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# ***Internal and External Dialogue: A Method for Quality Court Management***

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## **Introduction**

The aim of quality court work is to maintain or improve public trust in the court as a vital part of a democratic society. Public confidence in the judicial system is affected by a number of factors, including speedy and judicially correct decisions which are generally understandable and a good treatment of parties and witnesses before and during court proceedings. In order to uphold and enhance public trust, courts need to work systematically to improve the quality of court functioning.

But questions remain regarding how to institute quality court management, and how to achieve positive results. Although court managers in Sweden have shown an interest in starting systematic quality work, they have found it difficult to find a method for such work and systematically achieving results.<sup>2</sup>

Some of the difficulties managing quality work in courts have to do with the fact that courts are highly professional organizations with independent judges fulfilling the main tasks of the court. Judges are reluctant to believe that court managers are more knowledgeable regarding how to produce high quality court work. Moreover, managers (who are usually judges themselves) are often unwilling to tell their colleagues what to do to improve court functioning. In addition both managers of courts and judges are often skeptical regarding the ability of consultants to give advice on how to improve court functioning.

One way to overcome those difficulties is through internal and external dialogue designed to improve the functioning of a court. This method has been used in the Court of Appeal of Western Sweden since 2003, and is now used (to a larger or smaller extent) in six other Swedish courts, Court of Appeal of Skåne and Blekinge, Administrative Court of Appeal of Stockholm, District Court of Hässleholm, District Court of Borås, District Court of Vänersborg and District Court of Göteborg.

By involving all judges and other court staff in an internal dialogue with the court manager about how to improve court functioning, and then applying a number of the suggested measures, several court improvements have been achieved. When the dialogue has been widened further to include external interested parties such as prosecutors, defense counsel and the users of the court (e.g., the parties and witnesses) further changes have been suggested and more improvements made.

*The method can be described in short as follows:*

First an internal dialogue, including all judges and other staff, is initiated to take advantage of the experience and professional knowledge the staff concerning the functioning of the court. The aim of the dialogue is for the staff to give their view of what changes are the most urgent to make and what measures to take to improve the functioning of the court. The suggestions from the staff are followed by a clear decision from the court manager with reasons for his/her decision. The measures are enforced and later evaluated in a broad dialogue with the staff where they give their opinion of the result of the implemented measures and suggestions for adjustments.

Secondly the dialogue is widened to get an external view of the functioning of the court. Within the external dialogue lawyers and prosecutors and users of the court give their suggestions for improvements in the functioning of the court. The external suggestions are discussed internally by all staff who on the basis of external views, suggest further measures to the manager in order to improve the court functioning. The court manager makes a decision and communicates externally the measures taken as a result of the external dialogue. When the measures are evaluated prosecutors, lawyers and users are invited again to give their view of the result of implemented measures and to give suggestions for further improvements.

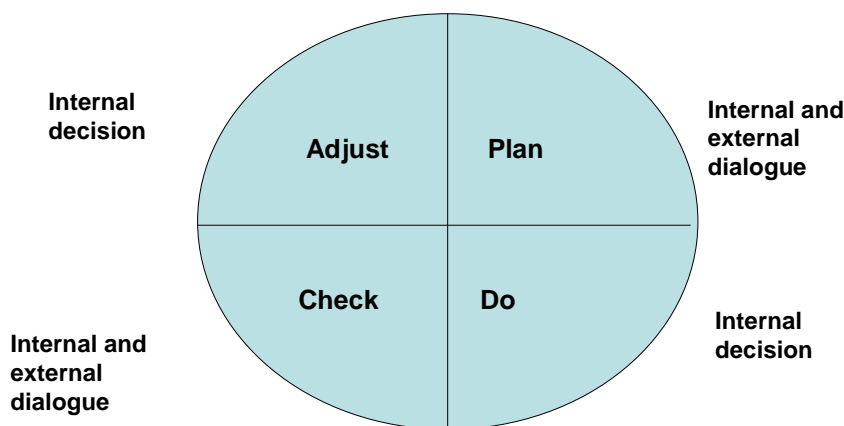
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<sup>2</sup> All court managers in Sweden decided in 2004 at their annual meeting that there was a need to start systematic quality work in all courts of Sweden. A quality group, with judges and other staff, was given the task to suggest methods and a strategy for quality management in courts. In 2005 the quality group gave their recommendations in the handbook "To work with quality in courts" 19 pages (Att arbeta med Kvalitet i Domstolsväsendet), only available in Swedish. Court managers have since then chosen different ways of working with quality in their own courts.

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## Circle of internal and external dialogue



Court of Appeal of Western  
Sweden

In the following section, the different steps of the method will be explained by giving examples of how it has been implemented mainly in the Court of Appeal of Western Sweden, but also to a large or lesser extent in other courts. The reason for focusing on the Court of Appeal of Western Sweden is that the method described here has been used there since 2003, while it has been used for a shorter period in the other courts (beginning in the period from 2006-2007). At the end of sections a comment is made on the method.

### Start With Internal Dialogue

#### *Dialogue Involving All Judges and Other Staff*

At the Court of Appeal of Western Sweden, the quality work started in 2003 with an internal dialogue within the court about the functioning of the court. The Court of Appeal of Western Sweden has 110 employees (36 judges) and was, at the time, organized into five departments with one of those departments allocated to administrative support. Each year the court passes sentences in approximately 4000 cases (criminal cases, civil cases and other). Almost all criminal cases are decided after court hearings.

The internal dialogue began with interviews of 65 (a little more than half) of the employees. The president (the manager of the court) requested the interviews in an effort to improve the court by involving all staff (judges and administrative personnel), taking advantage of the experience of the staff in finding the court's strengths and weaknesses, and regarding how to improve it.

The interviews focused on a range of issues that could affect court functioning such as the efficiency of existing routines and practices, opinions regarding court leadership, the extent of cooperation within the different departments (and between them), and introduction and education of junior judges and other staff.

The interviews were conducted by one of the junior judges (myself) who had been briefly trained in the technique of interviewing. Each interview took about an hour and a half. The result of the interviews was positive, and resulted in a wide range of proposals for goals for improvement as well as ideas for practical measures for how to reach those goals.

The internal dialogue was extended when the results of the interviews were presented to the president and the staff. The result, including an assessment of the weaknesses of the court and the proposals for improvements, were then discussed by all judges and other staff in groups of 5-8 people and then in groups of 20-25 people (one for each department). The aim of these discussions was to produce recommendations for the president regarding areas of emphasis, and measures to reach goals set up in these areas, that could improve the functioning of the court. The discussions were led by the interviewer who was able to weave in information from the interviews into the discussions.

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The staff made a number of recommendations regarding how to improve the quality of the court's work such as measures to achieve better cooperation within and between the different departments of the courts, better routines for handling cases efficiently, further education for employees in certain subjects related to the work of the court etc. The interest shown in the group discussions was larger than expected.

#### *Comment on the Method*

The internal dialogue can either start with individual staff interviews or with group discussions involving all staff. If the dialogue focuses on individual staff interviews, it is important to interview at least half the staff to obtain significant staff involvement in the improvement process. It is important to announce the result of the interviews to all staff and then involve those who have not been interviewed in the following discussions about how to improve the court's functioning.

Interviews with the judges and other employees at the Court of Appeal of Western Sweden revealed that they were very much aware of the importance of the role of the court in society, were proud to be participants in the process, and thus were willing to contribute to improvement of the practical work and functioning of the court. One judge stated it thus during the interview; "It is very important that we discuss quality; for example the way we write our sentences. It is important to write in a clear and simple way so that the public as far as possible can follow our reasoning. It is important to have the effect of our sentences in mind. We have a lot of power. We change people's lives".

By asking the professional judges how to improve the court's functioning, the process invested them in the process. The judges seemed to feel that their professional know-how was being acknowledged, and that they were being trusted with the responsibility of advising management regarding how to improve the functioning of the court. Comments such as "I have worked here for 20 years and nobody has ever asked me what I think needs to be done to improve the functioning of the court" were common.

Another conclusion that derived impression from the interviews involved the need to interview staff individually and anonymously. Otherwise, it was not possible to obtain their honest opinions regarding of the strengths and weaknesses of the court's functioning. The need for individuality and anonymity has proved true for all courts which have used the method of individual interviews. As neither judges nor other staff are used to stating their views regarding the present state of the court's functioning, or their ideas regarding how to improve it, it was necessary to allow judges and staff to give their opinions in private to the interviewer without fear of being criticized by colleagues or managers for these views. In the initial interviews, even those conducted individually and anonymously, some interviewees of the interviewed persons were hesitant to state their opinions. Nevertheless, not a single interviewee failed to share some ideas regarding of problems that needed to be addressed and possible solutions for improving the court's functioning.

Experiences from other courts have shown the same thing. Involving all staff in an internal dialogue regarding what hinders the court to function well and in giving suggestions for how to solve the problems deeply engages judges as well as other staff.

By interviewing the staff individually, judges as well as other employees, begin to take an interest in working systematically with the quality work of the court. At the same time, the court manager obtains a true picture from the staff of what really hinders the court to function well and a range of good suggestions for what areas to begin to work with, and how to do it, in order to improve the court's functioning.

Two courts have skipped the interviews process and began with group discussions. Although elimination of the interviews speeds up the initial procedure, experience shows that the interview process helps the staff gain a deeper commitment to the reform process. By interviewing the staff individually before group process begins, the later discussions produce better results and more suggestions for improvements than if people are put in group discussions straight away.

The deepest commitment to change seems to have occurred in the District Court of Vänersborg which took the internal dialogue one step further. In that court, staff interviews were conducted by five staff members; two judges, one trainee and two members of the administrative staff. The five staff members were initially interviewed by a consultant before they interviewed other court staff (six people each).

The five interviewers became deeply committed to change by first reflecting on the need for changes during their own interviews and then listening to the views of their colleagues. The focus on change was strengthened when the five interviewers agreed among themselves on how to prioritize the need for improvement in specific areas based on what they learned from the interviews. This prioritization was then presented to the court manager. Later when a plan for change was decided by the manager-largely in accordance with the recommendations given to him by the interviewers - the interviewers were committed to implementing changes in the daily work of the court.

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## **Choose and Apply Measures**

The internal dialogue process usually results in a large number of proposed measures, sometimes in a wide range of different areas. The deeper the dialogue, the larger is the amount of measures proposed.

When the end product of the internal dialogue is presented to the court manager, he or she must choose and prioritize among the various areas identified and decide which measures to implement. There are different ways to address this problem. The Court of Appeal of Western Sweden the president decided to implement as many of the proposed measures as possible in order to encourage further staff suggestions for court improvement. The measures were listed in the court's action plan to be implemented during the next year, 2004. The plan was placed on the courts intranet and implemented measures were marked off the list. At the same time as the action plan was implemented, the president decided that the measures should be evaluated at the end of the year.

The process in the Court of Appeal of Western Sweden resulted in a number of changes. For example, the preparation of cases was delegated to court secretaries. The secretaries received special education and training in the work of preparation of cases, routines for handling these tasks were set up and a judge responsible for answering questions from secretaries was appointed in each department. Another example of change involved regular weekly staff meetings within each department to discuss problems encountered in the work during the prior week and develop plans for the work of the coming week. Other examples of change involved introductory sessions for new judges at the court, systematic feed-back from older judges to judges in training, and written examples of sentences in criminal cases for new judges to examine.

### *Comment on the Method*

As mentioned above, both court managers and judges can be skeptical to the court manager making decisions about the functioning of the court on his or her own. In addition both court managers and judges are often skeptical regarding the advice of consultants on issues related to improving court functioning. By starting change with an internal dialogue involving all judges and other staff, these obstacles to change are avoided. The proposals put before the manager come from their colleges and other members of the staff and are built on their professional know-how. This makes it much easier for the court manager to make a decision on what measures to implement and apply.

But how do you as a court manager choose between the various suggestions for changed developed during the internal dialogue? One way of facilitating the decision is to ask the staff, judges and others, to suggest how to prioritize the suggestions for change, and help decide where to start. The court manager can also seek advice from the individuals who conducted the staff interviews. The interviewer has usually formed an opinion of what the staff thinks is the most important areas or measures. If the manager would choose to follow the recommendations of the staff the interest the staff has in these areas will help improving the work of the court. Should the manager choose not to follow the advice of the staff it is very important to state the reasons for choosing another way in order for the staff to be sure that their opinion has been heard before the decision was made.

Experience from several courts where the method has been used shows that it is important for the court manager to take decisions regarding the staffs suggested improvements as soon as possible and to communicate these decisions in a clear way. If decisions take time or are unclear the staff will be less willing to contribute with their suggestions when asked the next time.

### **Measure Results**

It is of crucial importance for the court manager to do follow up regarding agreed-upon implementation measures and to measure the results of the implementation. It is equally important to show the results of measures taken to all staff so that they retain in engaging in an internal dialogue on improvement.

It can be difficult though to measure whether changes actually improve the quality of courts. One way of measuring results is through a self assessment that involves judges and other staff in a dialogue; did these measures lead to better court functioning, and achieve their desired results? By involving all staff in a dialogue about the results, the court manager can take advantage of the staff's professional experience with the measures implemented.

After the first year's quality measures were implemented at the Court of Appeal of Western Sweden, all judges and other staff took part in an evaluation of the measures at the end of 2004. The discussion led to proposals for further quality improvements/measures to be implemented the following year. The evaluation was carried out in small groups of 5-8 employees who gave their view of the results of the actions taken.

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The evaluation suggested that the process worked most effectively when staff met on a weekly basis at the department level to discuss the work of the department. As judges and other staff met and learned more about each others work, they came up with new ideas regarding how to conduct the work more efficiently. An additional advantage was that employees got to know each other better. By delegating certain routine tasks to secretaries, the court was able to save judges an hour to an hour-and-a-half of time per week, and most secretaries appreciated to be able to do these tasks on their own without having to consult judges. The attempt to have older judges provide systematic feedback to younger judges was not regarded as successful. Older judges found it difficult to give specific and constructive feed-back.

Two other measures of quality improvements were used at the Court of Appeal of Western Sweden. Swedish courts measure turn around times for cases as well as job satisfaction rates for court staff. In spite of the time invested in interviews and group discussions, the Court of Appeal of Western Sweden actually decided more cases during the first year of quality work than during the year before. In spite of a small increase in incoming cases, the Court of Appeal reduced its case balance by 100 cases from 2003 to 2004. An even clearer improvement in the functioning of the Court of Appeal of Western Sweden was seen in the job satisfaction rates of judges and other staff. After the first year of internal dialogue the staff's sense that it could influence the work of the court, was twice as high as before the dialogue started. This is an important indicator of job satisfaction, but it also shows to what extent the court takes the experiences and ideas of judges and other staff into account when deciding on improvements in the functioning of the court.

When the internal dialogue has started within the court, it is time to extend the dialogue to interested parties. One may ask why not begin with the external dialogue, in order to hear the opinion of the "customer," rather than with the internal dialogue. The experience at the Court of Appeal (and later at other courts) is that it is important to start with an internal dialogue in order to give professionals (judges and other staff) time to reflect on the quality of the work of the court and time to think about possible improvements before listening to the view of others. If they have had a chance to reflect on different possible changes, professionals are more open to external ideas when they come.

Several courts in Sweden have begun the process with external dialogue with lawyers and prosecutors regarding court functioning. After the external dialogue, many courts seem to have encountered difficulties in deciding what quality measures to implement and in convincing the judges of the necessity of taking those measures. On the other hand, when the process begins with an internal dialogue that broadly includes all judges and staff, court staff are more likely to be interested and engaged in the external dialogue and in implementing measures suggested by the interested parties.

In the Court of Appeal of Western Sweden, the external dialogue began following a year of internal dialogue. Indeed, the external dialogue was prompted by staff who suggested the president to extend the dialogue to prosecutors and lawyers. The internal dialogue had created an interest among judges and other staff in hearing the views of external interested parties of the court.

Thus prosecutors, defense lawyers and lawyers of civil law were invited to a dialogue between the staff and themselves about the functioning of the Court of Appeal. Open ended questions were asked such as what is working well in the criminal and civil processes at the Court of Appeal and what needs improvement. Five staff representatives listened to the external views and suggestions.

### **Discuss Internally, Choose and Apply Measures**

After the meeting, all judges and other staff of the court were informed of the result of the external dialogue. Working groups of judges and other staff were formed to discuss the views of lawyers and prosecutors with the aim of proposing measures to improve the functioning of the court in the areas pointed out by the interested parties.

At a meeting of court staff, the working groups presented their proposals. The president then gave the staff an opportunity to give their view of what areas and measures they thought the most urgent.

After the meeting, the president made initial decisions regarding areas to improve and measures to be taken and implemented to improve the quality of the court's work. Again decisions were made in large accordance with the recommendations of the staff. Lawyers and prosecutors were informed of the President's decision and the proposals for change were presented on the court's website.

One suggestion focused on ways for the court to improve its handling of civil cases. Lawyers expressed the opinion that civil litigation took too long and that the processes for handling these cases could be improved. The lawyers also gave practical suggestions for how to achieve that objective. A group of judges from all five departments of the court discussed the lawyers' suggestions and agreed on routines and practices that could be used to speed up the handling of civil cases. These routines were proposed to the president who decided that they should be implemented in all five departments of

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the court. Other examples of measures taken to improve court quality was to provide better switchboard service and better information and treatment of people called to court (especially people afraid of serving as witnesses) .

#### *Measure Results*

At the end of the second year, prosecutors and lawyers were invited to provide feed-back on whether the functioning of the court had improved by the measures implemented that year. Representatives of judges and other court staff were present also at this meeting.

The feed-back from prosecutors and lawyers was very positive. They could see improvements in court functioning and suggested that the dialogue between them and the court was very valuable and might improve court functioning, and help the court better serve the interest of the parties and the public. At the meeting, prosecutors and lawyers also came up with suggestions for further improvements.

The feedback from prosecutors and lawyers was forwarded to all staff and to the president. On the basis of this feedback and the discussion that followed, as well as a self assessment (see 1.3 above), further improvements were made in the handling of civil and criminal cases.

#### *External Dialogue with Users of the Court*

For the court to function well and to maintain the confidence of the public, it is important for the court to obtain not only lawyers' but also non-professional users view of the court system.

In the Court of Appeal of Western Sweden it is mainly the administrative staff of the court who dialogue with parties and witnesses through phones or court visits. The administrative staff encouraged a dialogue with them on the theory that how parties and witnesses are treated by judges and other staff, and whether they think that they are given a fair trial or not, are important. The administrative staff also encouraged inquiries regarding whether the public believed that they had received enough information before coming to court proceedings.

After a discussion at which all administrative staff and judges were invited to give their opinions, the president decided that defendants, plaintiffs and witnesses in criminal cases should be interviewed regarding their perceptions of the treatment and service given to them by the court before and during the trial. This information was obtained through interviews rather than questionnaires because experience had shown that the response rate for questionnaires was very low (especially for defendants).

To a great extent, those involved in courtroom proceedings agreed to be interviewed before sentence was passed. The interviews were held by two court employees (one administrative staff member and one judge), which gave the court direct insight into the perceptions of defendants, plaintiffs and witnesses. This would not have been possible if an external interviewer had been chosen to do the interviews. The direct insights were presented to all staff by and very useful and important in helping the court improve its functioning. When interviews are held with the help of employees of the court it is important to take into account that some people will have a tendency to give more positive answers "to make a good impression". The experience at the court of appeal was in spite of this that a lot of critical points were made during the interviews that later helped in the work of improving how people are treated and informed in the courtroom and before court proceedings.

During a period of two weeks, 67 people were interviewed. The method used was qualitative (as opposed to quantitative). The aim was thus to get as many views as possible from users regarding the service and treatment they received at court. The interviews revealed that witnesses and plaintiffs at large needed more information about the court hearing in order to effectively prepare. By contrast, defendants were very aware of and sensitive to their interactions with the judge during the court hearing.

The results of the interviews were reported back to the judges and other court staff. The staff was then invited to take part in working groups to discuss and give suggestions for improvements based on the information received.

#### *Discuss, Choose and Apply Measures*

The suggestions from the working groups served as the basis for the President's decision to adopt measures designed to improve the court's ability to provide information in a timely manner, and to a better treatment of witnesses and plaintiffs (who had expressed fear about coming to court proceedings). Measures were also taken to make judges aware of the importance of providing sufficient information to the parties during court proceedings.

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Examples of measures which have been implemented to provide users better information include:

- The production of a paper to be sent to court participants along with the call to come to trial. The paper included answers to frequently asked questions. For example, the paper answers questions about how to get to the Court of Appeal (a map shows the location of the court and directions on how to get there), explanations of why an individual might be required to come to court, and a direct telephone number for witnesses to call if they are afraid to testify and want special care or protection by court staff.
- The production of an information leaflet designed to explain to participants what happens during both civil and criminal court proceedings. These leaflets were distributed to lawyers and prosecutors to be distributed to defendants, plaintiffs and witnesses before trial, and were also handed out in the waiting room of the court.
- Photographs outside court rooms showing the interior of the court room so that parties and witnesses could orient themselves and understand where they and others are going to sit during the trial.
- Signs in front of judges, laymen and secretaries of the court in the courtroom, indicating the identity of court personnel.
- The distribution of better information, more quickly, to people waiting outside of courtrooms regarding delays in court proceedings.
- To improve the treatment of parties and witnesses, discussions were held among judges on how to treat people during court proceedings.
- Other employees discussed how to treat and give service to individuals arriving at court or calling before court proceedings.

#### *Measure Results*

The results of the implemented measures will be checked by a new round of interviews with plaintiffs, defendants and witnesses at the end of 2008. However, already the feed-back from prosecutors and defense lawyers on the implemented measures has been very positive.

#### *Comment on the Method of External Dialogue*

The method chosen for assessing the views of interested parties resembles the method used to assess staff. Rather than sending questioners to prosecutors, lawyers, and users, court staff engaged in dialogue with interested parties.

The advantages of this method were many. First the staff of the court was able to obtain the views of lawyers, prosecutors and users face-to-face which helped them obtain deeper and longer lasting impressions than could have been obtained simply by reading. Second further questions could be asked by the staff if they felt that they needed more information on certain issues. Last the interested parties could see that the court staff was interested in their views because court staff took time to listen to them in interviews.

Following the example of the Court of Appeal, but taking it one step further, interviews were held at the district court of Gothenburg by two judges and two members of the administrative staff during three weeks in 2007. Four staff members interviewed 190 users of the court about their views regarding how they were treated before and during court proceedings. A report was written detailing the results of the interviews. An even more important result of the interviews was that the court staff gained the benefit of listening to court users face to face. The staff came with many ideas regarding how to better treat court users in the future.

### **Why Internal And External Dialogue Should Be Used As A Method For Quality Management In Courts**

*Why should the method of internal and external dialogue be chosen rather than some other method for improving quality?*  
According to our experience, internal and external dialogue was a critical factor in improving the functioning of courts. The reason is mainly that judges as well as court managers see themselves primarily as independent professionals. In order to make quality management in courts successful, so that it leads to improvements in the functioning of the court, the process must take advantage of the professional experiences of judges and their interest in delivering the highest quality possible in their work. If the goal is to achieve a better functioning of a court, it is therefore crucial to involve all judges in a

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dialogue about the quality and the functioning of the court. It is also important that judges reach an agreement to develop and improve the practices and routines of the court. If the process involves not only judges, but also other court staff and interested parties in a dialogue regarding needed improvements, and methods for bringing about those improvements, the process can then take advantage of the experience of all parties in deciding what to do and how to do it. This leads to even bigger improvements.

The method of internal and external dialogue may seem time consuming. Involving judges and other staff, not only in defining the problems and in suggesting solutions, but also in giving advice to the court manager regarding measures that could be taken to improve the functioning of the court, takes time. Do we really have that time?

The answer to that is yes. By taking that time, the court gathers and takes advantage of the professional knowledge of judges and other staff before deciding on the areas and measures a court needs to improve its functioning. At the same time, judges and other staff, by being involved in improving the quality of the court's work from the very beginning, become engaged in the process and become eager to follow up and measure the result of the efforts. Thus the time spent by court officials in internal and external dialogue regarding how to improve court functioning, is regarded as well spent once the court sees the results of the implementation effort.

The result of the improvement efforts at the Court of Appeal of Western Sweden shows that internal and external dialogue is a good method for improving court functioning. Since the process began in the civil area, the time required to handle and pass has been reduced. The Court of Appeal has now taken the lead among the six courts of appeals in Sweden when it comes to short turnaround time for civil cases (sentences are passed within 7 months in 75 % of the civil cases). In addition, the court has seen an improvement in job satisfaction during the years following the improvements of 2004. The high measure of job satisfaction has continued in subsequent years.

The quality improvement process of the Court of Appeal of Western Sweden has been reviewed by two students at the University of Gothenburg. During the spring of 2007 they wrote a paper for their master's degree on systematic quality work of the Court of Appeal of Western Sweden. They concluded that, although the staff of the Court of Appeal of Western Sweden had always been aware of the importance of improving the quality of the court's work, the court's functioning had improved in several aspects. One of these aspects was that the concept of quality among the staff of the court (both judges and other staff) had been broadened to embrace new areas of quality such as information and good treatment of court users.

Nine members of the staff were interviewed about the accomplishments of the reform process. One of the interviewed staff responded "The view of prosecutors and lawyers on how judges treat people in court was never to listen before. The work environment in the Court of Appeal has changed. We talk to each other in a totally different way and show each other more respect. But the big thing is how we who work in the court see our place in society. That people who come here should not be looked down upon but are entitled to a good and respectful treatment, no matter who you are".

Further the evaluation showed that the work of improving the court's functioning was seen by the staff as a mutual responsibility for all members of the staff. Court users were seen by the staff as one of the targets of the court's quality improvements. According to the paper, many concrete measures were taken to improve the functioning of the court such as clearer signs showing users where to go, better waiting room facilities, and providing better information to users about court proceedings.

The feed-back from interested parties on the results of the systematic quality work of the Court of Appeal of Western Sweden has continued to be very positive. Lawyers and prosecutors have been asked on a yearly basis to give their views regarding the reform process at the Court of Appeal. Organizations for victims of crime and probation authorities have also been invited to give feed-back on the improvements. All interested parties have stressed the importance of dialogue and of seeing that their suggestions regarding how to improve the handling civil cases and the information and treatment of defendants and victims of crime, have been implemented in the Court of Appeal. Lawyers of civil law have been very positive about the new way the Court of Appeal handle civil cases.

Last but not least, an indicator of the success of the method of internal and external dialogue is that four district courts and two courts of appeal have started quality improvements based on similar methods involving all judges and other court staff as well as interested parties outside the court in a dialogue of how to improve the courts' functioning.

The other six courts which have used internal and external dialogue methods to improve the functioning of their courts have not applied the method as long as the Court of Appeal of Western Sweden. In spite of the shorter period, they have seen considerable positive results. In a year's time, the turn around times for cases has decreased considerably at the



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same time that the number of cases waiting to be decided has sunk, by approximately 230 cases in the district court of Vänersborg and by 200 cases in the district court of Borås. All courts report better satisfaction by their staffs as a result of being consulted on how to improve the functioning of the courts. Those courts who have implemented suggested measures from judges and staff also report a much bigger flow of ideas for improvements from the staff as well as improved job satisfaction “we used to feel that we couldn’t influence anything, but now that we have seen that we can do so, we seem to have a never ending flow of ideas of how to improve things” is one of many positive comments.

Finland, Denmark and the Netherlands also have good experiences with dialogue between judges and interested parties as a method of improving the functioning of the courts.

In Finland, in the Rovaniemi Court of Appeal Jurisdiction, all judges in the district courts and the Court of Appeal meet every year to discuss and decide themes for improving the quality of the courts for the following year. After deciding on the themes, the judges then form working groups with, lawyers and prosecutors and sometimes police to work out a proposal for better routines and practices. The proposals are discussed by all judges at the end of the year and then implemented as recommendations for all judges to follow. The work of the Rovaniemi Court of Appeal Jurisdiction won the Chrystal Scales of Justice Award of the European Union in 2005.

In Denmark, judges in the Copenhagen area have agreed to work together to improve written sentences as well as the treatment of court users during proceedings. Judges read each others’ sentences and watched each others’ treatment of the parties and witnesses during court proceedings. They then entered into a dialogue with each other on how to improve their work.

In the Netherlands, systematic efforts to improve the quality work is presently managed in all courts of the country. That work was initiated by a several years long period of internal dialogue among judges which results in an agreement on 13 areas where improvements were needed in order to achieve a better functioning of the courts. Within these 13 areas, projects were started, where judges took part in suggesting measures to improve the functioning of the Dutch courts.

Outside the courts, the method of broad dialogue within an organization between staff and management, with an eye towards improving the quality of the work of the organization has also been proved successful. Professors Flemming Norrgren<sup>3</sup> at the University of Chalmers in Sweden and Professor Michael Beer<sup>4</sup> of the Harvard School of Economics have shown involving staff in a broad dialogue of what needs to be improved – a bottom-up approach - leads to greater improvements in the functioning of an organization than a traditional top-down approach.



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<sup>3</sup> Ingelgård, A. & Norrgren, F. Effects of Change Strategy and Top Management Involvement on Quality of Working Life and Economic Results. *Intl Journal of Industrial Ergonomics*, 27(2), 2001, pp 93-105

<sup>4</sup> M. Beer and R. Eisenstad (2004), “How to have an honest conversation about your business Strategy” in *Harvard Business review*, February , 2004.