

## **SURVEYS OF JUDICIAL PERFORMANCE**



**METHODOLOGICAL APPROACH FOR MONITORING  
USER SATISFACTION AND PERCEPTIONS**



## **SURVEYS OF JUDICIAL INDEPENDENCE**

METHODOLOGICAL APPROACH FOR  
MONITORING USER SATISFACTION AND PERCEPTIONS

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<sup>1</sup>The opinions expressed herein are those of the authors and do not necessarily reflect the views of the Konrad Adenauer Stiftung Rule of Law Program South East Europe.

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## EXECUTIVE SUMMARY

The 2015 EU Enlargement Strategy confirms strengthening the rule of law as a key challenge for most of the countries in the enlargement process. In particular, the Union notes the need to improve the functioning and independence of the judiciary, which is seen as being still weakened by instances of selective justice and political interference. The aspirant countries are advised to undertake extensive judicial reforms that would develop independent and efficient judicial systems capable of ensuring fair trials, where judges and prosecutors are appointed and promoted on basis of merit, and where they are impartial, accountable and safeguarded from political or other pressure. In addition to measures to ensure the quality and efficiency of justice, the European Commission notes the necessity of a change in judicial culture towards an increased focus on delivering a service for citizens. This presents one of the values that the EU is promoting in the accession process with the countries of the western Balkan.

A public-satisfaction approach, based on user expectations, reflects a concept of justice centred more on the service user than on the judicial system's internal performance.<sup>2</sup> Therefore, the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe considers satisfaction surveys as a key element of policies to introduce a culture of quality.

CEPEJ developed a handbook for conducting satisfaction surveys aimed at court users in Council of Europe's member states in 2010, and consequently devised a checklist to guide the court staff and other specialists in planning and conducting court users satisfaction survey. The European Commission for the Efficiency of Justice (CEPEJ) categorizes satisfaction surveys on the basis of their:

- objectives – for example, surveys can aim to monitor user satisfaction, measure court performance, evaluate independence and impartiality, improve service delivery and efficiency, enhance accessibility, or monitor and evaluate the reform of the court system;
- scope – for example whether the surveys encompass a specific service area (such as reception or registry services), the operation of the court as a whole, the operation of several courts of the same type, or several courts in the same geographical district;

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<sup>2</sup>Report on conducting satisfaction surveys of court users in Council of Europe member states, European Commission for the Efficiency of Justice, 2010.

- type – for example whether it is focused on trends in user opinion and is therefore a qualitative survey, or it strives to determine satisfaction levels in a representative sample through a quantitative survey;
- target audience (respondents) – which can include citizens in general who may not necessarily had direct experience with the judicial system; only people that had dealings with courts – e.g. parties to disputes; certain users such as victims or parties to divorce proceedings, etc.; all legal professionals; only public sector judicial employees such as judges, public prosecutors, non-judge and non-prosecutor staff.

User satisfaction surveys can constitute useful tools to monitor and evaluate the efficiency, effectiveness, independence and impartiality of justice sector institutions. They also aim to provide a transparent account of how their operation is perceived by the beneficiaries: professionals, citizens seeking justice and, ultimately, the community. As public institutions, it is important for the courts and other justice sector institutions to give users an opportunity to provide feedback.

The information gathered through such surveys can supplement the factual performance indicators, and ensure that more subjective elements – such as perceptions and expectations – are also taken in account in the planning and implementation of judicial systems reforms. On a micro level, user surveys can assist judicial institutions to identify areas where they can perform better, and by acting on this information, can improve the public's satisfaction. This presents one of the values that the EU is promoting in the accession process with the countries of the western Balkan.

User satisfaction studies and surveys are already recognized, to a varying extent, as tools of justice sector reform in Macedonia, Montenegro and Serbia. On the other hand, such surveys are mostly conducted as ad-hoc project-based efforts, and do not constitute part of a regular performance management or quality control system, or even of transparency and communication standards of judicial institutions. Furthermore, issues have been noted in the lack of transparency when judicial institutions partner with select civil society organizations in implementing such surveys, methodological inadequacies, insufficient internal and public debates on their findings.

This paper examines the methodological and organizational basis for establishment of a viable platform for conducting stakeholder satisfaction surveys in the judicial institutions, primarily the courts, in the aspirant countries, with a focus on Macedonia, Montenegro and Serbia. Conducting stakeholders' satisfaction survey ensures that we can gain fundamental information about the work of the judiciary and be able to identify the priority reform areas. This will enable policy makers to better assess the effectiveness of reform efforts, identify the priority areas for further support, and understand the direction future interventions

need to take. Instituting user surveys on periodic basis by using a Council of Europe verified framework could become a practical step to further guide and inform the reform on the path towards gaining public trust and confidence in the judiciary, and in courts in particular. It will also allow to verify the success of the on-going reforms. Although it could be argued that the public perception and opinion on the work of courts may often be based on misinformation and speculation, the issue of gaining citizens' trust is nonetheless of critical importance for the sustainable and equitable functioning of the young democracies of western Balkan countries.

Defining a survey approach that fits the needs of all courts in these countries, and at the same time being simple and affordable in its application is a challenging undertaking. The analysis relied on the CEPEJ methodological and organizational guidelines for conducting user satisfaction surveys which the authors categorized in four dimensions: general survey framework and context, management and administration, methodology, and, finally, transparency and public debate. These dimensions were then used to examine recent user satisfaction surveys in Macedonia, Montenegro and Serbia. This provided an opportunity to identify discrepancies with the CEPEJ guidelines, to single out challenges and strongpoints in the national approaches, and to define conclusions and recommendations with regard to each of the four examined dimensions, as presented below.

#### 1. General framework and context

- In order to ensure objectivity, credibility and meaningful recommendations all user satisfaction surveys should be conducted by civil society organizations and other external actors in cooperation with judicial institutions, and not solely by the judicial institutions. In addition, external actors – such as CSOs and consultants – could provide technical expertise to assist the steering committee in the process of data processing/analysis and in terms of providing objective interpretation of data and insightful recommendations. The external partners would be an adequate partner in conducting such surveys, both from the perspective of making users more comfortable to share their views and perceptions, as well as by lowering the risk for respondents self-censoring their opinions.
- When justice sector institutions enable external actors, such as CSOs, to conduct user satisfaction surveys envisaged under a national policy document, efforts should be made to demonstrate transparency regarding the manner in which such partnerships have developed, and to ensure this does not automatically preclude openness to collaboration with other competent actors.
- While user surveys may be limited only to legal professionals, their value as quality control tools may be enhanced by also extending their target groups to the public, for example citizens seeking justice. The professionals' view of their organisation and practices can be far removed from the perceptions and expectations of those for whom these systems have been set up.

- A system for regular measurement of user satisfaction through periodical surveys (semi-annual, annual, biannual) should be set up to monitor developments and evaluate reform outcomes.
2. Management and administration
- Establish a working group of court staff (judge, secretary of the court, court officers responsible for public relations etc.) and external supporters that will act as a steering committee for the survey. Involve court staff that is highly motivated, who are able to take criticism and who place emphasis on continuous improvement of procedures.
  - Engage volunteers, court interns, and local students as interviewers and assistants in the survey. Communicate with local non-governmental organizations and higher educational institutions to mobilize additional human resources for the survey.
  - Provide support to users in their effort for participation in order to enhance the number of responses and to obtain proper quality answers. Staff members of the court, or law, sociology or political science students may assist users in completing the questionnaire and providing answers to methodological inquiries.
3. Methodology
- The quality of a service should be measured in terms of gap between the importance assigned by a user to each aspect of the service and the actual perception of service received by the same customer. Part of the surveys in the analysed countries have either ignored the aspect of the user-assigned importance to the examined aspects of the service, or have considered the importance separately from the satisfaction levels. Defining effective corrective measures, requires to look at satisfaction and importance simultaneously in order to define areas where opportunities for improvement exist (service aspects with lower satisfaction of users and higher user perceived importance) and areas where continued emphasis is needed (service aspects with higher satisfaction of users and higher user perceived importance).
  - Ensure that interview questions are written in a manner which is clear and understandable to users, that the length of the questionnaire is reasonable, and that each grade in the response scale is narratively explained.
4. Transparency and public debates
- Present the findings in a simple and understandable manner, using charts and tables. Importance-Satisfaction diagrams used by the Tribunal of Turin and the Court of Appeal of Catania could offer guidance as to effective presentation of results.
  - Organize debates to discuss the findings and put forward measures to tackle the identified challenges. While such debates should certainly involve key court staff,



efforts should be made to also involve external expertise that might offer more objective viewpoints and provide novel ideas.

- Publish and disseminate the data to the wider public instead of only among select staff of judicial institutions. Justice is a public institution and therefore user satisfaction surveys are of interest for the whole community. The publication of user satisfaction data could contribute to gradual improvement of public trust and confidence in the judiciary.

## 1. INTRODUCTION

The 2015 EU Enlargement Strategy confirms strengthening the rule of law as a key challenge for most of the countries in the enlargement process. In particular, the Union notes the need to improve the functioning and independence of the judiciary, which is seen as being still weakened by instances of selective justice and political interference. The aspirant countries are advised to undertake extensive judicial reforms that would develop independent and efficient judicial systems capable of ensuring fair trials, where judges and prosecutors are appointed and promoted on basis of merit, and where they are impartial, accountable and safeguarded from political or other pressure. In addition to measures to ensure the quality and efficiency of justice, the European Commission notes the necessity of a change in judicial culture towards an increased focus on delivering a service for citizens. This presents one of the values that the EU is promoting in the accession process with the countries of the western Balkan.

A public-satisfaction approach, based on user expectations, reflects a concept of justice centred more on the service user than on the judicial system's internal performance.<sup>3</sup> Therefore, the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe considers satisfaction surveys as a key element of policies to introduce a culture of quality. CEPEJ developed a handbook for conducting satisfaction surveys aimed at court users in Council of Europe's member states in 2010, and consequently devised a checklist to guide the court staff and other specialists in planning and conducting court users satisfaction survey.

User satisfaction surveys can constitute useful tools to monitor and evaluate the efficiency, effectiveness, independence and impartiality of justice sector institutions. They also aim to provide a transparent account of how their operation is perceived by the beneficiaries: professionals, citizens seeking justice and, ultimately, the community. As public institutions, it is important for the courts and other justice sector institutions to give users an opportunity to provide feedback. The information gathered through such surveys can supplement the factual performance indicators, and ensure that more subjective elements – such as perceptions and expectations – are also taken in account in the planning and implementation of judicial systems reforms. On a micro level, user surveys can assist judicial institutions to identify areas where they can perform better, and acting on this information, can improve the public's satisfaction.

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<sup>3</sup> Report on conducting satisfaction surveys of court users in Council of Europe member states, European Commission for the Efficiency of Justice, 2010.

Using perception data also poses some limitations to measuring performance. First, the perceptions of members of the general public who have not had personal contact with the justice system could be influenced by media coverage of cases at the time of the survey, such that survey results could fluctuate randomly over time and measure a general mood rather than system performance. This could render surveys less useful as baselines for measuring reform progress over time and as tools for identifying reform priorities. Another argument is that perceptions and reform expectations could be influenced by whether or not the respondent has received an advantageous verdict, for example. Thus, the argument goes, responses would not measure the quality of the process and the system but the respondent's opinion of the outcome of the case.

Despite potential methodological challenges in their design and interpretation, user satisfaction studies and surveys are already recognized, to a varying extent, as tools of justice sector reform in Macedonia, Montenegro and Serbia. On the other hand, such surveys are mostly conducted as ad-hoc project-based efforts, and do not constitute part of a regular performance or quality management system, or even of standards for communication and transparency of judicial institutions. Furthermore, issues have been noted in the lack of transparency when judicial institutions partner with select civil society organizations in implementing such surveys, methodological inadequacies, insufficient internal and public debates on their findings.

The paper relied on the CEPEJ methodological and organizational guidelines for conducting user satisfaction surveys which the authors categorized in four dimensions: general survey framework and context, management and administration, methodology, and, finally, transparency and public debate. These dimensions were then used to examine recent user satisfaction surveys in Macedonia, Montenegro and Serbia. This provided an opportunity to identify discrepancies with the CEPEJ guidelines, to single out challenges and strongpoints in the national approaches, and to define conclusions and recommendations with regard to each of the four examined dimensions, as presented below.

In **Macedonia**, user satisfaction surveys as well as assessments of transparency and accountability of justice sector actors are envisaged as performance indicators in the IPA 2014 Justice Sector Planning Document.

Furthermore, the draft Strategy for Justice Sector Reform for the period 2016–2020 stipulates that public perception and user satisfaction surveys conducted with the *involvement of civil society organizations and international donors* will be part of the implementation and monitoring tools. *Conducting regular user satisfaction surveys in all courts and Public Prosecution Office (PPO) units* as part of a new performance management system is set as an output criterion under the activities for developing performance standards and evaluation systems. 2018 is the tentative implementation deadline set for this segment of the Strategy. Additionally, the use of regular user satisfaction surveys by

judiciary governance bodies and PPO bodies and units is set as an outcome criterion to measure and improve quality of services and the performance management system under the activities for developing performance standards, evaluation systems and PR/communication capacities.

The Strategy also envisages:

- output criteria (to be met by the end of 2016) and outcome criteria where the Ministry of Justice, Bar and other players in the legal aid system use user satisfaction surveys to measure and improve quality of services;
- output criteria(to be met by the end of 2016) and outcome criteria where the Bar, the Chamber of Notaries and the Chamber of Bailiffs conduct member surveys to determine the level of satisfaction of advocates, bailiffs and notaries with their respective services.

While justice sector user satisfaction surveys are not frequent in Macedonia, there have been a series of such surveys in 2014 under the EU project „Preparation of the EU Justice Sector Support Programme“, as follows:

- Survey on User Satisfaction with Administration of Justice by Courts;
- Survey on User Satisfaction and Quality of IS;
- Survey on Internal and External e-Justice Resources of the Courts;
- Survey on Measuring Perceptions of Parties and Legal Professionals about Quality of Misdemeanour Law and Practice;
- Survey on Measuring Perceptions of Parties in Commercial Disputes.

In the case of Macedonia, the analysis more closely examines the Survey on User Satisfaction with Administration of Justice by Courts.

**Serbia**, as part of its European Union integration process, also strives to accelerate the justice sector reform. These reforms are aimed at strengthening the rule of law and improving the performance, efficiency, professionalism, accountability and integrity of the judicial system. Following the best practices of the EU member states, and the guidelines provided by the European Commission for the Efficiency of the Justice (CEPEJ), the World Bank, within the project of the Multi Donor Trust Fund for Justice Sector Support (MDTF-JSS) conducted two surveys in recent years – the first survey was conducted in 2010, and the second one in 2013. In the 2013 survey respondents were asked about their perceptions and experiences with the judiciary system, with the focus on the period prior to 2013, in order to obtain information about the situation after implementation of the reform of the judiciary system.

The surveys were consisted of the following parts:

- Survey for the general public;
- Survey for business sector representatives;
- Survey for members of the legal profession working in private practice;
- Survey for judiciary employees.<sup>4</sup>

The surveys in Serbia particularly focused on efficiency, quality of services, accessibility, fairness, integrity, and costs.

In **Montenegro** two recent surveys were implemented in close cooperation between the Civic Alliance and the Association of Judges. The aim of these surveys was to assess citizens' perceptions on the independence of judges as well as to conduct an anonymous survey among judges to assess their own perceptions on judicial independence. The surveys were envisaged with the Action plan for chapter 23 – Judiciary and fundamental rights.<sup>5</sup>The survey was divided in two parts:

- Survey for the judges;
- Survey for the general public.

The analysis of these court user satisfaction surveys cover four aspects of their design and implementation, under which the specific cases of every country is explained. The CEPEJ guidelines for user satisfaction surveys are provided for each of these aspects and serve as a benchmark for assessing the surveys' approaches.

The first aspect on the general framework and context of the surveys encompasses the main objectives and the scopes of the surveys, as well as the primary target population groups. The modalities of cooperation between the judicial institutions and the non-governmental sector are examined in the management and administration section, along with other administrative features of the surveys. The methodology aspect includes the general structure and content of the questionnaires, selection of response scales, sampling of the surveys and the general compliance with the CEPEJ recommendations. The final section, transparency and policy debates, covers aspects regarding the outreach for the surveys' findings, the organization of follow-up debates, and briefly presents the key findings of the surveys.

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<sup>4</sup> World Bank, Multi-Donor Trust for Justice Sector Support in Serbia . "Perceptions of the judiciary's performance in Serbia - Results of the survey with the general public, enterprises, lawyers, judges, prosecutors and court administrative staff ." 2014.

<sup>5</sup>Action Plan for Chapter 23, measure: 1.1.5.6, p.30, available at:

<http://www.gov.me/en/news/129083/Government-adopts-action-plans-on-chapters-23-and-24.html>

## 2. GENERAL SURVEY FRAMEWORK AND CONTEXT

### 2.1. CEPEJ guidelines

A user satisfaction survey is quite a complex activity necessitating the definition of a survey plan. The plan includes all steps to be taken to define, prepare, conduct and coordinate a user satisfaction survey. In addition, the survey plan clearly defines how the project is implemented, monitored, controlled and closed.

The survey objectives should be determined as benefits that the organization expects to achieve. For example, it could be monitoring user satisfaction, measuring court performance, evaluating independence and impartiality, improving service delivery and efficiency, enhancing accessibility, or even reforming the judicial system. It is recommended to “translate” (reflect) the objective of the survey into a specific question of the questionnaire. A goal which is not clear or not well defined or measurable leads to a confused and inaccurate investigation.

The proposed definition of the scope refers to the identification of the boundaries of the initiative and elements of the judiciary that are under scrutiny. The scope could refer to a service area – such as reception or registry services; the operation of the court as a whole; several courts of the same type; several courts in the same geographical district, etc. In fact, although user surveys are typically conducted within the premises of a court, not all services are necessarily being evaluated. If the court in question has jurisdiction over a broad territory, possibly with other branches or functions in different locations, a careful evaluation of where the users should be interviewed is required.

It is important to identify the population to be questioned under the survey. For example, citizens in general who may not necessarily have direct experience with the judicial system; only people that had dealings with courts – e.g. parties to disputes; certain users such as victims or parties to divorce proceedings; all legal professionals; only public sector judicial employees – judges, public prosecutors, non-judge and non-prosecutor staff including notaries and bailiffs; lawyers.

There are a few categories of people who can be treated differently from country to country. In some countries, for example, lawyers may be regarded as final users; in this case they can be asked to respond to the same questionnaire. In other systems they may be considered a specialized body; in this second case a customized questionnaire would need to be provided for them.

The sample size is to be determined on the basis of an appropriate formula. Ideally it should be an outcome of a function that depends on the error admitted and on the reference

population (finite or infinite). Otherwise, in case of time or budget constraints, the sample size may be defined independently from the appropriate function and then the associated error would be calculated.

It is recommended that before the interviews start, the initiative is communicated to the people visiting the court. For example, posters promoting the survey can be displayed on the walls of the court premises. This simple action can give a great contribution on the respondents' willingness to take part into the project.

Customers satisfaction surveys are not conceived as a 'one time only' experience but should be organized with a yearly or bi-yearly frequency in order to monitor the evolution of users' perception and to measure the reactions of citizens to reforms or to organizational changes within that specific court.

## 2.2. Montenegro

The analysed surveys from Montenegro assess citizens' perceptions on the independence of judges as well as judges perceptions on judicial independence. The surveys were of the qualitative character.

Concretely, the objectives of the surveys were:

- to measure attitudes on the state of the judiciary;
- to measure the efficiency of court proceedings in several respects;
- to identify priority measures to restore confidence in the judiciary;
- to measure the problems in the judiciary according to certain indicators;
- to measure the level of citizens' awareness about their rights in the course of the court proceedings.

The surveys have been implemented based on the recommendation 1.1.5 of the Action Plan for Chapter 23 – Judiciary and Fundamental Rights, which is to „ensure internal independence of judges and review the system of orders within the prosecution system“.

In terms of the types and number of courts involved, the surveys entailed all types of courts present in the country' judicial system, mostly from 16 basic courts from all three regions of Montenegro – which accounted for approximately 59% of all judges participating in the surveys. Furthermore, the surveys included the two higher courts in Bijelo Polje and Podgorica, the two commercial courts in Bijelo Polje and Podgorica, the Appellate Court of Montenegro, the Administrative Court of Montenegro and the Supreme Court of Montenegro. In this manner, courts of all competencies were covered, as well as all geographical districts, i.e. regions of the country.

The prime targets of the surveys were citizens as well as judges from the above mentioned courts.<sup>6</sup> Representatives of other legal professions were neither targeted, nor involved. Although there were plans to involve prosecutors, this was not done, allegedly due to prolonged negotiations with the state prosecution on the manner of their involvement in the design and implementation of the surveys.<sup>7</sup>

These surveys were implemented as regular and continuing activities within the Action Plan for Chapter 23 each year, meaning the surveys are repeated every 12 months to monitor developments.

### 2.3. Serbia

The findings of the two analyzed Serbian surveys, from 2010 and 2013, are presented in a report which provides information about stakeholders' experiences, perceptions, reform expectations and impacts of the previous justice system reforms in Serbia. The objective of the survey conducted in 2010 was to provide a baseline against which future reform results could be assessed and help identify areas for further judiciary reform. The objective of the follow-up survey, conducted in 2013, was to assess the initial impact of the first four years of reforms and expectations with respect to the new National Reform Strategy for the period of 2014–2018.<sup>8</sup>

The surveys aimed to measure perceptions of judicial performance against five core values: efficiency, quality, fairness, accessibility, and integrity, i.e., independence and presence of corruption. In addition to the issue of integrity, the problem of partiality of judges was included in the follow up survey. While investigating the perceptions of accessibility of court services, the survey also examined costs of judicial services, and the correlation between cost and quality of the delivered services. Finally, one of the aims of the surveys was to gain insights in the role of media in shaping the public opinion of judiciary.

The adopted approach compared and contrasted the views of multiple stakeholders:

- court services users – the general public and the business sector;
- court services providers – judges, prosecutors and court administrative services;
- lawyers as intermediaries between users and providers of court services.

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<sup>6</sup>A concern about the potential reluctance and fear on the side of the judges to participate in the surveys was noted by the Civic Alliance and Association of Judges: Report on 2014 survey, p. 2, available at: <http://www.gamn.org/images/docs/cg/izvjestaj-sudski-sistem.pdf>

<sup>7</sup>Answer gained from the interview with representative of the Civic Alliance, dated 30 November.

<sup>8</sup>World Bank, Multi-Donor Trust for Justice Sector Support in Serbia . "Perceptions of the judiciary's performance in Serbia - Results of the survey with the general public, enterprises, lawyers, judges, prosecutors and court administrative staff ." 2014.



The surveys also aimed to measure judicial performance from the point of view of users with personal experiences with court proceedings, as well as the influence of these personal experiences on general perceptions of the judiciary in relation to the five values noted above. In order to achieve this goal, users of court services with court case experience and users without such experience were surveyed.

The survey on the judicial system encompassed four separate surveys on different target populations, that is: (i) Survey on General Population (citizens of Serbia 18+) (users and non-users); (ii) Survey on Representatives of Business Sector (users and non-users); (iii) Survey on legal professionals who have private practice (private lawyers); and (iv) Survey on Public Officials Employed in Justice Sector.

Both the baseline and follow-up surveys on general population were based on a national representative sample. The type of sample was a three-stage random sample. Besides a representative sample for the general population, the survey was also done on a booster sample of users of court services. The distinction within the general population was made on the basis of existence of experience with court proceedings in period of two years before the survey was conducted, experience with court administrative services in the last 12 months in front of the survey, and general public without experience and involvement in court proceedings in period of 2 years before the survey was conducted.

In the case of business sector representatives, one stage stratified sample was used both in the baseline and follow-up survey. Stratification was done by geographical regions, economic activity and size of enterprise. The sampling frame were private enterprises evidenced in Serbian Business Registers Agency. In the majority of cases the questionnaire was filled out by two persons in the enterprise: the highest positioned manager available and the person who is the best informed about judicial proceedings and administrative services.

The sample frame for the survey on lawyers was the list of private lawyers registered in the Bar Association of Serbia. Respondents were chosen randomly from 8 regional associations: Belgrade, Čačak, Kragujevac, Niš, Požarevac, Zaječar, Šabac and Vojvodina. 800 lawyers were interviewed.

The results of the first survey were published in 2010 and served as a baseline for the second survey, which was conducted in 2013 and presented in 2014. There is no specific period nor announcement for conducting third survey from the same institutions that conducted the previous two surveys.

## 2.4. Macedonia

The examined user satisfaction survey in Macedonia was designed to measure the perceptions of parties to a case with regard to the following main indicators (parameters):

- Availability of Information and Transparency
- Quality of Facilities and e-Justice
- Access to Justice
- Capacity, Independence and Impartiality of Judges
- Fairness of Proceedings
- Quality of Outcome of Proceedings (Judgments)
- General State and Trends in Quality of Administration of Justice

The survey was conducted in five preselected courts/court departments with extended competence: Basic Court Skopje 1; Basic Court Skopje 1 Misdemeanour Department; Basic Court Skopje 2; Basic Court Tetovo and Basic Court Shtip.

The survey was of quantitative nature, interviewing a sample of 15 to 20 citizens per day per court within a total of five working days.

The survey targeted parties in cases, as follows:

- claimants in civil cases;
- respondents in civil cases;
- defendants in criminal or misdemeanour cases;
- victims in criminal or misdemeanour cases;
- witnesses and others (e.g. families, media, etc.).

The types of proceedings covered included: civil, criminal, misdemeanour, commercial, labour and other proceedings.

As the survey was intended to inform the preparation of an outline for the scope and extent of the future Justice Sector Reform Strategy/Action Plan it was of ad-hoc nature. A system for regular measurement of user satisfaction where surveys are repeated periodically to monitor progress and trends is yet to be developed in Macedonia.

### 3. MANAGEMENT AND ADMINISTRATION

#### 3.1. CEPEJ guidelines

It is necessary to set up a working group including people with different skills that will work in a more or less intense manner depending on the stages of the project. In addition to persons with specific expertise in the matter under scrutiny, several professionals would be needed at one or more stages of the research.

	Definition of the objective	Definition of the target group	Definition of the sample	Drafting of the questionnaire	Data analysis and processing	Evaluation of results
Statisticians						
Magistrates						
Lawyers						
Academia						
Psychologists/ sociologists						
Communication experts						

It is recommended to identify a person with decision-making power who is part of the working group, and who can act as a survey leader or reference person helping to ensure the proper execution of the survey and the achievement of its objectives.

A key lesson learned from the successful surveys conducted in Europe is the involvement of as many as possible stakeholders of justice. In the following list are reported examples of stakeholders of the justice that may need to be involved in the organization of a court satisfaction survey:

- President of the court and or head prosecutor;
- Magistrates;
- Staff;
- Representatives of bar association / lawyers;
- Representatives from university;
- Private company or team of people who will operationally conduct the interviews;
- Ministry of Justice or other national court administration authority.

User satisfaction surveys involve costs of mainly two types:

- direct costs – those paid directly for necessary items and services such as for materials to be used in the survey or for the external company that conducts the interviews.
- indirect costs – those that do not generate an out-of-pocket expense but represent time and resources dedicated by the court to the project such as the time spent by the people involved (magistrates, staff, etc.), use of spaces and materials from the court (rooms, utilities, stationery, etc.).

Preparing a cost estimate should help the working group in double-checking that all necessary items of the cost have been considered and assessed.

Whether the interviewers are employees of the court, interns or students or professionals from a specialized external company, prior to the fieldwork it is recommended to have a number of motivational and training sessions with them. The interviewers should be trained on techniques of interviewing (approach, questionnaire, closure), on behaviour and good conduct, on what to do and what to avoid doing when interviewing people, and on the questionnaire flow (screening, main and demographic questions).

Steps should be taken to correct possible errors in the coverage<sup>9</sup>; prevent or amend non-response errors, for example by trying to obtain agreement to cooperate from those who refuse to take part in the interview; and reduce error, for example by improving the understanding of the questions, re-wording of sentences by the interviewers, changing the structure and words of the questions.

### 3.2. Montenegro

The analysed Montenegrin surveys were conducted by a non-governmental organization, the Civic Alliance. The draft questionnaires as well as the methodology of the surveys were developed by the Civic Alliance, while the Association of Judges and the Association of Prosecutors were invited to provide comments and suggestions. In addition, representatives of legal professionals outside of the judiciary were consulted during the preparation of the surveys.

Polling companies or specialized independent bodies were not involved. Planning of the survey was done by Civic Alliance, as described above, in close consultation with the Association of Judges of Montenegro. Field administration (distributing questionnaires and gathering responses), statistical processing of responses in the SPSS program were all

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<sup>9</sup> One reason for such errors could be that the list of the population from which the sample is taken is not up-to-date.

performed by the Civic Alliance. The answers from judges were collected through distribution of anonymous questionnaires and answers from the citizens were collected and processed by the monitoring team of the Civic Alliance. The interpretation of results and the shaping of recommendations were done in cooperation with the Association of Judges.

State institutions were not directly involved in the creation and implementation of the surveys. However, the Ministry of Justice of the Government of Montenegro was regularly informed about the dynamic and results of the surveys, while representatives of the Supreme Court were involved in the surveys and their key results were discussed with them at meetings in order to help propose some measures to improve judicial independence. It is interesting to note that the Council on monitoring the implementation of the Montenegrin Justice Sector Strategy was not directly involved in the survey, although it has the key role to perform policy coordination and to monitor and evaluate the implementation of reforms.

The Montenegrin non-governmental organization Centre for Monitoring and Research (CEMI) and the Civic Alliance were recognized as having solid expertise in this field, and prior experience in monitoring and enhancing judicial reform in Montenegro. Thus the Chapter 23 Action plan recognized CEMI as partner for this activity for 2014. However, the Working group for the chapter and the Association of Judges decided to continue cooperation in this sphere with the Civic Alliance, without any specific explanation. As a result the state institutions cooperated with the Civic Alliance in the organization and administration of these surveys. However, such a manner of involvement was perceived as less than ideal in terms of openness and transparency. The implementation of the surveys based on the Chapter 23 Action Plan by a single civil society actor may be construed as bypassing the procedures from a Government decree regulating the procedures and conditions for appointing CSO members in the Government's working bodies and other state bodies<sup>10</sup>. This may also ultimately cast doubt on impartiality and objectivity of the survey results.

No survey steering committee was created for the purpose of organizing the survey, but in hindsight the Civic Alliance considers that such a body could assist in improving the quality of management of surveys.

Both surveys were financed by donors, i.e., the Rockefeller Foundation supported the 2013 survey and the Association of Judges supported the 2014 survey. The latter may give rise to concerns about potential conflicts of interest, as the survey examines the work of the courts and the judges – the majority of whom are members of the Association of Judges. No sound strategy for financing future similar surveys is put in place as this activity is envisaged by the Action Plan for Chapter 23 to be funded through donors' funds. For example, funds for the envisaged survey for the next year are not secured yet. Ideally, the state should overtake

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<sup>10</sup>Decree on the manner of and procedure for establishing cooperation between state administration bodies and non-governmental organizations, Official Gazette of Montenegro, 7/12.

this funding and should allocate stable budget means for this purpose. On the other hand, the Judicial Strategy 2014–2018 puts accent on promoting civil society participation in the creation, implementation and monitoring of the judicial policy and praxis.

According to the opinions of the implementers of these surveys, there are certain difficulties and challenges which are pertinent to this type of survey, including: a) lack of willingness of the citizens to answer the questions; b) lack of understanding of the issues by the surveyed citizens (e.g. they often mixed corruption with the silence of court administration or with the breach of the deadlines for trial within reasonable time); c) problems in targeting sufficient number of citizens who had some sort of experience with the court proceedings<sup>11</sup> and can provide more evidence-based answers, while securing the anonymity safeguards and not revealing their identity; d) reluctance of some judges to participate in the surveys and provide answers to the questions.

### 3.3. Serbia

The Multi Donor Trust Fund for Justice Sector Support (MDTF-JSS) was set up at the request of the Ministry of Justice of Serbia and donors. The intention was to provide support to the Ministry of Justice and justice sector institutions and to facilitate Serbia's justice sector EU integration process, establish a justice sector performance framework, and strengthen aid coordination in Serbia's justice sector.<sup>12</sup>

The surveys were conducted by IPSOS, independent institute for measuring the public opinion in different spheres. IPSOS Public Affairs teams around the world conduct research on public policy issues and on the attitudes and behaviors of citizens and consumers. The World Bank selected IPSOS because of their experience and proven results in conducting surveys worldwide, and funded the survey through the MDTF-JSS project. The MDTF-JSS and IPSOS established a partnership and were tasked with the complete management of the process. The Ministry of Justice was also involved.

The planning, the field administration and the statistical processing of responses were conducted by the IPSOS team in cooperation with MDTF-JSS. Representatives from the Ministry of Justice supported the whole process and were consulted before publishing the survey report.

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<sup>11</sup>For example, the random representative sample for 2013 survey operated with only 23% of citizens who had been involved in court proceeding and that fact may hamper the accuracy of the results. In 2014, the survey operated with 68% of citizens having some sort of experience before the court.

<sup>12</sup>World Bank, Multi-Donor Trust for Justice Sector Support in Serbia . "Perceptions of the judiciary's performance in Serbia - Results of the survey with the general public, enterprises, lawyers, judges, prosecutors and court administrative staff ." 2014.

### **3.4. Macedonia**

The analysed survey in Macedonia was conducted by a non-governmental organization – contracted by the EU funded project „Preparation of the EU Justice Sector Support Programme“ – in coordination with the Ministry of Justice of Macedonia. The findings have been utilized to define the justice sector reform priorities, which have served as a basis for drafting a long justice sector reform strategy for a period of five years.

While there have been instances in the past where civil society organizations have conducted user surveys in the judicial institutions, they were also performed as ad-hoc activities during implementation of donor funded projects, and not as part of regular monitoring activities.

The Ministry of Justice has taken the lead on the side of state institutions by taking part in consultations for design of the survey and by directing the development of policy measures on the basis of survey findings.

The survey questionnaire was drafted by the contracted non-governmental organization, based on standards envisioned with the CEPEJ Model User Satisfaction Measuring Methodology. Three teams of two surveyors each from the non-governmental organization conducted face-to-face interviews based on a survey questionnaire in the vicinity of each covered court. The results were summarized and presented by the non-governmental organization using statistical graphics and charts in MS Word and Excel Office Package.<sup>13</sup>

## **4. METHODOLOGY**

### **4.1. CEPEJ guidelines**

The questionnaire included in the “Handbook for Conducting Satisfaction Surveys Aimed at Court Users in Council of Europe's Member States” is based on the SERVQUAL methodology developed by Zeithaml, Parasuraman & Berry (1985). This conceptual framework is based on the idea that the quality of a service should be measured in terms of gap between the importance assigned by a customer to each service item and the actual perception of service received by the same customer. The quality of service is high if perception matches

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<sup>13</sup>Statistical report: Survey on measuring user satisfaction with services provided by courts, Centre for Legal Research and Analysis, 2014.

expectations, and vice-versa the quality is low if the experience is not as good as expectations for that service.

The response scale built-in in the questionnaire should be defined and evaluated. A Likert scale is a psychometric scale commonly used in research that employs questionnaires. It is the most widely used approach to scaling responses in survey research, such that the term is often used interchangeably with rating scale.

The CEPEJ guidelines for conducting user satisfaction surveys cover the key methodologies to be used for this type of activity (personal interviews, telephone interviews, postal, auto-fill, online questionnaire etc.). It is important to share with the team what techniques of interviews have been identified and why.

Before processing questionnaire data it may be advisable to consider, at least in the sample, the quality of the questionnaires (errors, inconsistencies, missing data that might be recoverable etc.). This, for on-going investigation, could allow, on the one hand, to correct distorted behaviours of the interviewers, and on the other to retrieve missing information that is difficult to recover at a later stage. This operation also increases the quality of data entered into the database.

It is recommended to set up a database for the questionnaire data that would be entered. The database should have automatic control systems of data quality (e.g. each field is made available only when the previous question has been filled-in with a valid response, etc.).

It may be advisable to consider, at least in a sub-sample of questionnaires, the quality of the data entered by cross-checking against the paper-master questionnaires.

## 4.2. Montenegro

The questions in the analysed Montenegro surveys covered a range of issues which are important for assessing perceptions on the independence of judges, including questions on:

- General demographic and socio-economic characteristics of respondents (age, gender, nationality, confession, social and employment status);
- Trust in the court system and general attitudes towards it;
- Court equipment and administrative support in courts;
- Efficiency and legality of the work of judges;
- Quality of communication (internal and external) within courts and with third parties;



- Cooperation among courts and other institutions important for conducting court proceedings;
- Perceptions of how corruption, political affiliation and nepotism affect (or may affect) the work of courts.

Mixed response scales were used, including selection among several offered answers, ranking a set of offered answers on a given scale, and also a satisfaction scale.

Anonymous, self-administered questionnaires were distributed to the courts and then to the judges. Judges filled them in and sent them back to the Civic Alliance by post. In the segment directed towards citizens, the survey sample was designed by the Civic Alliance taking into account the municipalities involved. The Civic Alliance conducted home interviews with citizens.

Certain anonymity safeguards were applied: in the case of judge, all questionnaires, distributed to them, were anonymous and the judges did not need to give out their names and positions. Also, they sent their answers by post to the address of the Civic Alliance anonymously. Questioned citizens were not invited to reveal their names and surnames during face-to-face interviews, in order to protect their identity. Other methods, such as telephone questionnaires or in-court interviews, were not used so as to ensure the anonymity of the respondents.

The first survey encompassed 219 judges (84% of judges) and 966 citizens, and the second one included 169 judges and 946 citizens. As for the characteristics of the sample, the sample is representative for the adult citizens of Montenegro, designed according to general socio-economic characteristics of the citizenry in Montenegro (the data by the State Statistic Authority MONSTAT from the last census in 2011 were used for creating the sample) and implemented in 16 municipalities in Montenegro.

The preparation of the surveys lasted for two months, their administration lasted approximately 15 days, while additional 15 days were needed to process the data obtained from the field.

Methodological inquiries by interviewees were handled by the monitoring team of the Civic Alliance, who already have skills for and experience in conducting similar surveys in the field of judiciary.

No particular attention was placed on aligning the framework of the methodology with CEPEJ recommendations, neither in framing the questionnaires nor in formulating key findings and recommendations.

### 4.3. Serbia

The method used in the analyzed Serbian surveys with the general public was face-to-face interviews, conducted by trained interviewers in respondent's households, and using a structured questionnaire. Business sector representatives and lawyers were interviewed face-to-face, after previously answering a screening questionnaire over the phone. The location of the interview was chosen by the respondent in order to guarantee the highest level of privacy and confidentiality. Data were collected with structured questionnaires. Questions for each of the measured values (efficiency, quality, fairness, integrity and accessibility) and services were selected based on experience with similar surveys in other countries, and adapted to reflect the needs of the Serbian judiciary.<sup>14</sup>

Questionnaires were constructed so as to allow the comparability of perceptions of users of court services, providers of court services, and lawyers. Questionnaires for users of court services consisted of three modules: 1. General perception of the judiciary system and reforms (applied with all users of judiciary services); 2. Perceptions based on personal experience with court case (applied with users with experience with court proceedings); 3. Perceptions based on experience with court administrative services (applied with users with experience with court administrative services). The questions in the baseline 2010 questionnaire were all related to perceptions of the judicial system up to the end of 2009. The follow-up survey questionnaires, used in the 2013 survey, were based on the baseline survey questionnaires, but were further developed to allow comparable tracking of the changes in perceptions of the justice sector performance, and gather additional relevant information.

The survey included open-ended questions that demanded a lot of interaction with the interviewed person. The most used response scale was from 1 to 4 (very unsatisfied – satisfied), but there were also questions with different scales (1–5; 1–7).

Two-level of geographical regions were considered for conducting of the survey. First level strata geographical regions were Belgrade, Vojvodina, East Serbia, West Serbia, Central Serbia and South Serbia, and second level strata were the urban and rural settlements. The planned total sample size of the first and second survey separately was 1600 representatives of the general public. In the first survey in 2010, 1590 persons were part of the survey, while in the follow-up survey in 2013, 1698 persons gave answers to the questions. Cumulatively, in 2010 and 2013, a total of 3288 users of court services from the general population were surveyed; 1349 with experience with court cases and 1939 without experience with court cases.

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<sup>14</sup>World Bank, Multi-Donor Trust for Justice Sector Support in Serbia . "Perceptions of the judiciary's performance in Serbia - Results of the survey with the general public, enterprises, lawyers, judges, prosecutors and court administrative staff ." 2014.

Regarding the private sector (business) representatives, in the period from 2010 to 2013, a total of 2085 business users of court services were surveyed; 863 with experience with court cases and 1222 without experience with court cases.

Both the baseline and follow-up surveys of the general population were based on a national representative sample – a three-stage random sample. Besides a representative sample for the general population, the survey was also done on a booster sample of users of court services.

In the case of business sector representatives, one stage stratified sample was used both in the baseline and follow-up survey. Stratification was done by geographical regions, economic activity and size of enterprise. The sampling frame were private enterprises evidenced in Serbian Business Registers Agency.

Five basic indicators were used, and the comparison between the surveys of 2010 and 2013 was made based on these indicators: efficiency, quality, fairness, integrity and accessibility. These indicators were selected based on experience with similar surveys in other countries, and were adapted to reflect the needs of the Serbian judiciary.

Data from the 2010 baseline survey and the 2013 follow-up survey were analyzed and compared by using the appropriate statistical tests depending on the type of data. Means were compared by using appropriate models of analyses of variance. One Way analysis of variance was used for comparisons of means between two waves, and factorial models when means were compared by wave and type of cases. Parameters of relative proportions were estimated by 95% confidence intervals. For reader's convenience, statistically significant differences were marked with an arrow on the graphs.

The survey for the general public was prepared and administered in approximately one month, while for business representatives survey took approximately one and a half month.

There was no team established for handling methodological inquiries from the users. It seems that this possibility was not provided to the users, or there was no need for detailed explanation of the methodology.

The methodology used by the surveys in 2010 and 2013 is compatible with the CEPEJ guidelines. For instance, the objectives of the surveys were to monitor user satisfaction and measure court performance, while their scope covered the operation of the court as a whole. The surveys were focused on trends in user opinion and comparison between 2010 and 2013, showing that the qualitative approach was the basic approach used in the surveys. The respondents were composed of citizens in general who may not necessarily had direct experience with the judicial system; people that had dealings with courts; business representatives with experience in dealing with courts and without experience; all legal professionals - judges, prosecutors and court administration.

## 4.4. Macedonia

The method used in the analysed Macedonian survey was one of face-to-face interviews, with questions associated with likert-scale answers. The interview questions covered the following areas:

- I. Availability of information, transparency and quality of court facilities
  1. Access to information about the court
  2. Clarity and transparency in the organisation and responsibilities at the court registry
  3. Signs and directions in the court building
  4. Courtesy, professionalism and attitude of the registry staff
  5. Promptness and reliability of the registry responses to your (the public's) requests
  6. Physical conditions and furnishing of courtroom
- II. Access to justice in the particular case
  7. Ease of consultation of the case-file
  8. Court fees and other costs of access to justice (excluding lawyers' fees)
  9. Punctuality of the court in conducting hearings on time as foreseen in schedule
  10. Clarity of contents of the summons
  11. Adequacy of the time period between the summons and hearing (in order for parties to prepare adequately)
- III. Capacity, independence and impartiality of the court in the particular case
  12. Courtesy and attitude of the judge(s)
  13. Independence of the judiciary in Macedonia
  14. Impartiality of the judge(s) in a particular case
- IV. Fairness of proceedings in the particular case
  15. Ample time and opportunities for each party to present their case and contest adverse evidence
  16. Ability to communicate with the lawyer confidentially during the trial
  17. Ability to summon and question witnesses during the trial
  18. Respect for the presumption of innocence and right to silence [in criminal cases only]
  19. Reasonable time of proceedings
  20. Publicity of proceedings with regards to third parties and the media
- V. Quality of outcome of proceedings
  21. Clarity of the judgment
  22. Promptness in the delivery of the written judgment
  23. Quality of reasoning of findings in the judgment

## 24. Judgment easy to enforce

### VI. General assessment of the administration of justice

#### 25. Overall quality of administration of justice

#### 26. Trend, over the last 5 years, in the conduct of proceedings and quality of administration of justice by the court

The respondents answered the questions with regards to two parameters on a scale from 0–6: level of satisfaction (0 = worst / 6 = best) and level of importance (0 = little importance / 6 = high importance). A sole exception to this was the question to rate the trend, over the last 5 years, in the conduct of justice and quality of administration of justice by the court. This question had three offered answers: deteriorated, unchanged, improved.

The survey questionnaire was based on standards envisioned with the CEPEJ Model User Satisfaction Measuring Methodology. Nonetheless, as the survey was conducted in a face-to-face mode, the interviewees had the chance to observe first-hand the reactions by the respondents, and noted several challenges with the questionnaire:

- With twenty-six questions in six separate areas, the survey questionnaire was considered too lengthy, taking each interviewee a minimum of 15 minutes to answer.
- Some of the questions were considered confusing by the interviewees, resulting in unwillingness to answer them. Examples of such topics are “Ability to communicate with the lawyer confidentially during the trial” and “Reasonable time of proceedings”.
- The respondents answered the questions with regards to two parameters on a scale from 0–6: level of satisfaction (0 = worst / 6 = best) and level of importance (0 = little importance / 6 = high importance). This posed problems to some of the interviewees noting that each grade on the scale should be narratively explained, instead of only explaining the two extremes on the scale.

Furthermore, a significant number of respondents stated that they ‘do not know’ or presumably, do not understand, the importance of the issues tackled with the survey.

A total of 351 citizens were interviewed.<sup>15</sup> Below is the breakdown by court:

- Basic Court Skopje 1, 69;
- Basic Court Skopje 1 Misdemeanour Department, 70;
- Basic Court Skopje 2, 89;
- Basic Court Tetovo, 71;

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<sup>15</sup>Statistical report: Survey on measuring user satisfaction with services provided by courts, Centre for Legal Research and Analysis, 2014.

- Basic Court Shtip, 52.

The sample was determined as a result of a pilot/test survey conducted for 2 days at the beginning of March 2014 in the vicinity of the Basic Courts Skopje 1 and Skopje 2. The test allowed to determine that an optimal number of interviews per court per day is 15 to 20. The interviewees were randomly approached citizens in the vicinity of the courts. They were not asked to state their names, as one anonymity safeguard included in the survey.

The interviews were conducted for a total of five working days.

## **5. TRANSPARENCY AND POLICY DEBATES**

### **5.1. CEPEJ guidelines**

It is important that the presentation of data should use charts and appropriate indicators according to the type of variable in order to evaluate results. Moreover, the graphical representation must be suitable and effective (adequate type of chart, use of colours, consistency of scale and values, etc.).

Communication of results is important for the success of this initiative, especially if we consider that justice is a public institution and the customer satisfaction studies are of interest for the whole community.

It is recommended to use all available tools for disseminating the results, including organizing specialized events for that purpose, disseminating press releases, publishing hard-copy reports and brochures, and publishing electronic publications.

It is fundamental that in addition to the organization of the survey, the courts set-up specific groups in charge of the monitoring of critical areas and the implementation of the necessary changes emerged from the research. A project that does not provide for an activity of follow-up is useless; moreover, it is a source of frustration for users and for its sponsors.

### **5.2. Montenegro**

Press conferences were organized to announce and present the results of the analysed Montenegro surveys. In addition, reports on implemented surveys were published at the website of the non-governmental organization Civic Alliance. Power point presentations and

summaries of key finding and conclusions were prepared and disseminated at public conferences.

There was no follow-up debate regarding the findings, although one would expect for the surveys should be followed by public policy discussion, examining in details, survey results and key findings.

The survey of judges provided the following key results and recommendations:

- Judges (63%) are mostly dissatisfied with the existing court infrastructure, including limiting physical and technical capacities in the courts (notably the small courtrooms and the lack of space in courts which prevent the public to attend the court hearings);the lack of fax machines; obsolete communication means, underdeveloped internal communication systems;
- According to 58% of surveyed judges, there is a need to modify the procedural laws (Criminal Procedure Code and Civic Procedure Code) in order to enhance the efficiency of court proceedings;
- According to 17.3% of judges, the communication with and responsiveness of other state and private bodies (the police, administration bodies, independent agencies, etc.) to court orders are still insufficient. Judges also think that the Tax Authority, the Property Directorate and the state postal and delivery services should improve their work and efficiency as a prerequisite for the court system to upgrade its efficiency.
- Insufficient administrative and technical support to the work of judges (34%);
- Deficit of court experts in many areas affects the quality and efficiency of the court procedures (48%);
- There is a slight increase in the percentage of judges who believe that citizens generally have no confidence in courts (24.1% in 2014 compared with 15.5% in 2013);
- Most judges believe that citizens mostly complain about the length of proceedings (27%, the same percentage as in 2013).<sup>16</sup>

The citizen survey provided the following insights:

- 29% have generally negative attitudes towards the judiciary;
- 41% think that the work of the courts is mostly not efficient (compared to 34.8% in 2013), while 18.6% think that the work of the courts is very inefficient;
- 47.8% think that judges are mainly not making their judgements based on the law and other regulations;
- When asked about their concrete experience with court proceedings, either current or previous ones, a staggering 74.4% of citizens did not answer the question. The

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<sup>16</sup>Report on 2014 survey, p. 4 – 12.

Civic Alliance believes that this is because they fear the outcome of their on-going or future proceedings may be negatively affected by their answer to this question.

- Citizens think that these are the most pronounced problems in the work of the court system: slowness; incompetency; corruption and nepotism; and political affiliation. Even 32.6% think that corruption, including and bribery, are greatly affecting the work of the courts (increase from 2013 when this percentage was 26.3%).<sup>17</sup>

### 5.3. Serbia

The results from the analyzed Serbian surveys were portrayed in a report prepared by the MDTF-JSS. This report was publicly presented and Serbian media covered the presentation. Also, MDTF-JSS hosted a workshop for representatives from the donor community and international projects to present preliminary findings from the multi-stakeholder survey on perceptions of justice in Serbia.<sup>18</sup>

The presentation of the survey results was organized in an understandable manner. The introductory section gives an overview of perceptions of the five dimensions of judiciary performance across survey groups and across time. More detailed data on perceptions of the five basic dimensions are presented in the next three sections. The section on quality, besides perceptions of overall quality of judiciary services, encompasses the perceptions of fairness, integrity (presence of corruption and independence) and impartiality, and public trust in judiciary, while the cost issue is presented in the section on accessibility. Perceptions of performance of court administrative services alongside the five dimensions by users and providers of the services are presented in a separate section. The penultimate section deals with expectations and perceived effects of the reform implemented in January 2010 and expectations from the new national reform strategy. The final section deals with the perceived role of media in shaping the public opinion on judiciary system in Serbia.

The key findings of these surveys can be summarized as follows:

- Only one in four citizens trusts the justice system in Serbia. The vast majority of citizens feel that trust in the judiciary is primarily undermined by long-lasting court proceedings, corruption, political influence on the judiciary, and by bad and non-transparent personnel policy.
- According to all stakeholders, the efficiency – reflected in the length of court proceedings – was, and has remained, the biggest problem of the justice system. The efficiency of administrative services provided by courts had a considerably more

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<sup>17</sup>*Ibid*, p. 14 – 19.

<sup>18</sup>World Bank, Multi-Donor Trust for Justice Sector Support in Serbia . "Perceptions of the judiciary's performance in Serbia - Results of the survey with the general public, enterprises, lawyers, judges, prosecutors and court administrative staff ." 2014.



positive assessment than the efficiency of court proceedings, however almost one half of the court users still think that administrative tasks in courts should be completed in less time.

- According to court users, another big problem of the justice system is the integrity of the judiciary. The majority of the citizens believe that the judiciary is not independent and that corruption is still widespread in the justice system.
- In comparison to the 2010 survey, the general perception and experiences of court users have become somewhat more positive, while the opinions of service providers have become more negative.
- The majority of providers of court services are disappointed with the effect of the reforms of 2010. Expectations that the reforms will improve the situation in various aspects of the court system were very high. However, when asked about the actual results of the reforms, providers of court services were very negative.
- Expectations with respect to the new National Reform Strategy for the period 2014 – 2018 are very high, and exceed, considerably, the expectations with respect to the 2010 reforms.
- Efficiency, quality and integrity (independence and presence of corruption) are the main issues of the court system in the opinion of users of court services, but from the point of view of the overall results obtained with all target groups, efficiency is the main problem.
- Users of court services are more likely to evaluate efficiency, quality and integrity of the court system with negative than with positive grades, while fairness and accessibility are aspects which users are more likely to evaluate positively than negatively.
- There are substantial differences between users and providers of court services with regard to perceptions of performance of the court system. Providers of court services, particularly judges, are considerably more likely to evaluate all dimensions more positively, so, with the exception of efficiency and prosecutors' opinion on presence of corruption, positive evaluation prevails over negative.
- As for perceptions of efficiency, this is where the opinions of users and of providers of court services match most, and this is also the only dimension with evenly distributed positive and negative judges' evaluation, while prosecutors are a lot more likely to give negative than positive grades (even more negative than those of general population with experience with court cases).
- Differences between users and providers of court services are greatest in perceptions of quality, followed by perceptions of independence of judiciary.
- Perceptions of judges are at least somewhat more positive than perceptions of prosecutors on all dimensions, so differences compared to users of court services are greater in the case of judges than prosecutors.

- Perceptions of lawyers are much closer to perceptions of users than to providers of court services, but lawyers' evaluations of efficiency and quality of court services are a lot more negative than users' evaluations, and somewhat more negative in regard to presence of corruption.
- Users with experience with court cases, as compared to users without this experience, evaluate most dimensions more negatively, with just a few exceptions of dimensions which were similar.

## 5.4. Macedonia

The findings of the analysed survey in Macedonia were used by the EU funded project, and were also shared with the Ministry of Justice and other justice sector institutions.

The results were presented in a statistical report outlining the survey goal, methodology, demographic data of interviewees, survey results, conclusions and recommendations. The results were communicated in two sections of the report: one presenting summary results for all the courts, and a second one presenting an overview of answers per each involved court. The findings for each of the indicators were presented in two separate pie-charts: one indicating the level of satisfaction, and a second one showing the perceived importance of that aspect by the interviewees.<sup>19</sup>

The survey results were not publically released, however they were used as one input by the EU-funded project to prepare a justice sector assessment. As such they undoubtedly informed the process of evaluating the justice sector reforms and planning future policy interventions.

## 6. CONCLUSIONS AND RECOMMENDATIONS

The surveys have proven to be a solid mechanism for measuring and assessing citizens and judges' perceptions on judicial independence in Montenegro and Serbia. Now they represent a part of the official EU accession policy and are envisaged to be implemented regularly throughout the negotiations and not only by judicial institutions, but in close cooperation, if not under the management of civil society organizations. In Macedonia, the

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<sup>19</sup>Statistical report: Survey on measuring user satisfaction with services provided by courts, Centre for Legal Research and Analysis, 2014.

examined survey was not released to the general public, however the justice sector reform documents indicate that attention will be placed in the future in instituting regular user satisfaction surveys.

Based on the CEPEJ guidelines, and comparison between the analysed national approaches to user satisfaction surveys, primarily aimed at courts, conclusions and recommendations have been developed with regard to each of the four examined dimensions, as presented below.

#### 1. General framework and context

- In order to ensure objectivity, credibility and meaningful recommendations all user satisfaction surveys should be conducted by civil society organizations and other external actors in cooperation with judicial institutions, and not solely by the judicial institutions. In addition, external actors – such as CSOs and consultants – could provide technical expertise to assist the steering committee in the process of data processing/analysis and in terms of providing objective interpretation of data and insightful recommendations. The external partners would be an adequate partner in conducting such surveys, both from the perspective of making users more comfortable to share their views and perceptions, as well as by lowering the risk for respondents self-censoring their opinions.
- When justice sector institutions enable external actors, such as CSOs, to conduct user satisfaction surveys envisaged under a national policy document, efforts should be made to demonstrate transparency regarding the manner in which such partnerships have developed, and to ensure this does not automatically preclude openness to collaboration with other competent actors.
- While user surveys may be limited only to legal professionals, their value as quality control tools may be enhanced by also extending their target groups to the public, for example citizens seeking justice. The professionals' view of their organisation and practices can be far removed from the perceptions and expectations of those for whom these systems have been set up.
- A system for regular measurement of user satisfaction through periodical surveys (semi-annual, annual, biannual) should be set up to monitor developments and evaluate reform outcomes.

#### 2. Management and administration

- Establish a working group of court staff (judge, secretary of the court, court officers responsible for public relations etc.) and external supporters that will act as a steering committee for the survey. Involve court staff that is highly motivated, who are able to take criticism and who place emphasis on continuous improvement of procedures.

- Engage volunteers, court interns, and local students as interviewers and assistants in the survey. Communicate with local non-governmental organizations and higher educational institutions to mobilize additional human resources for the survey.
- Provide support to users in their effort for participation in order to enhance the number of responses and to obtain proper quality answers. Staff members of the court, or law, sociology or political science students may assist users in completing the questionnaire and providing answers to methodological inquiries.

### 3. Methodology

- The quality of a service should be measured in terms of gap between the importance assigned by a user to each aspect of the service and the actual perception of service received by the same customer. Part of the surveys in the analysed countries have either ignored the aspect of the user-assigned importance to the examined aspects of the service, or have considered the importance separately from the satisfaction levels. Defining effective corrective measures, requires to look at satisfaction and importance simultaneously in order to define areas where opportunities for improvement exist (service aspects with lower satisfaction of users and higher user perceived importance) and areas where continued emphasis is needed (service aspects with higher satisfaction of users and higher user perceived importance).
- Ensure that interview questions are written in a manner which is clear and understandable to users, that the length of the questionnaire is reasonable, and that each grade in the response scale is narratively explained.

### 4. Transparency and public debates

- Present the findings in a simple and understandable manner, using charts and tables. Importance-Satisfaction diagrams used by the Tribunal of Turin and the Court of Appeal of Catania could offer guidance as to effective presentation of results.
- Organize debates to discuss the findings and put forward measures to tackle the identified challenges. While such debates should certainly involve key court staff, efforts should be made to also involve external expertise that might offer more objective viewpoints and provide novel ideas.
- Publish and disseminate the data to the wider public instead of only among select staff of judicial institutions. Justice is a public institution and therefore user satisfaction surveys are of interest for the whole community. The publication of user satisfaction data could contribute to gradual improvement of public trust and confidence in the judiciary.

## APPENDIX 1: ANALYZED MACEDONIA QUESTIONNAIRE

### MEASURING PERCEPTIONS OF CITIZENS/PARTIES TO A CASE ABOUT THE QUALITY OF THE ADMINISTRATION OF JUSTICE

Date and Time:

Name of Court:

Status of Respondent:

CLAIMANT IN CIVIL CASE	RESPONDENT IN CIVIL CASE	DEFENDANT IN CRIMINAL CASE	VICTIM IN CRIMINAL CASE	WITNESS and OTHER (incl. family members, media etc.)

Age of Respondent:

BETWEEN 18 AND 30	BETWEEN 31 AND 50	BETWEEN 51 AND 65	OVER 65

Type of Proceedings:

CIVIL (contracts, tort, family, land etc.)	CRIMINAL	MISDEMEANOUR	COMMERCIAL /BUSINESS	LABOUR	OTHER (social insurance etc.)

Stage of relevant proceedings:

FIRST INSTANCE	APPEAL	EXTRAORDINARY REVIEW	CASE ADJUDICATED

- your **LEVEL OF SATISFACTION** (0 = worst / 6 = best)
- the **LEVEL OF IMPORTANCE** you attach to the question (0 = little importance / 6 = high importance).
- '**DO NOT KNOW**'- for both aspects a.) and b.)

## I. Availability of information, transparency and quality of court facilities

1. Access information about the court:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

2. Clarity and transparency in the organisation and responsibilities at the court registry:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

3. Signs and directions in the court building:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

4. Courtesy, professionalism and attitude of the registry staff:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

5. Promptness and reliability of the registry responses to your (the public's) requests:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

6. Physical conditions and furnishing of courtroom

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

## II. Access to justice in the particular case

7. Ease of consultation of the case-file:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

8. Court fees and other costs of access to justice (excluding lawyers' fees):

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

9. Punctuality of the court in conducting hearings on time as foreseen in schedule:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

10. Clarity of contents of the summons:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

11. Adequacy of the time period between the summons and hearing (in order for parties to prepare adequately):

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

### III. Capacity, independence and impartiality of the court in the particular case

12. Courtesy and attitude of the judge(s):

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

13. Independence of the judiciary in Macedonia:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

14. Impartiality of the judge(s) in a particular case:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

**IV. Fairness of proceedings in the particular case**

15. Ample time and opportunities for each party to present their case and contest adverse evidence:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

16. Ability to communicate with the lawyer confidentially during the trial:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

17. Ability to summon and question witnesses during the trial:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

18. Respect for the presumption of innocence and right to silence [in criminal cases only]:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

19. Reasonable time of proceedings:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

20. Publicity of proceedings with regards to third parties and the media:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know



**V. Quality of outcome of proceedings [relevant only where indicated 'case adjudicated']**

21. Clarity of the judgment

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

22. Promptness in the delivery of the written judgment:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

23. Quality of reasoning of findings in the judgment:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

24. Judgment easy to enforce:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

**VI. General assessment of the administration of justice**

25. Overall quality of administration of justice:

LEVEL OF SATISFACTION							
0	1	2	3	4	5	6	Don't know

IMPORTANCE							
0	1	2	3	4	5	6	Don't know

26. Do you think that, over the last 5 years, the conduct of proceedings and quality of administration of justice by the court:

HAS DETERIORATED	IS UNCHANGED	HAS IMPROVED

## APPENDIX 2: ANALYZED MONTENEGRO QUESTIONNAIRE

### D1: Gender:

1. Male
2. Female

### D2: Age \_\_\_\_\_

### D3: Nationality

1. Montenegrin
2. Serbian
3. Albanian
4. Bosnian
5. Muslim
6. Croat
7. Other \_\_\_\_\_

### D4: Level of education?

1. Elementary school or lower
2. Vocational High school/ 3. level
3. High school (4 years)
4. College (higher school)
5. Faculty
6. Master, Doctorate

### D5: Profession

1. Farmer
2. Unqualified worker
3. Qualified worker
4. Officer (vocational high school)
5. Officer (higher, or high education)
6. Entrepreneur
7. Student
8. Pensioner
9. Housewife
10. Manager
11. Expert
12. Other \_\_\_\_\_

### D6: You are working in:

1. Public sector
2. Private sector
3. Self-employed
4. Unemployed

### D7: Employment status?

1. Full time employment
2. Temporary employment on contract basis
3. Unemployed, looking for job
4. Unemployed, not looking for job
5. Pensioner
6. Other \_\_\_\_\_

### D8: Religion? (select one answer)

1. Ortodox (SOC)
2. Ortodox (MOC)
3. Islamic
4. Catholic
5. Other
6. No religious affiliation

### D9 Total monthly income in your household?

1. No monthly income
2. Less than 50 EUR
3. From 51 – 100 EUR
4. From 101 - 150 EUR
5. From 151 - 200 EUR
6. From 201 – 250 EUR
7. From 251 – 300 EUR
8. From 301 – 350 EUR
9. From 351 – 400 EUR
10. From 401 – 500 EUR
11. From 501 - 600 EUR
12. From 601 – 700 EUR
13. From 701 – 800 EUR
14. From 801 - 1000 EUR
15. From 1001 – 1500 EUR
16. Over 1500 EUR

### O1. In general, can you say that Montenegro is on the:

1. Right track
2. Wrong track
9. I don't have opinion

**O2: If you take everything in account, to what extent can you say that you are happy, i.e. content with your life (generally, in the last period). Assess on a scale from 1-10, where 1 means that you are completely discontent and 10 - completely satisfied. If you don't have opinion on this or if you don't want to share your opinion, select 99. (Select only one number.)**

Unhappy Happy I don't know/  
I don't have  
opinion /

1    2    3    4    5    6    7    8    9    10    99

**O3: Generally speaking, to what extent are you content with the level of democracy in Montenegro?**

Discontent Content I don't know/  
I don't have  
opinion /

1    2    3    4    5    6    7    8    9    10    99

**O4. The people have different opinions on the way of governing the state. Mark your opinion on the scale about "how the things are "; 1 means "very bad", 10 means "very good".**

Very bad Very good I don't know/  
I don't have  
opinion /

1    2    3    4    5    6    7    8    9    10    99

**O5. Please express your level of confidence in the following institutions:**

	I have big confidence	Generally I have confidence	Generally I don't have confidence	I don't have confidence at all	I don't have opinion
1. Prime Minister of Montenegro	1	2	3	4	9
2. Ministries					
3. President of Montenegro	1	2	3	4	9
4. Public service (State Administration)	1	2	3	4	9
4. The Parliament of Montenegro	1	2	3	4	9
5. Judiciary	1	2	3	4	9
6. Police	1	2	3	4	9
8. The local authorities	1	2	3	4	9
7. Church, religious confession	1	2	3	4	9
8. Media	1	2	3	4	9
9. Army of Montenegro	1	2	3	4	9
10. Political parties in Montenegro	1	2	3	4	9
11. Health system	1	2	3	4	9
12. Educational system	1	2	3	4	9
13. Big companies	1	2	3	4	9
14. Non-governmental organizations	1	2	3	4	9
15. European Union	1	2	3	4	9
16. NATO	1	2	3	4	9
17. United Nations (UN)	1	2	3	4	9

**P.1 What is Your general opinion on the judiciary in Montenegro?**

- 1) Very positive
- 2) Generally positive
- 3) Generally negative
- 4) Very negative
- 9) I don't have opinion

**P2. To which extent your opinion on the judiciary is based on:**

	To a large extent	To a lesser extent	Not at all
1. Things you have read in the media or heard on TV or Radio	1	2	3
2. Things that people say about the public servants	1	2	3
3. Based on experiences of those in whom you believe	1	2	3
4. Based on your personal experience	1	2	3

**P3. How do you assess the efficiency of the judiciary in Montenegro, can you say that it is:**

- 1) Very efficient
- 2) Generally efficient
- 3) Generally not efficient
- 4) Very inefficient

**P4. Generally speaking, do the judges adjudicate according to Law and regulations, or according to some other criteria?**

- 1) I think they always adjudicate in line with Law and regulations
- 2) I think they generally adjudicate in line with Law and regulations
- 4) I think they generally do not adjudicate in line with Law and regulations
- 5) I think they almost never adjudicate in line with Law and regulations
- 9) I don't know, I cannot assess this

**P5. Regarding the court administrative staff, can you say that they work in line with law and regulations, or in line with some other criteria?**

- 3) I think they always work in line with Law and regulations
- 4) I think they generally work in line with Law and regulations
- 6) I think they generally do not work in line with Law and regulations
- 7) I think they almost never work in line with Law and regulations
- 9) I don't know, I cannot assess this

**P6. If they DO NOT adjudicate in line with Law and regulatison, which things influence the work of the judges?**

		Key thing	To some extent	No, that's not a criteria	I don't know
P6.1	Politics and political pressure	1	2	3	9
P6.2	Friendship and relations	1	2	3	9

		Key thing	To some extent	No, that's not a criteria	I don't know
P6.3	Bribery, corruption, personal benefits of the judge	1	2	3	9
P6.4	Personal opinion and attitude towards some question	1	2	3	9

**P7.1 Did you, or a member of your close family had experience with a Court in the last two years?**

- 1) NO
- 2) YES..... Which court \_\_\_\_\_

**P7.2 Please briefly explain your experience...**

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**7.4 On that court trial, you were:**

- 1) Suing someone
- 2) The state or its organs were suing you
- 3) Some other person was suing you

**P7.5 Did you had insight in the procedure and the manner by which the Court decided your case?**

- 1) Yes, completely
- 2) Yes, generally
- 3) Generally no
- 4) No, not at all

**P7.6 How will you assess the efficiency of the Court in the concrete case? Can you say that it was:**

- 1) Very efficient
- 2) Generally efficient
- 3) Generally not efficient
- 4) Totally inefficient

**P7.7 What was the result of the trial?**

- 1) I have won the case
- 2) I have lost the case
- 3) The trial is still ongoing

**7.8 Please state to what extent you think that every problem of the judiciary that is listed below is noticeable:**

Problems	Key problem	Noticeable problem	Not so noticeable problem	Not a problem	I don't know, I cannot assess
Slowness, tardiness, carelessness	1	2	3	4	9
Incompetence, irresponsibility, lack of professionalism	1	2	3	4	9
Corruption, bribery, nepotism	1	2	3	4	9
Political unsuitability, political discrimination	1	2	3	4	9
Something else? Please state what.					

**7.9 If you think that there is something more that is important regarding the judiciary in Montenegro, please use the lines below**

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## APPENDIX 3: ANALYZED SERBIA QUESTIONNAIRE

### Questionnaire for General public

Selection Questions			
S1	Did you PERSONALLY take part in a court proceeding in the past three years, from the beginning of 2011 till now?	1. Yes I did	S2
		2. Not personally	S6
S2	Was a first-instance judgment rendered in that case in the period from the beginning 2011 up to now?	1. Yes	S4
		2. No	S6
S4	Did you take part in the proceedings in the capacity of an authorized representative of a legal person or in the capacity of a physical person?	1. Physical person	S5
		2. Authorized representative of a legal person	S6
S5	You participated in the court proceedings in the capacity of:	1. A party to the proceedings	Module P1a
		2. A witness 3. An injured party 4. An observer (journalist, researcher, NGO, friend/relative...) 5. Other: _____	S6
S6	Did you go to a courthouse in the in the period from the beginning of 2011 up to now to complete any administrative tasks?	1. Yes	S7
		2. No	Module P2
S7	Did you go to a courthouse in in the last 12 months to complete any administrative tasks?	1. Yes	Module P1b
		2. No	Module P2

QUESTIONS IN MODULE P1A– EXPERIENCE WITH COURT CASES AND MODULE P2 – GENERAL PERCEPTION ARE TO BE ANSWERED BY RESPONDENTS WHO WERE INVOLVED IN A COURT DISPUTE WHICH WAS COMPLETED (IN WHICH AT LEAST A FIRST-INSTANCE JUDGMENT WAS RENDERED) IN THE IN THE PERIOD FROM THE BEGINNING OF 2011 UP TO TIME OF SURVEY

QUESTIONS IN MODULE E1B– EXPERIENCE WITH ADMINISTRATIVE SERVICES AND MODULE P2 – GENERAL PERCEPTION ARE TO BE ANSWERED BY RESPONDENTS WHO WERE NOT INVOLVED IN A COURT DISPUTE WHICH WAS COMPLETED IN PERIOD FROM THE BEGINNING OF 2011 UP TO NOW, BUT WHO HAD CONTACT WITH COURT ADMINISTRATIVE SERVICES IN THE LAST 12 MONTHS

QUESTIONS IN MODULE P2 – GENERAL PERCEPTION ARE TO BE ANSWERED BY RESPONDENTS WHO WERE NOT INVOLVED IN A COURT DISPUTE WHICH WAS COMPLETED IN THE PERIOD FROM THE BEGINNING OF 2011 UP TO NOW AND DID NOT HAVE CONTACT WITH COURT ADMINISTRATIVE SERVICES IN THE LAST 12 MONTHS

### MODULE P1 a – Experience with Court Cases

*[Interviewer]* All of the following questions regard ONE LAST CLOSED case, which ended in the past three years (IN THE PERIOD FROM THE BEGINNING OF JANUARY 2011) in which the respondent participated in the capacity of a PHYSICAL PERSON, that is, in the capacity of a DEFENDANT, PLAINTIFF/PROSECUTOR OR A PARTY IN LITIGATION (NOT as a witness, observer, damaged party...). A closed case entails the rendering of at least a first-instance judgment. This part of interview will regard first-instance proceedings.

P Experience with the Judicial System			
P1	Before which court were the first-instance proceedings conducted (IF STARTED BEFORE 2010, ASK: in which court the first-instance proceedings ended)? <i>[Interviewer]</i> One response. Show card.	<ol style="list-style-type: none"> <li>Principal</li> <li>Higher</li> <li>Commercial Court</li> <li>Higher Commercial Court</li> <li>Misdemeanor</li> <li>Higher misdemeanor</li> <li>Administrative court</li> </ol>	P2
P2	What type of case was it?	<ol style="list-style-type: none"> <li>Criminal</li> <li>Misdemeanor</li> <li>Civil</li> </ol>	P3
P3	What was your status in the proceedings?	<ol style="list-style-type: none"> <li>Plaintiff/ accuser</li> <li>Defendant</li> <li>Party in the proceedings</li> </ol>	P4
P4	Please take a look at the list and specify what the case concerned. <i>[Interviewer]</i> Show card P5a. One response.		
	<b>Criminal Cases:</b>	<b>Misdemeanor Cases:</b>	<b>Civil (litigious) disputes regarding:</b>
	<ol style="list-style-type: none"> <li>minor physical injury</li> <li>grave physical injury</li> <li>homicide</li> <li>rape</li> <li>robbery</li> <li>theft</li> <li>neglect and abuse of a minor</li> <li>non-payment of maintenance</li> <li>domestic violence</li> <li>human trafficking</li> <li>possession of narcotics</li> </ol>	<ol style="list-style-type: none"> <li>public law and order</li> <li>movement of aliens</li> <li>traffic</li> <li>residence</li> <li>other.</li> </ol>	<ol style="list-style-type: none"> <li>personal disputes</li> <li>family disputes</li> <li>labor disputes</li> <li>commercial disputes</li> <li>property-related disputes</li> <li>other civil law disputes</li> </ol>
95. Other, please specify _____			P5
P5	Who was the other party to the proceedings?	<ol style="list-style-type: none"> <li>Physical person</li> <li>Private company</li> <li>State company</li> <li>Other state institutions</li> <li>Other: _____</li> </ol>	P6
P6	Did a lawyer represent you in the proceedings?	1. Yes, I hired a private lawyer	P7
		<ol style="list-style-type: none"> <li>Yes, the state assigned me a lawyer</li> <li>No, I did not hire a lawyer, I represented myself in the proceedings</li> </ol>	PA1
P7	Why did you decide to hire a lawyer?	<ol style="list-style-type: none"> <li>I was unable to resolve the legal dispute myself</li> <li>I was able to resolve the legal dispute myself but one gets everything done faster and more easily if one has a lawyer</li> </ol>	P8
P8	Did you ever go to the courthouse because of the case alone, without your lawyer?	<ol style="list-style-type: none"> <li>Yes</li> <li>No</li> </ol>	PA1
Efficiency of the Judicial System			
PA1	When was the case filed?	_____ month _____ year	PA2

PA2	When did one of the parties appear before a judge for the first time?	_____ month _____ year	PA3	
PA3	When was the first-instance judgment rendered?	_____ month _____ year	PA4	
PA4	How long do you think the first-instance proceedings should have lasted?	_____ months	PA5	
PA5	How many total hearings were scheduled in the first-instance court, including those that were scheduled but not held?	_____ number of hearings	PA6	
PA6	How many of the scheduled hearings were not held i.e. cancelled?	_____ number of hearings	PA7	
PA7	<p>What was most frequently the reason why the scheduled hearings were not held? Can you approximate how many of the scheduled hearings were not held for the following reasons?</p> <p><i>[Interviewer] The total sum must equal the number of scheduled hearings that were not held and specified in PA6</i></p>	Reasons why hearings were not held	Number	PA8
		Reasons caused by the court		
		Reasons caused by a party to the proceedings		
		Reasons caused by other parties in the proceedings (witnesses, court experts...)		
		Other reasons		
		Total (number of hearings not held listed in PA6)		
PA8	How many hearings would you assess as NOT HAVING SIGNIFICANTLY contributed to progress in the resolution of the case?	_____ number of hearings	PA9	
PA9	<p>What were the main reasons why these hearings were not as efficient?</p> <p><i>[Interviewer] OPEN-ENDED QUESTION</i></p>	_____ _____ _____	PA10	
PA10	Did you or the other party appeal to a higher court?	1. Yes	PA11	
		2. No	PA13	
PA11	What was the decision of the higher court after your first appeal which you submitted following the first instance court judgment?	1. The judgment was overturned and a retrial ordered	PA12	
		2. The judgment was upheld		
		3. The higher court passed a more lenient judgment	PA13	
		4. The higher court passed a stricter judgment	PA17	
PA12	How many times was a retrial of your case ordered?	_____ times	PA13	
PA13	Was a final judgment rendered in the case?	1. Yes, when _____ (month) _____ (year)	PA14	
		2. No	PA17	
PA14	When was the judgment enforced?	1. _____ (months) _____ (years)	PA15	
		2. The judgment has not been enforced yet	PA16	
PA15	<p>Within which deadline was the judgment in your case enforced?</p> <p><i>[Interviewer] To be answered only by respondents in whose case the judgment was enforced</i></p>	<p>1. Within the legal deadline</p> <p>2. After the legal deadline</p> <p><i>Don't know</i></p>	PA17	



PA1 6	<b>Has the legal deadline for the enforcement of the judgment expired?</b> <i>[Interviewer] To be answered only by respondents in whose case the judgment was not enforced</i>	1. Yes, it has expired 2. No, it has not expired yet <i>Don't know</i>	PA17		
PA1 7	(ONLY FOR RESPONDENTS WHOSE CASES WERE FILED BEFORE JANUARY 2010) <b>When you think about the efficiency with which your case was handled by the court up to the end of 2009, and after the beginning of 2010, did you notice any difference? Was the court in handling your case after the beginning of 2010 more efficient, less efficient, or you did not notice any difference with regards to efficiency</b>	1. More efficient after the beginning of 2010 2. Less efficient after the beginning of 2010 3. No difference	PB1		
<b>Quality of Services</b>					
PB1	<b>In Your opinion what was the quality of judicial work in that specific case?</b>	1. Very low quality 2. Low quality 3. Average quality 4. High quality 5. Very high quality	PB2     PB3		
PB2	<i>[Interviewer] To be answered by respondents who replied 2 or 3, to Question PB1,</i> <b>Which of the following would you identify as the main reason explaining why you did not rate the quality of judicial work more highly? Which was the second most important reason?</b>  <i>[Interviewer] One response. Show card.</i>	<b>Reason why you did not rate the quality of judicial work more highly</b>  1. The judge did not do his/her job well 2. The prosecutor did not do his/her job well 3. Lack of staff 4. Poor organization 5. Poor working conditions (including low remuneration) 6. Poor infrastructure (lack of office space, equipment) 7. Bad laws 8. Contempt of court, improper conduct and non-fulfillment of obligations to the court by the parties in the proceedings 9. Other: _____ 10 Other: _____	<b>Chief reason</b>  1 2 3 4 5 6 7 8 9 10	<b>Seco nd most impo rtant reas on</b>  1 2 3 4 5 6 7 8 9 10	PB3
PB3	<b>How satisfied were you with the work of the judge in the first-instance court?</b>	1. Very dissatisfied 2. Dissatisfied 3. Satisfied 4. Very satisfied	PB4		

<b>PB4</b>	<b>To what extent do you agree with the following assertions on a scale of 1 to 4, where 1 represents 'fully disagree' and 4 represents 'fully agree'?</b>						
		<b>Fully disagree</b>			<b>Fully agree</b>	<b>Don't know</b>	
	1. The judge was efficient	1	2	3	4	9	
	2. The judge was polite and pleasant	1	2	3	4	9	
	3. The judge was impartial, fair and objective	1	2	3	4	9	
	4. The judge generated trust and respect	1	2	3	4	9	
	5. The judge was not corrupt	1	2	3	4	9	PB5
<b>PB5</b>	<b>How satisfied were you with the work of the other court staff?</b>	1. Very dissatisfied 2. Dissatisfied 3. Satisfied 4. Very satisfied				PB6	
<b>PB6</b>	<b>How satisfied were you with the facilities, technical equipment (computers, cameras...) and other infrastructure elements in the judiciary?</b>	1. Very dissatisfied 2. Dissatisfied 3. Satisfied 4. Very satisfied				PB7	
<b>PB7</b>	(ONLY FOR RESPONDENTS WHOSE CASES WERE FILED BEFORE JANUARY 2010) <b>When you think about the quality of judiciary work in your case up to the end of 2009 and after the beginning of 2010, did you notice any difference? Was the judiciary work in your case after the beginning of 2010 of higher quality, lower quality, or you did not notice any difference with regards to quality of judiciary work?</b>	1. Higher quality after the beginning of 2010 2. Lower quality after the beginning of 2010 3. No difference				PC1	
<b>Accessibility</b>							
<b>PC1</b>	<b>From your experience in this case, how easy or difficult was it for you to find your way around the court buildings?</b>	1. Very difficult 2. Mostly difficult 3. Mostly easy 4. Very easy				PC1a	
<b>PC1 a</b>	(ONLY FOR RESPONDENTS WHOSE CASES WERE FILED BEFORE JANUARY 2010) <b>When you think about finding your way around court building, did you notice any changes after the beginning of 2010?</b>	1. Finding the way around court building became easier 2. Finding the way around court building became more difficult 3. I did not noticed any changes				PC2	
<b>PC2</b>	<b>How easy or difficult was it for you or your attorney to access information regarding the case?</b>	1. Very difficult 2. Mostly difficult 3. Mostly easy 4. Very easy 5. I do not know because the attorney gathered the information				PC2a	
<b>PC2 a</b>	(ONLY FOR RESPONDENTS WHOSE CASES WERE FILED BEFORE JANUARY 2010) <b>When you think about access to information, did you notice any changes after the beginning of 2010?</b>	1. Access to information became easier 2. Access to information became more difficult 3. I did not noticed any changes				PC4	

PC4	<p><b>Which source of information did you use to find out what you needed to do in this specific case?</b>  <i>[Interviewer] Accept multiple responses.</i>  <b>How satisfied are you with those sources of information? Please rate your satisfaction on a scale of 1 to 4, where 1 represents very dissatisfied' and 5 represents 'very satisfied'.</b>  <b>INTERVIEWER] Respondents are to rate their satisfaction only with respect to the sources they used</b></p>					
		Source of information used	Very dissatisfied	Dissatisfied	Very satisfied	Satisfied
	1. Internet	-1- 1	1	2	3	4
	2. Television	-2- 2	1	2	3	4
	3. Radio	-3- 3	1	2	3	4
	4. Dailies and magazines	-4- 4	1	2	3	4
	5. Court bulletin boards	-5- 5	1	2	3	4
	6. Brochures, leaflets	-6- 6	1	2	3	4
	7. Information service (via the telephone)	-7- 7	1	2	3	4
	8. Information counter	-8- 8	1	2	3	4
	9. Registry desk	-9- 9	1	2	3	4
	10. Archive	-10- 10	1	2	3	4
	11. Court staff	-11- 11	1	2	3	4
	12. Lawyers	-12- 12	1	2	3	4
	13. Friends, relatives, colleagues	-13- 13	1	2	3	4
14. Other: _____	-14- 14					
PD1						
<b>Fairness</b>						
<p><b><i>If the respondent was a DEFENDANT in a court proceeding (check response P3), start with question PD1. If the respondent was a PLAINTIFF/PROSECUTOR, start with question PD4, and if s/he was a PARTY IN LITIGATION, start with question PD6.</i></b></p>						
PD1	<p><b><i>In the event the respondent was the defendant, Were you acquitted or found guilty by a first-instance court?</i></b></p>		1. Acquitted	PD7		
			2. Found guilty	PD2		
PD2	<p><b>What kind of penalty was held against you?</b></p>		1. Prison sentence of ..... years/..... months/.....days 2. Suspended prison sentence 3. Fine 4. Other: _____	PD3		
PD3	<p><b>Was the penalty held against you fair, much too harsh or did you fare better than expected?</b></p>		1. The penalty was milder than I had expected 2. The penalty was fair 3. The penalty was much too harsh	PD7		
PD4	<p><b><i>In the event the respondent was the plaintiff/prosecutor or injured party: Was the defendant acquitted or found guilty by a first-instance court?</i></b></p>		1. Acquitted	PD7		
			2. Found guilty	PD5		
PD5	<p><b>Was the penalty milder than it should have been, adequate or harsher than it should have been?</b></p>		1. Milder than it should have been 2. Adequate 3. Harsher than it should have been	PD7		
PD6	<p><b><i>In the event the respondent was involved in a civil suit, Was the first-instance judgment in your favor?</i></b></p>		1. Yes, fully 2. Yes, partly 3. No	PD7		

PD7	<b>ANSWER ALL RESPONDENT: Notwithstanding the outcome of the court proceedings, what do you think of the first-instance proceedings themselves? Did you have a fair trial?</b>	1. Yes, fully 2. Yes, mostly 3. No	PD8
PD8	<b>Did you file an appeal?</b>	1. Yes 2. No	PD9
PD9	<b>Do you trust appellate system?</b>	1. Yes 2. No	PE1
<b>Integrity</b>			
PE1	<b>During the proceedings, did anyone (attorney, court employee) suggest that your case would be adjudicated more efficiently if you resorted to informal means (made an additional payment, offered a gift, pulled strings...)?</b>	1. Yes 2. No <i>Refuse to answer</i>	PE2
PE2	<b>(A) Did you ever find yourself in circumstances in which you resorted to informal means (made an additional payment, offered a gift, pulled strings...) to have your case adjudicated more efficiently?</b>	1. Yes	PE3
		2. No <i>Refuse to answer</i>	PF1
PE3	<b>What did you do?</b>	1. I pulled strings (with an employee, exerted political influence...) 2. I made an additional payment 3. I gave a gift 4. I rendered a "service in return" 5. Other: _____ _____ <i>Refuse to answer</i>	PF1
<b>Cost Effectiveness</b>			
PF1	<b>How much did the case cost you altogether? Total costs imply all court costs and taxes, the lawyer's fee and travel costs (but does not include fines).</b>	_____ Euros	PF2
PF2	<b>Can you specify the individual costs, i.e. break the total costs down to court costs, lawyer's fee, travel costs and other costs if any?</b>	1. Court costs _____ Euros 2. Lawyer's fee _____ Euros 3. Travel costs _____ Euros 4. Other costs _____ Euros	PF3
PF3	<b>Do you think the costs were small, "reasonable" or excessive given the quality of court services you were provided?</b>	1. Small 2. Reasonable 3. Excessive 4. Don't know	PF4
PF4	<b>How much of a burden for your budget were these costs?</b>	1. Hugely 2. Greatly 3. Moderately 4. A little 5. Negligibly	PF5
PF5	<b>Do you know what a mediation process in resolving the disputes is?</b>	1. Yes, _____ [Interviewer] Open-ended question	PF6
		2. No	PG1
PF6	<b>How useful is a mediation process in resolving the disputes to parties to court proceedings, i.e. can it help settle a dispute?</b>	1. Not useful 2. Partly useful 3. Very useful 4. Don't know	PG1

Administrative Affairs			
PG1	Did you have to complete some administrative tasks relevant to your case in the court?	1. Yes	PG1a
		2. No	Module P2
PG1 a	(ONLY FOR RESPONDENTS WHOSE CASES WERE FILED BEFORE JANUARY 2010) When did you complete the administrative tasks?	1. All before January 2010 2. Some before January 2010, some after January 2010 3. All after January 2010	PG2
PG2	What did the administrative tasks involve? <i>Multiple answers</i>	1. Authentication (of documents and contracts) 2. Receipt and expedition of documents 3. Administrative task related to land registries 4. Administrative task related to archives 5. Administrative task at registry desk 6. Render a statement 7. Other	PG3
PG3	Did you complete the administrative tasks yourself or did your lawyer complete them on your behalf?	1. I completed them myself 2. I completed them myself, but my lawyer accompanied me	PG4
		3. The lawyer completed them himself	Module P2
PG4	How many times did you have to come to the courthouse to complete the task(s) related to the case?	_____ times	PG5
PG5	How much time did you spend in the courthouse on average every time you came to complete the task(s) related to the case?	_____ minutes	PG6
PG6	How satisfied were you with the efficiency of the court administrative service? Efficiency entails no waste of time and the fast and quality completion of the task(s).	1. Very dissatisfied 2. Dissatisfied 3. Satisfied 4. Very satisfied	Module P2

## MODULE P1 b – Experience with Administrative Services

A Experience with Judicial Administrative Services			
A1	Which specific ADMINISTRATIVE TASKS led you to visit the court in the last 12 months? <i>[Interviewer] List the three chief ones.</i>	1. Authentication (of documents and contracts) 2. Receipt and expedition of documents 3. Administrative task related to land registries 4. Administrative task related to archives 5. Administrative task at registry desk 6. Making a statement 7. Other:	A2

NOW PLEASE FOCUS ON THE LAST ADMINISTRATIVE TASK YOU COMPLETED IN THE COURTHOUSE			
A2	What administrative task was at issue?	<ol style="list-style-type: none"> <li>1. Authentication (of documents and contracts)</li> <li>2. Receipt and expedition of documents</li> <li>3. Administrative task related to land registries</li> <li>4. Administrative task related to archives</li> <li>5. Administrative task at registry desk</li> <li>6. Render a statement</li> <li>7. Other</li> </ol>	A3
A3	<p>Which courts did you go to in order to complete the task?</p> <p><i>[Interviewer] One response. If the respondent went to more than one court, s/he should list the one s/he went to most often.</i></p>	<ol style="list-style-type: none"> <li>1. Principal</li> <li>2. Superior</li> <li>3. Appellate</li> <li>4. Supreme court of cassation</li> <li>5. Economic court</li> <li>6. Economic Appellate court</li> <li>7. Administrative court</li> <li>8. Misdemeanor court</li> <li>9. Superior Misdemeanor court</li> </ol>	A4
A4	Did you on those occasions interact with service counter or office staff?	<ol style="list-style-type: none"> <li>1. Service counter staff</li> <li>2. Office staff</li> <li>3. Both</li> </ol>	A5
A5	Did your lawyer assist you in the completion of this administrative task?	1. Yes	A6
		2. No	AA1
A6	Did you ever go alone, without your lawyer, to the courthouse because of this administrative task?	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. No</li> </ol>	AA1
<b>Efficiency</b>			
AA1	While you were completing your administrative task, did you have to "go from door to door" or were you able to complete the task at one location?	<ol style="list-style-type: none"> <li>1. I had to 'go from door to door'</li> <li>2. I got most done at one location but I did have to 'go from door to door'</li> <li>3. I got everything done at one location</li> </ol>	AA2
AA2	How many times did you have to go to the courthouse to complete the task? <i>[Interviewer] One visit to the courthouse includes also any trips to the bank or post office to pay a tax but all the time spent during that one visit (including any trips to the bank or post office) is to be reckoned</i>	_____ times	AA3
AA3	How much total time did you spend completing this task?	_____ hours _____ minutes	AA4
AA4	How much of that time did you spend IN THE COURTHOUSE to complete this administrative task?	_____ hours _____ minutes	AA5
AA5	Could the administrative task have been completed in less time given its complexity?	1. Yes	AA6
		2. No	AA7
AA6	What were the reasons why this task took longer time?	<ol style="list-style-type: none"> <li>1. Insufficient number of service counters/staff,</li> <li>2. Staff is slow because it is not trained well</li> <li>3. Staff is slow because it is indolent</li> <li>4. Lack of equipment (computers),</li> <li>5. The procedure is complicated</li> <li>6. Lack of information</li> <li>7. Other: _____</li> </ol>	AA7
AA7	How satisfied are you with the efficiency of the administrative court service? Efficiency entails no waste of time and the fast and quality completion of the task.	<ol style="list-style-type: none"> <li>1. Very dissatisfied</li> <li>2. Dissatisfied</li> <li>3. Satisfied</li> <li>4. Very satisfied</li> </ol>	AB1

Quality of Services																																																																															
AB1	<p>What is your general impression of the quality of work of the judiciary in that specific administrative case?</p> <p><i>[ANK] Single response. Read out the answers!</i></p>	<ol style="list-style-type: none"> <li>1. Very low quality</li> <li>2. Low quality</li> <li>3. Average quality</li> <li>4. High quality</li> <li>5. Very high quality</li> </ol>					AB2																																																																								
AB2	<p>Please rate the staff in the court administrative services with respect to the following features. Please rate the level of ..... of the staff you interacted with on a scale of 1 to 5, where 1 represents 'very low level' and 5 'very high level'.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 10%;">Very low level</th> <th style="width: 10%;">1</th> <th style="width: 10%;">2</th> <th style="width: 10%;">3</th> <th style="width: 10%;">4</th> <th style="width: 10%;">5</th> <th style="width: 10%;">Very high level</th> <th style="width: 10%;">Can't say</th> </tr> </thead> <tbody> <tr> <td>1. Knowledge</td> <td></td> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> <td></td> <td>99</td> </tr> <tr> <td>2. Efficiency</td> <td></td> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> <td></td> <td>99</td> </tr> <tr> <td>3. Pleasantness</td> <td></td> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> <td></td> <td>99</td> </tr> </tbody> </table> <p>These were positive features. Now please rate the staff in the court administrative services with respect to the following negative features, on a scale of 1 to 5, where 1 represents 'very low level' and 5 represents 'very high level':</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 10%;">Very low level</th> <th style="width: 10%;">1</th> <th style="width: 10%;">2</th> <th style="width: 10%;">3</th> <th style="width: 10%;">4</th> <th style="width: 10%;">5</th> <th style="width: 10%;">Very high level</th> <th style="width: 10%;">Can't say</th> </tr> </thead> <tbody> <tr> <td>4. Proneness to corruption</td> <td></td> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> <td></td> <td>99</td> </tr> <tr> <td>5. Indolence</td> <td></td> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> <td></td> <td>99</td> </tr> <tr> <td>6. Negligence</td> <td></td> <td>1</td> <td>2</td> <td>3</td> <td>4</td> <td>5</td> <td></td> <td>99</td> </tr> </tbody> </table>							Very low level	1	2	3	4	5	Very high level	Can't say	1. Knowledge		1	2	3	4	5		99	2. Efficiency		1	2	3	4	5		99	3. Pleasantness		1	2	3	4	5		99		Very low level	1	2	3	4	5	Very high level	Can't say	4. Proneness to corruption		1	2	3	4	5		99	5. Indolence		1	2	3	4	5		99	6. Negligence		1	2	3	4	5		99	AC1
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AC1	<p>How easy or difficult was it for you to find your way in the court buildings? To recall, we are talking about the period of the last 12 months.</p>	<ol style="list-style-type: none"> <li>1. Very difficult</li> <li>2. Mostly difficult</li> <li>3. Mostly easy</li> <li>4. Very easy</li> </ol>					AC2																																																																								
AC2	<p>How easy or hard was it for you or your attorney to access information regarding your administrative task: where you should go, what you should do, what document you need...?</p>	<ol style="list-style-type: none"> <li>1. Very difficult</li> <li>2. Mostly difficult</li> </ol>					AC3																																																																								
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AC3	<p><i>[Interviewer] To be answered by respondents who said it was not easy to access such information, answer 1 or 2 to AC2</i></p> <p>Please give an example of information that was difficult (or impossible) to access.</p>	<hr/> <hr/> <hr/> <hr/> <hr/>					AC4																																																																								

AC4	<p><b>AC4a. Which source of information did you use to find out what you needed to do in this specific case?</b>  <i>[Interviewer] Accept multiple responses.</i></p> <p><b>AC4b. How satisfied are you with those sources of information? Please rate your satisfaction on a scale of 1 to 4, where 1 represents 'very dissatisfied' and 5 represents 'very satisfied'.</b></p> <p><b>INTERVIEWER</b> <i>Respondents are to rate their satisfaction only with respect to the sources they used</i></p> <table border="1" data-bbox="263 360 1326 1238"> <thead> <tr> <th></th> <th>Source of information used</th> <th>Very dissatisfied</th> <th>Dissatisfied</th> <th>Satisfied</th> <th>Very satisfied</th> </tr> </thead> <tbody> <tr><td>1. Internet</td><td>1</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>2. Television</td><td>2</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>3. Radio</td><td>3</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>4. Dailies magazines</td><td>4</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>5. Court bulletin boards</td><td>5</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>6. Brochures, leaflets</td><td>6</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>7. Information service (via the telephone)</td><td>7</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>8. Information counter</td><td>8</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>9. Registry desk</td><td>9</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>10. Archive</td><td>10</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>11. Court staff</td><td>11</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>12. Attorney</td><td>12</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>13. Friends, relatives, colleagues</td><td>13</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> <tr><td>14. Other: _____ _____</td><td>14</td><td>1</td><td>2</td><td>3</td><td>4</td></tr> </tbody> </table>		Source of information used	Very dissatisfied	Dissatisfied	Satisfied	Very satisfied	1. Internet	1	1	2	3	4	2. Television	2	1	2	3	4	3. Radio	3	1	2	3	4	4. Dailies magazines	4	1	2	3	4	5. Court bulletin boards	5	1	2	3	4	6. Brochures, leaflets	6	1	2	3	4	7. Information service (via the telephone)	7	1	2	3	4	8. Information counter	8	1	2	3	4	9. Registry desk	9	1	2	3	4	10. Archive	10	1	2	3	4	11. Court staff	11	1	2	3	4	12. Attorney	12	1	2	3	4	13. Friends, relatives, colleagues	13	1	2	3	4	14. Other: _____ _____	14	1	2	3	4	AC5
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AC5	<p><b>Please recall the last time you went to the courthouse to get something done with respect to this concrete administrative task. Please rate your satisfaction on a scale of 1 to 4, where 1 represents 'very dissatisfied' and 5 represents 'very satisfied'. How satisfied were you with:</b></p> <table border="1" data-bbox="263 1339 1326 1794"> <thead> <tr> <th></th> <th>Very dissatisfied</th> <th>Dissatisfied</th> <th>Satisfied</th> <th>Very satisfied</th> <th>Don't know/ Can't estimate</th> </tr> </thead> <tbody> <tr><td>1. Court working hours</td><td>1</td><td>2</td><td>3</td><td>4</td><td>99</td></tr> <tr><td>2. Ease of accessing relevant offices/service counters</td><td>1</td><td>2</td><td>3</td><td>4</td><td>99</td></tr> <tr><td>3. Ease of accessing relevant staff</td><td>1</td><td>2</td><td>3</td><td>4</td><td>99</td></tr> <tr><td>4. Staff conduct</td><td>1</td><td>2</td><td>3</td><td>4</td><td>99</td></tr> <tr><td>5. Time spent waiting your turn</td><td>1</td><td>2</td><td>3</td><td>4</td><td>99</td></tr> <tr><td>6. Court security service conduct</td><td>1</td><td>2</td><td>3</td><td>4</td><td>99</td></tr> </tbody> </table>		Very dissatisfied	Dissatisfied	Satisfied	Very satisfied	Don't know/ Can't estimate	1. Court working hours	1	2	3	4	99	2. Ease of accessing relevant offices/service counters	1	2	3	4	99	3. Ease of accessing relevant staff	1	2	3	4	99	4. Staff conduct	1	2	3	4	99	5. Time spent waiting your turn	1	2	3	4	99	6. Court security service conduct	1	2	3	4	99	AC6																																																
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AC6	<p><b>How accessible were administrative services in courts to citizens in Serbia in the last 12 months?</b></p> <p>1. Very inaccessible  2. Mostly inaccessible  3. Mostly accessible  4. Very accessible</p>	AE1																																																																																										



Integrity			
AE1	Was there corruption in court administrative services?	1. To a great extent 2. To an extent 3. There was no corruption <i>Don't know</i> <i>Refuse to answer</i>	AE2
AE2	Did ever anyone (attorney, court employee) suggest that you would complete your administrative task in court faster if you resorted to informal means (made an additional payment, offered a gift, pulled strings...)?	1. Yes	AE2a
		2. No <i>Refuse to answer</i>	AAE 3
AE2 a	Did anyone suggest it in the last 12 months?	1. Yes 2. No <i>Refuse to answer</i>	AE3 A
AE3	Did you ever find yourself in circumstances in which you resorted to informal means (made an additional payment, offered a gift, pulled strings...) to complete your administrative task in court faster?	1. Yes	AE4
		2. No <i>Refuse to answer</i>	AE5
AE4	What did you do? <i>MULTIPLE CHOICE</i>	1. I pulled strings (with an employee, exerted political influence...) 2. I made an additional payment 3. I gave a gift 4. I rendered a "service in return" 5. Other: _____ _____	AE5
AE5	Do you know anyone who resorted to informal means (made an additional payment, gave a gift, pulled strings...) to speed up the completion of an administrative task in court?	1. Yes	AE6
		2. No <i>Don't know</i>	AF1
AE6	What did the informal means entail?	1. Pulling strings (with an employee, exerting political influence...) 2. Additional payment 3. Gift 4. Rendering "a service in return" 5. Other: _____ _____	AF1
Cost Effectiveness			
AF1	How much did the last administrative task in the court cost you altogether? Total costs imply all court costs and taxes, the lawyer's fee and travel costs (but do not include fines).	_____ Euros	AF2
AF2	Can you specify the individual costs, i.e. break the total costs down to court costs, lawyer's fee, travel costs and other costs if any?	1. Court costs _____ Euros 2. Lawyer's fee _____ Euros 3. Travel costs _____ Euros 4. Other costs _____ euros	AF3
AF3	Do you think the OVERALL costs were small, "reasonable" or excessive given the quality of the administrative services you were provided?	1. Small 2. Reasonable 3. Excessive	AF4
AF4	How much of a burden for your budget were these costs?	1. Huge 2. Great 3. Moderate 4. A little 5. Negligible	MA1

User satisfaction surveys can constitute useful tools to monitor and evaluate the efficiency, effectiveness, independence and impartiality of justice sector institutions. They also aim to provide a transparent account of how their operation is perceived by the beneficiaries: professionals, citizens seeking justice and, ultimately, the community. As public institutions, it is important for the courts and other justice sector institutions to give users an opportunity to provide feedback. The information gathered through such surveys can supplement the factual performance indicators, and ensure that more subjective elements – such as perceptions and expectations – are also taken in account in the planning and implementation of judicial systems reforms. On a micro level, user surveys can assist judicial institutions to identify areas where they can perform better, and acting on this information, can improve the public's satisfaction. This presents one of the values that the EU is promoting in the accession process with the countries of the western Balkan.

This paper examines the methodological and political basis for establishment of a viable platform for conducting stakeholder satisfaction surveys in the judicial institutions, primarily the courts, in the aspirant countries, with a focus on Macedonia, Montenegro and Serbia. Instituting user surveys on periodic basis by using a Council of Europe verified framework could become a practical step to further guide and inform the reform on the path towards gaining public trust and confidence in the judiciary, and in courts in particular. It will also allow to verify the success of the on-going reforms in enhancing the independence, increasing the efficiency and transparency of the judicial institutions.



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