

Judicial Reform Index (JRI)

- Background
- JRI Description
- JRI Future





ABA/CEELI in Brief

- Founded in 1990 as Separate Unit of the American Bar Association (ABA)
- Headquarters in Washington, DC
- Offices in 23 Jurisdictions in CEE and FSU
- Dedicated to Promoting Rule of Law
- Judicial Reform is a Key Focus Area
- Offers Comparative Technical Assistance Approach

Need for the JRI

- **Strategic Planning**
 - Assess State of Affairs
 - Establish Benchmarks
 - Target Needed Reforms
 - Develop Sophisticated Workplans
- **Transfer of Lessons-Learned**
 - Consistent Monitoring Over Time
 - Systematic Capture of Problems
 - Systematic Capture of Solutions
- **Facilitates Multilateral Programming**
 - Provides Common Basis for Planning
 - Avoids Dilution of Scarce Resources



History of the JRI

- **Research Begun in Late 1990s**
 - International Consultations
 - International Legal Research
- **Based on Key International Standards:**
 - UN Basic Principles on the Independence of the Judiciary
 - CoE Recommendation R(94)12
 - CoE European Charter on the Statute for Judges
- **Tested in 1999-2000**
- **Finalized in 2001**



What the JRI is **NOT**

- An Overall Assessment of a Judiciary(s)
- A Measurement of Judicial Independence
- A Duplication of Existing Assessment Tools
- An Expansion of CEELI Programming
- A Scientific, Statistical Survey
- Limited in Utility to CEE and FSU Regions

What the JRI is

- An Assessment of Judicial Reform Indicators
 - Broad-Based: Thirty Categories Examined
- Structured Around Comparative Analysis
 - Draws on European and U.S. Legal Approaches
- A CEELI Product that has been Vetted Internally and Externally
- A Platform for Unprecedented Comparative Legal Research

JRI Reform Factors



I. QUALITY, EDUCATION, AND DIVERSITY

- A. Judicial Qualification and Preparation
- B. Selection/Appointment Process
- C. Continuing Legal Education
- D. Minority and Gender Representation

II. JUDICIAL POWERS

- A. Judicial Review of Legislation
- B. Judicial Oversight of Administrative Practice
- C. Judicial Jurisdiction Over Civil Liberties
- D. System of Appellate Review
- E. Contempt/Subpoena/Enforcement

III. FINANCIAL RESOURCES

- A. Budgetary Input
- B. Adequacy of Judicial Salaries
- C. Judicial Buildings
- D. Judicial Security

IV. STRUCTURAL SAFEGUARDS

- A. Guaranteed Tenure
- B. Objective Judicial Advancement Criteria
- C. Removal and Discipline of Judges
- D. Case Assignment
- E. Judicial Associations

V. ACCOUNTABILITY AND TRANSPARENCY

- A. Judicial Decisions and Improper Influence
- B. Code of Ethics
- C. Judicial Conduct Complaint Process
- D. Public and Media Access to Proceedings
- E. Publication of Judicial Decisions
- F. Maintenance of Trial Records

VI. EFFICIENCY

- A. Court Support Staff
- B. Judicial Positions
- C. Case Filing and Tracking Systems
- D. Computers and Office Equipment
- E. Distribution and Indexing of Current Law

JRI Data Collection: Interviewing



Minimum of 25–30 Interviews of:

- Judges
- Lawyers
- Law Professors
- Government Officials
- NGO Leaders
- Journalists



Factor Reporting Format (Paper)



11. Judicial salaries are generally sufficient to attract and retain qualified judges, enabling them to support their families and live in a reasonably secure environment, without having to have recourse to other sources of income.

Conclusion:

Correlation:

Analysis/Background:

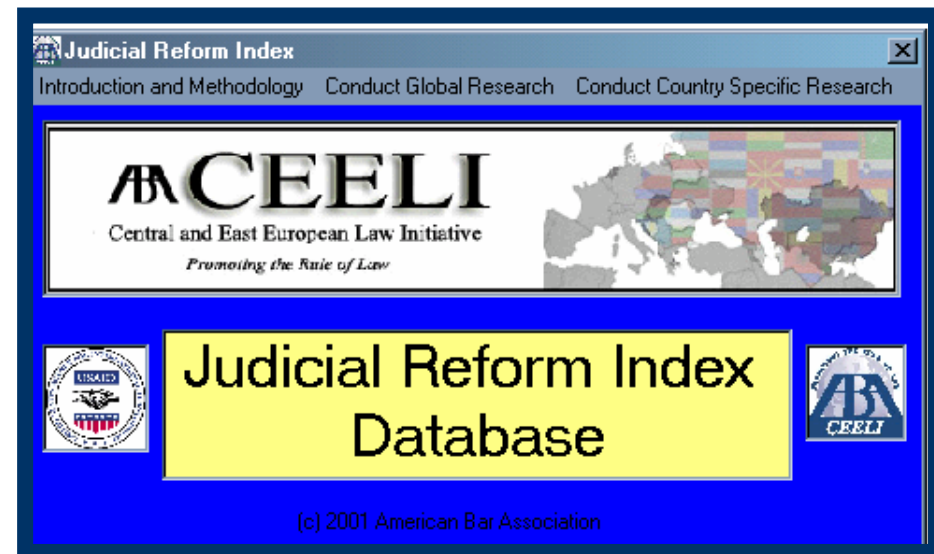
JRI Database—Why?

- Narrative Assessments are Frequently Poorly-utilized due to the Transaction Costs of Extracting Data
- Narrative Assessments are Difficult to Update Systematically Over a Sustained Time Period
- Large Paper Files are Unwieldy and Discourage the Distribution of Information

JRI Database



- Complete Database of JRI Data Collected
- Full Search Capability
- Report Generator
- Fully-Portable
 - CD ROM
 - Downloads



JRI Database Country Overviews



- Color-Coded Snapshot of JRI Categories
- Gives Big Picture as to Correlation of JRI Statements to Local Context

The screenshot shows a software interface titled "Overview: Bosnia" with a window title bar containing a close button (X). The interface is organized into several panels, each containing a list of JRI categories and their corresponding status, indicated by color-coded buttons: Negative (red), Neutral (white), and Positive (blue). A central panel features the flag of Bosnia and Herzegovina. At the bottom, there are "Refresh" and "Close" buttons, and a status bar showing "Bosnia" with navigation arrows.

Category	Status
Judicial Qualification and Preparation	Negative
Selection / Appointment Process	Neutral
Continuing Legal Education	Negative
Minority and Gender Representation	Negative
Judicial Powers	
Judicial Review of Legislation	Negative
Judicial Oversight of Administrative Practice	Neutral
Judicial Jurisdiction over Civil Liberties	Neutral
System of Appellate Review	Positive
Contempt / Subpoena / Enforcement	Negative
Financial Resources	
Budgetary Input	Negative
Adequacy of Judicial Salaries	Positive
Judicial Buildings	Negative
Judicial Security	Negative
Structural Safeguards	
Guaranteed Tenure	Positive
Objective Judicial Advancement Criteria	Neutral
Judicial Immunity for Official Actions	Positive
Removal and Discipline of Judges	Neutral
Case Assignment	Negative
Judicial Associations	Neutral
Accountability and Transparency	
Judicial Decisions and Improper Influence	Negative
Code of Ethics	Negative
Judicial Conduct Complaint Process	Neutral
Public and Media Access to Proceedings	Neutral
Publication of Judicial Decisions	Negative
Maintenance of Trial Records	Negative
Efficiency	
Court Support Staff	Neutral
Judicial Positions	Neutral
Case Filing and Tracking Systems	Negative
Computers and Office Equipment	Negative
Distribution and Indexing of Current Law	Negative

JRI Database In-depth Analysis



- All Info on One Screen
 - Conclusion & Correlation
 - Analysis
 - Matters Pending
 - Government Response
- Toggle Capability Between Countries
- Toggle Capability Between Factors

The screenshot shows a web application window titled "Judicial Independence Index Database". It features a search interface with a dropdown menu set to "Bosnia", a date dropdown set to "2001", a dropdown menu set to "Public and Media Access to Proceedings", and a score dropdown set to "Neutral". Below the search fields, there is a "Conclusion:" section with the text: "While court proceedings generally are open to the public and media, exceptions to this principle are broadly worded and ill-defined. Lack of courtroom space also hinders public access." Below this, there are three tabs: "Analysis/Background", "Government Responses", and "Matters Pending Further Examination". The "Analysis/Background" tab is active, displaying a detailed text block that discusses the Federation Constitution and the RS Constitution regarding public access to court proceedings. The text includes references to specific articles and laws, such as "Federation Constitution art. IV(C)(4)", "Cantonal court laws", "Bosna-Podrinje Canton Gorazde Law on Courts art. 9", "The Sarajevo and Gorazde laws on courts", "The RS Constitution art. 124", and "The Brcko District Law on Courts art. 9".

JRI Database Search and Reporting



- Flexible Search by Categories and Correlations
- Full Search Reporting
- Facilitates Hardcopy Research

A screenshot of the 'ABA Overview' search interface. The window title is 'ABA Overview'. It contains several panels of search filters, each with a title and a list of dropdown menus. The panels are: 'Quality, Education, and Diversity' (Judicial Qualification and Preparation, Selection / Appointment Process, Continuing Legal Education, Minority and Gender Representation); 'Financial Resources' (Budgetary Input, Adequacy of Judicial Salaries, Judicial Buildings, Judicial Security); 'Accountability and Transparency' (Judicial Decisions and Improper Influence, Code of Ethics, Judicial Conduct Complaint Process, Public and Media Access to Proceedings, Publication of Judicial Decisions, Maintenance of Trial Records); 'Structural Safeguards' (Guaranteed Tenure, Objective Judicial Advancement Criteria, Judicial Immunity for Official Actions, Removal and Discipline of Judges, Case Assignment, Judicial Associations); 'Judicial Powers' (Judicial Review of Legislation, Judicial Oversight of Administrative Practice, Judicial Jurisdiction over Civil Liberties, System of Appellate Review, Contempt / Subpoena / Enforcement); and 'Efficiency' (Court Support Staff, Judicial Positions, Case Filing and Tracking Systems, Computers and Office Equipment, Distribution and Indexing of Current Law). At the bottom, there are 'Search' and 'Close' buttons.

JRI Future: Benefits

- Will Provide Excellent Baseline Data
- Will Assist with Professional Networks
 - Local Networks of Reform-Minded Professionals
 - International Networks of Legal Reform Organizations
- Will Clarify Issues Necessary to Establish Priorities
 - Data and Analysis Indicating Problem Areas
 - Data and Analysis Highlighting Solid Reform Foundations that May Support Further Initiatives
- Will Respond to Needs for Assessment and Program Planning (i.e. EU, OSCE, CoE, USAID, World Bank, etc.)

JRI Future: Lessons-Learned



- Can Be Executed Rapidly
 - One to Three Months Depending Upon In-Country Support Structure
- Benefits from Geographically Diverse Data
 - Components of Judicial Systems May Vary
 - Capital City v. Provincial Centers
- Requires Extensive Interview Preparation
 - Phone Calls and Written Outlines
 - Interviews Require Several Hours

JRI First Round



- **Albania**—Spring 2002 (Published)
- **Armenia**—(Final Editing)
- **Bosnia**—Fall 2001 (Published)
- **Bulgaria**—Summer 2002 (Published)
- **Croatia**—Spring 2002 (Published)
- **Kosovo**—Spring 2002 (Published)
- **Macedonia**—Spring 2002 (Published)
- **Moldova**—(In Process)
- **Montenegro**—Spring 2002 (Published)
- **Romania**—Winter 2001 (Published)
- **Serbia**—Spring 2002 (Published)
- **Slovakia**—(Final Editing)
- **Ukraine**—(Final Editing)
- **Uzbekistan**—(Final Editing)

Questions and Comments



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