

INFORMATION NOTE

Measurement of Efficiency of the Administration of the Judiciary

1. Background

1.1 On 6 April 2000 the Public Accounts Committee (PAC) expressed concern about "utilization of judicial time" and noted that there had not been any increase in "court sitting hours" of judges in Hong Kong over the years. The PAC requested that a research be conducted on three aspects in overseas jurisdictions, namely, established standards for the average court sitting hours for different levels of courts, the arrangements for listing court cases, and monitoring of judicial time. The PAC suggested on 17 April 2000 that the research be continued after the expiry of the previous term of the Council and that the report be forwarded to the Panel on Administration of Justice and Legal Services in the second term of the Council for consideration and follow-up.

1.2 The Panel considered a Progress Report (IN 1/00-01) on 17 October 2000 and advised that the research study should not proceed further.

2. Methodology

2.1 We have sent enquiries to six common law jurisdictions, namely, the United Kingdom, the United States, Canada, Australia, New Zealand, and Singapore. We have studied reference books and relevant documents and articles obtained from different libraries and the Internet.

3. Findings

3.1 The indicator of court sitting hours does not seem to be a standard measurement of the efficiency of the administration of the judiciary in the above common law jurisdictions, nor is monitoring of judicial time a commonly adopted practice. Details of the findings are summarized in Appendix I for easy reference.

3.2 In the course of our study, we have come across the following indicators which are more commonly adopted in the six common law jurisdictions to measure the efficiency of the administration of the judiciary:

Output Indicators

- number of cases received
- number of cases heard or determined
- number of cases otherwise disposed of
- number of cases pending at the end of the year

Input Indicators

- judges sitting days in a year
- average waiting time (weeks) at various stages of trial or appeal

3.3 In the U.S., studies made by academics or independent organizations on judicial workload have made a detailed breakdown of the working day of a judge as follows: (a) the amount of time devoted to case-related matters; and (b) the amount of time devoted to non-case-related matters, e.g. docket management, administrative time, general and legal research, opinion writing, judicial meetings, public education, civic activities. The purpose of the breakdown is to make inter-state comparison of how judges spend their time on different types of cases in order to derive a formula to transform caseload into workload.¹

Prepared by Ms Eva LIU, CHEUNG Wai-lam
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Tel: 2869-7735

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¹ To derive a figure for *workload* involved in moving a case from filing to disposal, the number of raw filings is categorized by types, e.g. family, tort, criminal, other civil, etc. and then each is given a case weight according to the judge time it would likely consume. B. Ostrom & N. Kauder, eds., *Examining the Work of State Courts, 1997: A National Perspective from the Court Statistics Project*, National Center for State Courts, 1998.

Appendix I

Replies from Different Government Organizations and Professional and Academic Institutions

<i>Countries</i>	<i>Organizations</i>	<i>Court sitting hours data</i>	<i>Judicial time data</i>	<i>Arrangements for listing court cases</i>
Government organizations				
US	1. Director of the Administrative Office of the United States Courts	Nil	Nil	Reply promised but outstanding
	2. Chairman, Committee on the Judiciary, Senate	No response		
	3. Chairman, Committee on the Judiciary, House of Representatives	No response		
	4. Comptroller General, The United States General Accounting Office	Nil	Nil	Not applicable
	5. Washington State Court	Nil	Nil	Specific question not answered
UK	6. The Lord Chancellor's Department	Referred to the Court Service		
	7. Chief Executive, The Court Service	Nil	Nil	Yes
	8. Committee Office, House of Lords	Nil	Nil	Not applicable
	9. Committee of Public Account, House of Commons	Referred to the Lord Chancellor's Department		
	10. Chair, Audit Commission Headquarters	Nil	Nil	Not applicable
Canada	11. Registrar, Supreme Court of Canada	Specific question not answered	Specific question not answered	Reply promised but outstanding
	12. Minister of Justice and Attorney General of Canada, Department of Justice Canada	No response		
	13. The Standing Senate Committee on Legal and Constitutional Affairs, The Senate	Specific question not answered	Specific question not answered	Not applicable
	14. Clerk, Standing Committee on Public Account, House of Commons	No response		
	15. Commissioner, Office of the Auditor-General of Canada	Nil	Nil	Not applicable

<i>Countries</i>	<i>Organizations</i>	<i>Court sitting hours data</i>	<i>Judicial time data</i>	<i>Arrangements for listing court cases</i>
Australia	16. Chief Executive, Administration, the High Court of Australia	Nil	Nil	Specific question not answered
	17. Joint Statutory Committee of Public Accounts and Audit, Department of House of Representatives	Specific question not answered	Specific question not answered	Not applicable
	18. Auditor-General, Australian National Audit Office	Nil	Nil	Not applicable
New Zealand	19. Minister for Courts, Department for Courts	Yes	Specific question not answered	Yes
	20. Clerk, the House of Representatives	Referred to Department for Courts		
	21. Controller and Auditor-General, Office of the Controller and Auditor-General	No response		
Singapore	22. Registrar Supreme Court, Supreme Court	Nil	Nil	Yes
	23. Speaker, Parliament House	Referred to Registrar		
	24. Auditor-General, Auditor-General's Office	Nil	Nil	Not applicable
Professional and academic institutions				
US	25. Executive Director, National Center for State Courts (NCSC)	Specific question not answered	Specific question not answered	Specific question not answered
	26. President, American Judges Association (AJA)	Specific question not answered	Specific question not answered	Specific question not answered
	27. Executive Director, American Judicature Society (AJS)	Specific question not answered	Specific question not answered	Specific question not answered
	28. Deputy Director, Federal Judicial Center (FJC)	Specific question not answered	Specific question not answered	Specific question not answered
	29. Executive Director, The Justice Management Institute	No response		
	30. President, National Association for Court Management (NACM)	No response		
	31. President, The Conference of State Court Administrators (COSCA)	No response		
Australia	32. Executive Director, Australian Institute of Judicial Administration Incorporated (AIJA)	Specific question not answered	Specific question not answered	Specific question not answered

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