

Judicial Reform Components and Trajectories Lessons from Mongolia and Beyond

Heike Gramckow, Ph.D.
The World Bank



Lessons from around the globe

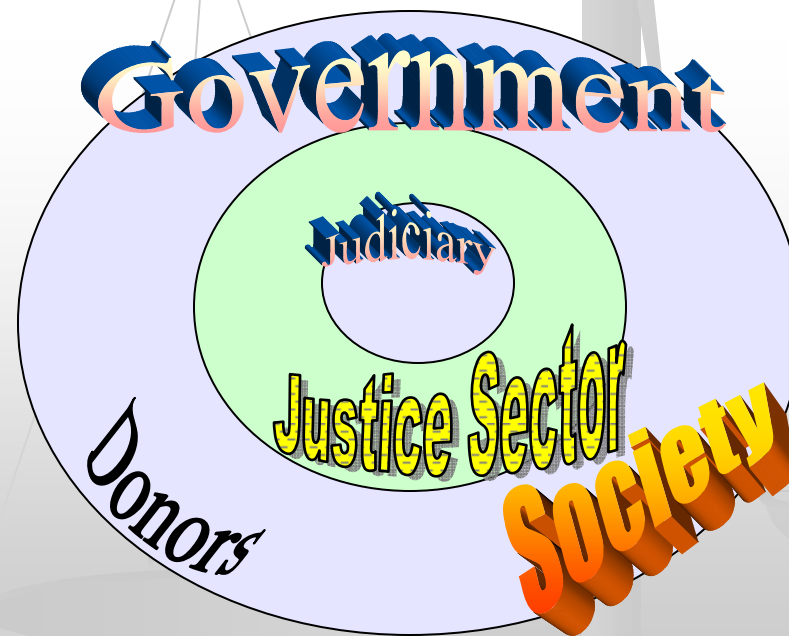
- ➔ **Mongolia – 10 years, nationwide**
- Nigeria – 4-8 years, pilot states
- Egypt – 12 years – pilot courts to nationwide
- Serbia – 5 years, ongoing, pilot courts to nationwide
- Haiti – 3 years, ongoing, pilot courts
- US, UK, Western Europe

Starting point – a shared vision

Comprehensive and inclusive strategic planning

Strategic goals – road map for reform and cooperation

- Independence
- Fairness
- Timeliness
- Access
- Public Trust



Management & Administration

	Before	After
Case management	none	<ul style="list-style-type: none">■ Case Tracks■ Time Standards
Court management	Basics by MOJ	<ul style="list-style-type: none">■ Controlled by Court■ National Concept
Budget & resource management	Basics by MOJ	<ul style="list-style-type: none">■ Court controlled■ Output based budget

Human capacities

	Before	After
Selection	Law degree, no other criteria or standards	Law degree, standard qual. exam, practical experience, standard interview & essay – legal reasoning, ethics
Training	Ad hoc for judges only, legal training	<ul style="list-style-type: none">■ Training concept, legal and other topics■ Judges & support staff
Evaluation & Promotion	<ul style="list-style-type: none">■ CJ review & recommendation■ No standard criteria	<ul style="list-style-type: none">■ New standard criteria■ Committee review
Staffing levels	Standard across similar courts	Workload based Increased support staff

Governance

	Before	After
General Counsel of Courts	Controlled by MOJ	Controlled by Supreme Court
Decision structure	MOJ Chair w. input from GCC members	CJ Chair, GCC members, special committees (discipline, selection)
Decision basis	Limited data, little consultation	Court data, improved research, committee recommendations, consultations
Staff support	Secretariat, 5 staff, no special training	Increased staff, higher qualifications, training, automation

Performance measures

Before	After
<ul style="list-style-type: none">■ Soviet-style performance rewards■ Large manual case data collection (>750 items) at each court■ Focused on individual judges: # cases processed overturned, etc.■ Annual review, unclear definitions, unclear weighing of data, unclear award process■ Not tied to performance goals	<ul style="list-style-type: none">■ Survey and quantitative data from software (~ 35 items)■ For courts and judges■ Best Court = Best managed■ Judges: Skills, management, integrity, impartiality, fairness■ Data from SC Research Center, review, nomination by Committee at each court, GCC Committee select best judge, best court■ selection for each court level/type■ Based on strategic goals & new criteria

Public outreach and education

Before	After
None	<ul style="list-style-type: none"><li data-bbox="701 565 1654 695">■ Posters, flyers, other information material<li data-bbox="701 732 1304 789">■ Radio and TV shows<li data-bbox="701 826 1129 883">■ Media training<li data-bbox="701 920 1514 977">■ Public information terminals<li data-bbox="701 1015 1545 1071">■ Uniform information network<li data-bbox="701 1109 1434 1166">■ Public access to hearings

What is needed?

- A shared vision and performance goals
- Time
- Resources – finances and human capacities
- Leadership and commitment
- Ongoing learning, exchanges, international experiences
- Monitoring of progress

