

Performance Evaluation System for District Judiciary

Policy Guidelines for Evaluation Vis-à-vis Performance Indicators

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Introduction

The KP Judicial Academy has undertaken the responsibility to devise a performance evaluation system vis-a-vis performance indicators and thus offers support to the Peshawar High Court Peshawar to improve its evaluation system for the District Judiciary. This document seeks to devise policy guidelines for the said purpose. The document is divided into two parts; part one outlines the general guidelines for the new system of evaluation, while the second part provides the operational framework for the implementation of this policy.

Part One

General Guidelines

Objectives

Guideline 1: To provide guidance on the tools, procedure and implementation of the evaluation system.

Guideline 2: To develop a standardised document for evaluating the performance of judicial officers and making fair decisions regarding their career development.

Application

Guideline 3: Primary uses of the evaluation system include promoting judicial self-improvement, enhancing the quality of the judiciary as a whole, and providing relevant information to the judicial leadership in PHC.

Guideline 4: The evaluation programs should be structured and implemented so as not to impair judicial independence. The evaluation process should be free from political, ideological, and issue-oriented considerations.

Dissemination

Guideline 5: The dissemination of data and results from evaluation program should be consistent with and conform to the uses of the program. Except for the authorized uses of the performance evaluation and consistent with the law, the data and results should be confidential.

Guideline 6: As the evaluations are used only for judicial self-improvement, individual results should be provided only to the judge evaluated.

Enforcement Authority

Guideline 7: The ultimate authority to implement the performance evaluation system should be vested in the Peshawar High Court.

Guideline 8: The institutional assessment should be done by an independent, broadly based, and diverse committee, constituted by the PHC.

Performance Indicators

Guideline 9: The performance of a judicial officer would be assessed on the basis of his/ her legal competence. The following would also be taken into consideration:

- Legal reasoning ability
- Knowledge of substantive law
- Knowledge of rules of procedure and evidence
- Keeping abreast with developments in law, procedure, and evidence.

Guideline 10: The integrity and impartiality of a judicial officer shall be one important performance indicator. These would be assessed on the basis of:

- Avoidance of impropriety and the appearance of impropriety
- Treating all people with dignity and respect
- Absence of favour or disfavour toward anyone, including but not limited to favour or disfavour based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status
- Acting fairly by giving people individual consideration

- Consideration of both sides of an argument before rendering a decision
- Basing decisions on the law and the facts without regard to the identity of the parties or counsel, and with an open mind in considering all issues
- Ability to make difficult or unpopular decisions.

Guideline 11: Communication skills of a judicial officer shall be assessed. The criteria would be:

- Clear and logical oral communication while in court
- Clear and logical written decisions
- Clear and logical correspondence with his superiors.

Guideline 12: Professionalism and attitude of a judicial officer shall be assessed. This would be found positive if he or she:

- Acts in a dignified manner
- Treats people fairly and with courtesy
- Acts with patience and self-control
- Participates and provides leadership to an appropriate degree in professional development activities and in judicial education activities
- Promotes public understanding of and confidence in the courts.

Guideline 13: A judge would be evaluated on his or her administrative capacity, including the following criteria:

- Punctuality and preparation for court
- Maintaining control over the courtroom
- Appropriate enforcement of high court rules and orders, notifications and deadlines
- Making decisions and rulings in a prompt, timely manner
- Managing his or her calendar efficiently
- Using ADR techniques in an effective manner.

Methodology

Guideline 14: Preparation of structured questionnaire, data collection, analysis, synthesis, and its usage for marking and gradation.

Guideline 15: Reliable sources of information shall be developed for evaluation.

Guideline 16: Multiple sources shall be used whenever feasible.

Guideline 17: Those sources would be used, who have personal and current knowledge of the judicial officer under evaluation.

Themes of Gradation

Guideline 18: The gradation of a judicial officer would be conducted by devising different formulae, taking into consideration his or her:

- Legal competence based on reasoning
- Punctuality
- Integrity
- Fairness
- Professionalism
- Leadership
- Promptness in disposal of cases
- Use of ADR techniques
- Communication skills
- Upheld decisions by appellate forums
- Innovations

Part Two

Specific Guidelines: Operational Framework

Guideline 1: The evaluation mechanism will become effective from.....[Date]

Guideline 2: There shall be 100 marks with the following break-up:

- a. 40 for Self-evaluation

- b. 60 for External Evaluation/ Evaluation Committee

Guideline 3: A Performance Evaluation Committee shall be constituted by the management of Peshawar High Court. The Committee shall comprise of 4 members including the Chairperson.

Guideline 4: The Self-evaluation Form (PE-A, coloured: red) shall have 2 major headings with varying number of Subheadings. The major Headings are:

- a. Personal

- i. Integrity
- ii. Independence
- iii. Objectivity
- iv. Fairness
- v. Communication (speaking, listening, reading, writing)
- vi. Dress and Appearance
- vii. Stress management
- viii. Punctuality
- ix. Public Confidence
- x. Relevant Achievements besides targeted tasks
- xi. Contribution to infrastructural/human resource development

- b. Professional

- xii. Knowledge of Law
- xiii. Knowledge of Substantive Law
- xiv. Knowledge of Procedural law
- xv. Knowledge of Official Correspondence
- xvi. Decision Making
- xvii. Effective Writing
- xviii. Leadership
- xix. Proactive Spirit
- xx. Disposal of Cases
 1. Quantitative: for the purpose of quantification, the adopted policy of the provincial government shall be applicable.
 2. Qualitative

Guideline 5: The Performance Evaluation Form (PE-B, coloured: blue) shall contain the above elements besides the following:

- c. Meeting Deadline
- d. Maintenance of Quality
- e. Complaints Received leading to Disciplinary Action (Minor/Major)
- f. Public Perception Report

- g. Relations with seniors in rank
- h. Relations with juniors in rank
- i. Contribution to research in legal/judicial issues

Guideline 6: The qualitative markers shall be quantified in the following ways:

- j. Excellent by the Reporting Body= 10
- k. Very Good by the Reporting Body=8
- l. Good by the Reporting Body-7
- m. Average by the Reporting Body= 6
- n. Unsatisfactory by the Reporting Body=5

Guideline 7: The following formula shall be applicable: Total Marks multiplied by number of years served divided by 4, the number of members on the committee. For example, 60 M 3 D by 6 =

Guideline 8: The Guiding Principles to be followed by the Reporting Body: Transparency, Meritocracy and Objectivity; while Accountability, Sense of Responsibility, and Honesty for performing self-evaluation.

Guideline 9: Timeframe for completing the process of self-evaluation is One week after receiving the form.

Guideline 10: Maximum confidentiality shall be observed by the Reporting Body while informing the officer concerned.

Guideline 11: In the initial stage, the same evaluation mechanism shall apply to all ranks of District Judiciary.

Guideline 12: Negative marking shall be observed if unexplained entries are found in the self-evaluation.