal notices reception, among others. Additionally it comprises evidence administration and registration, custody chain of property and assets, and phase monitoring through performance indicators.
- **Appearances´ Management:** It relates the identification and characterization of the management practices executed for planning and controlling the hearings and appearances agenda within the adjudicative office opting for accreditation.
- **Resolutions´ Management:** Management practices related to case resolution must be identified / characterized and performance indicators to integrally monitor them must be established.
- **Outputs´ Management:** Management practices transversal to entire judicial process must be identified, characterized and controlled. These may include legal notifications, notices, phone calls, evidence requests and records, among others.

### Ancillary Activities

- **Time Management:** Performance indicators must be developed, implemented, planned and verified by means of defined controls at set time intervals. The objective is to analyze all management practices of the judicial process within the adjudicative office, in order to determine and fix processing times and work quotas.
- **Case, Documents and Files Management:** The execution of management practices for controlling, classifying and monitoring cases, documents and files must be identified and characterized, so that they could be tracked both physically and in the information systems. Thus, when required, the expedite access to them must be ensured.
- **Supportive Activities:** Coordination of common management practices between the adjudicative office and other administrative and technical offices must be promoted.
- **Alternative Dispute Resolution:** The adjudicative office must count with information and guidance channels in order to inform users of their right to access alternative dispute resolution channels in cases where existing legislation allows it.

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**Appendix 5. Listed resources available for courts under the International Framework for Court's Excellence.**

1. [Checklist for Promoting the Quality of Justice \(Courts European Commission for Efficiency of Justice – CEPEJ-\)](#)
2. [Evaluation of the Quality of Adjudication in Courts of Law](#) (Consultative Council of European Judges – CCJE-)
3. [How to Assess Quality in the Courts?](#) (Court of Appeal of Rovaniemi, Finland)
4. [Quality of the Judicial System in the Netherlands](#) (Netherlands Council for the Judiciary)
5. [Quality of Judicial Decisions \(Opinion No. 11\)](#) (Consultative Council of European Judges -CCJE-)
6. [Medium-Term Strategic Framework](#) (Department of Justice, Republic of South Africa)
7. [Reforming Mediterranean Civil Procedure](#) (by A. Uzelac)
8. [Judicial Reform Index \(Serbia\)](#) American Bar Association)
9. [Her Majesty's Court Service Business Plan](#) (Ministry of Justice, United Kingdom)
10. [Assessing the Need for Judges and Support Staff](#) (by Victor Flango & Brian Ostrom)
11. [State Court Guide to Statistical Reporting](#) (managed by Brian Ostrom & Carol Flango)
12. [Trial Courts and Organizations](#) (by Brian Ostrom et al)
13. [Towards Greater Organizational Excellence](#) (Subordinate Courts of Singapore)
14. [Implementing the IFCE as a "Holistic" Means for Achieving Excellence](#) (Supreme Court of Victoria)
15. [The Baldrige National Quality Program](#)
16. [The European Foundation for Quality Management](#)
17. [The Singapore Quality Award](#)
18. [The Singapore Quality Award with Special Commendation](#)
19. [The Balanced Scorecard Institute](#)
20. [Summary of the Balanced Scorecard Strategic Planning System](#)
21. [SixSigma](#)
22. [The International Organization for Standardization](#)

**Source:** ICCE (2013c)

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## Appendix 6. Performance evaluation benefits

Public reporting	To make more transparent the amount and the quality of work done by each single court, and to increase transparency of court operations. This can be done via web, newsletter, press releases, annual reports or taking advantage of any other means available to each given system.
Improve user orientation	The knowledge gained through user surveys can improve the user orientation of courts and thus their degree of satisfaction.
Identification and promotion of good practices	Identify the better performing courts, investigate the reasons of better performances, and search for good practices. Once good practices have been identified, guidelines and recommendations can be issued.
Organizational learning	The information provided by performance assessment should be exploited also to carry out joint enquiries within courts and between courts and stakeholder to investigate the different areas of operations and identify possible improvements.
Identification of training needs	A performance assessment should offer also focused information to identify training needs and to set up training programmes.
Reward organizational performance	Disseminate the ranking of all of the courts (clustered in homogeneous categories) in accordance to their performance (such as productivity statistics) so to stimulate friendly competition between courts and reward better performing courts.
Reward individual performance	Having data at individual level can be useful to evaluate individual productivity of judges and employees, as well as the results reached by heads of courts and court administrators.
Resources allocation	Caseflow and resource data are needed to set up effective methods for calculating human resources and judgeship needs and to allocate an appropriate budget to each single court.
Strategic planning	A regular evaluation of the judiciary is the milestone of any reasonable strategic plan. The knowledge produced with evaluation is indeed required for addressing capacity building, improve the key values inspiring the functioning of justice and finally increasing legitimacy.
Resource competition	Judiciaries are in competition with other branches of the public sector for attracting public funds. A good performance evaluation is an asset in such competition.

**Source:** United Nations (2011, p. 112)

