

Devising Measures to Evaluate Judicial Reform Projects:

No one indicator can measure the impact of a judicial reform program. For this reason, we need to select a range of indicators to measure the impact of any intervention. These indicators chosen should measure specific project outputs and then “triangulate” an assessment of their outcomes on the rule of law environment. Because qualitative measurements are variable, quantitative indicators should be chosen wherever possible.

Methodology

Designing an evaluation process and selecting performance indicators for a reform or training project involves making often pragmatic choices of methodology, in practice, owing to constraints of time, money and/or expertise. These constraints determine the mix of what we *need* to measure with what we are *able* to measure.

Using a judicial training project as an example, it is difficult to measure changes in professional competence relating to the knowledge, skills and attitudes that may be attributable to training. Such measurements are best undertaken using formal assessment techniques such as exams and tests, longitudinal observation and studies of performance over periods of years and control-group testing. These techniques are, however, often not feasible. For one reason, the doctrine of judicial independence militates against formal external assessment of the performance of judges other than through analysis of appeal outcomes. Other constraints include a lack of established consensus on indicators of judicial best practice of what makes “a good judge.” Moreover, assessments of public satisfaction with judicial services are unavoidably qualitative and anecdotal. Causality may also be difficult to establish in an environment where many inputs potentially contribute to change.

Selecting Indicators

Given these constraints, what methodologies, and associated indicators, should be selected to measure any reform or change initiative to enhancing the rule of law with validity, reliability and utility?

It is proposed that a two-tiered building-block approach to performance indicators be adopted to assess the project in terms of its process and its impacts.

- “*Process Indicators*” – These measure the implementation of a development project in terms of its efficiency and effort. These indicators are “internal” to the project and evaluate whether it is doing what it set out to do.

For example, a lead indicator relating to central project activity and efficiency, could be *conducting training activities* on schedule and within budget. Because it may be difficult to make direct assessment of improvements in the levels of knowledge, understanding, skills and attitudes of individual judges, it may be appropriate to select secondary indicators relating to *judges’ participation* in training. Both these indicators are objective, visible, quantitative measures of project effort and efficiency. It is useful to measure *judges’ satisfaction* in terms of whether they perceived that the training added to their knowledge, understanding, skills and attitudes, and (b) any existence of *judges’ intentions* to make improvements in judicial service delivery as a result. While these indicators are inferential in measuring qualitative perceptions of the project value, they do enable

ongoing refinement and fine-tuning of project effort (formative evaluation). They provide the means to measure the will to improve systemic performance, which is essential to improving the rule of law environment (summative evaluation).

- “*Impact Indicators*” – In many senses, the most important, they measure the effectiveness of project outputs in terms of their results or outcomes. They are “external” to the project, and describe objectively visible measures and how they contribute to enhancing the rule of law environment.

The lead impact indicator is ultimately the *confidence of civil society* in the integrity of the justice process. It may not, however, be easy to select any single indicator of measurement; nor to select appropriate representatives, however ‘civil society’ may be defined. Interviews and surveys of community representatives, public interest groups and/or members of the practising bar should be undertaken to assess satisfaction with judicial services, using criteria such as protection of human rights, accessibility, openness, efficiency, transparency, understandability and integrity. While data may be qualitative and anecdotal, assessments using standardized instruments to plot aggregated responses in *pre/post* or *internal/external* perceptions can describe measurable differences and changes attributable to the intervention

A more visible and objective indicator of project impact is *judicial performance*. Key criteria for judicial performance relate to changes in the nature and incidence of judicial caseload and service-delivery. This judicial management information should be regularly collected and available from those authorities responsible for administering the judiciary. Indicators include the number of new cases issuing each year, the number of disposals, the average duration of time pending disposal, the number of appeals and the percentage of successful appeals, the number and nature of complaints against the judiciary and their outcomes. This data is fundamental to any framework of indicators, although it may remain inferential to the extent that identified changes may be attributable to a variety of possible causes including the training.

In summary, the range of performance indicators of available for assessment of a training project might include:-

- Conducting training activities
- Judges’ participation in training
- Judges’ satisfaction with the perceived usefulness of training
- Judges’ intentions to improve the quality of judicial service delivery
- Observations of judges’ use of the training
- Confidence of civil society in improvements to the rule of law
- Improvements in judicial servicing of caseload
- Reduction in successful appeals against decisions
- Reduction in complaints upheld against judges.

Techniques

A number of techniques could be used to collect data using these indicators for purposes of evaluating the intervention. They would: -

- Comparative surveys – self, peer and external assessment
- Interviews of key stakeholders and representatives of civil society

- Observation and expert appraisal
- Base-line judicial management data

A variety of performance indicators should be selected with which to “triangulate” measurements of the contribution of judicial education – in this case, a judges’ training - to enhancing the quality of justice and rule of law. These indicators combine process and impact evaluation techniques, subjective and objective criteria, and quantitative and qualitative data. Collectively, they change the anecdotal into the measurable.

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