

# Law, justice and numbers What we know... and everything we should know...

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# What is a measure?

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A measure is a **numerical evaluation** established in order to render the state or evolution of a natural or social phenomenon. Among other things, through the use of statistical analysis, a measure allows a **systematic reading and follow-up of the evolution** of the activities of a social institution... in our case, of judicial activity.

# What can be measured?

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Just about **anything can be measured**, but the precision of what we measure remains a function of the **chosen variables and indicators**. Hence the importance of providing not only a **precise definition** of what we are trying to find out, but of **what must necessarily be known as well**. That being said, two large data sets can be measured ;

**Two major  
variables**

# What can be measured?

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**Inputs:** all the financial, human and material resources invested in an organisation, system, institution or particular action (public policy, pilot project, etc.)

**Outputs:** all the measures enabling the presentation of an organisation, system or institution's activities (outputs), as well as the results of a particular action (result and impact indicators)

# Measures... and analysis

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- Descriptive :** a *photograph* based on one year's activity or on the impact of a particular experience.
- Longitudinal :** the *film*, based on a comparison of the measures recorded over the course of several years within a single institution.
- Comparative :** *benchmarking* based on the comparison of measures recorded within several different institutions over the same time period.

# What are the numbers for...?

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**Description** of a phenomenon, activity, or series of complementary activities

**Following** their evolution

**Understanding** the internal logic of an area of action (the ratio of lawyers to judges or the relative budget allocated to justice, for example)

**Planning** the evolution of an area of action by addressing its development strategically, in particular through the definition of targets to be met

**Deciding** by which means to achieve these targets

**Evaluating** the achievement of the objectives established within the framework of a strategic plan

**Comparing** the efficacy, efficiency and effectiveness of an initiative, activity or action system

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# Some examples

# INDICATORS

## Comparative indicators Quebec & Canada

Indicator 1	Annual public <b>budget</b> for <b>legal aid</b> (per <b>inhabitant</b> )
Indicator 2	Annual public <b>budget</b> for legal aid (per <b>case</b> benefiting of legal aid)
Indicator 3	<b>Number of lawyers</b> (per 100 000 inhabitants)
Indicator 4	<b>Number of judges</b> (per 100 000 inhabitants)
Indicator 5	<b>Number of lawyers per judge</b> (per 100 000 inhabitants)
Indicator 6	Number of <b>public ministry staff</b> (per 100 000 inhabitants)
Indicator 7	<b>Judges' gross salary</b>
Indicator 8	<b>Total number of courts</b> (per 100 000 inhabitants)
Indicator 9	<b>Length of a dispute in first instance</b> (in days)
Indicator 10	<b>Length of a dispute in appeal</b> (in days)
Indicator 11	<b>Length of a dispute before the highest court</b> (in days)
Indicator 12	<b>Rate of penal cases adjudicated</b> in first instance
Indicator 13	Number of <b>cases benefiting legal aid</b> (per 100 000 inhabitants)
Indicator 14	Level of <b>confidence</b> in the judicial system as a percentage of the <b>population</b>
Indicator 15	<b>Population's level of knowledge about public legal aid services</b>
Indicator 16	<b>Population's perception</b> regarding the <b>independence of the judicial system</b>
Indicator 17	Population's <b>perception</b> regarding the <b>fairness of judgments</b>



JUDICIAL PERFORMANCE INDICATOR	France	Belgium	Germany	Ireland	Luxembourg	NL	Finland	Sweden	Australia	New Zealand	Canada	Quebec	Average	Standard deviation
<b>Financial resources</b>														
Annual legal aid budget (per capita)	7,8 \$	11,3 \$	12,8 \$	25,8 \$	8,0 \$	37,8 \$	17,8 \$	37,5 \$	5,8 \$	22,0 \$	19,3 \$	18,5 \$	18,7 \$	10,7 \$
Annual legal aid budget (per file)	n/a	898 \$	303 \$	n/a	n/a	1 154 \$	1 133 \$	n/a	n/a	n/a	n/a	661 \$	830 \$	356 \$
<b>Human resources</b>														
No. of lawyers (per 100 000 inhab.)	94	162	202	251	387	105	39	57	282	260	n/a	306	195	113
No. of judges (per 100 000 inhab.)	10	14	24	3,5	40	14	18	12	n/a	n/a	n/a	11	16,3	10,5
No. of lawyers per judge (per 100 000 inhab.)	9	12	8	72	10	8	2	5	n/a	n/a	n/a	28	17	22
No. of public ministry staff (per 100 000 inhab.)	n/a	24	13	2	21	24	3	4	6	n/a	15	33	14	11
Judges' gross salary	143 855	155 043	136 836	257 795	169 810	168 447	168 185	123 493	513 090	359 133	342 800	288 100	235 549	119 702
<b>Material resources</b>														
No. of courts (per 100 000 inhab.)	1	2,6	1,4	2,3	1,5	0,4	1,5	1	n/a	n/a	n/a	1,07	1,4	0,7

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JUDICIAL PERFORMANCE INDICATOR	France	Belgium	Germany	UK	Denmark	Ireland	Lux	NL	Finland	Sweden	Australia	New Zealand	Canada	Quebec	Average	SD
<b>OUTPUT INDICATOR</b> Length of proceedings																
Length of a dispute in first instance (no. of days)	274	n/a	200	350	199	270	262	305	219	186	192	171	nd	382	250,8	68,3
Length of a dispute in appeal (no. of days)	343	n/a	207	n/a	127	n/a	555	n/a	221	117	287	191	nd	304	261,3	134,1
Length of a dispute before the highest court (no. of days)	333	n/a	n/a	n/a	n/a	n/a	n/a	n/a	168	225	nd	286	578	304	315,7	141,5
<b>Rate of variation of pending cases</b>																
Rate of penal cases adjudicated in first instance	102 %	n/a	101 %	102 %	104 %	n/a	n/a	95 %	98 %	101 %	n/a	n/a	nd	100 %	100 %	0,03
<b>Other</b>																
Number of cases benefiting legal aid (per 100 000 inhabitants)	n/a	1135	1848	n/a	n/a	n/a	n/a	3260	1438	n/a	n/a	n/a	nd	2776	2091	899,24

JUDICIAL PERFORMANCE INDICATOR	France	Belgium	Germany	UK	Denmark	Ireland	Lux	NL	Finland	Sweden	Australia	New Zealand	Canada	Quebec	Average	SD
<b>OUTCOME AND IMPACT INDICATOR</b> Satisfaction and confidence																
Population's level of confidence in the judicial system	48%	49%	67%	60%	83%	67%	76%	65%	74%	69%	60%	63%	57%	59%	64%	0,10
Population's level of knowledge about public legal aid services	40%	42%	40%	43%	56%	46%	40%	55%	44%	42%	n/a	n/a	n/a	35%	44%	0,06
Population's perception regarding the independence of the judicial system	63%	72%	71%	71%	74%	67%	73%	81%	78%	71%	n/a	n/a	n/a	51%	70%	0,08
Population's perception regarding the fairness of judgments	57%	68%	55%	63%	66%	58%	70%	74%	66%	67%	n/a	n/a	n/a	47%	63%	0,08

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## INDICATORS

### Comparative indicators Canada (without Quebec)

Indicator 1	Access to <b>affordable justice</b>
Indicator 2	Public <b>access to laws and legal data</b>
Indicator 3	<b>Use of ICTs</b>
Indicator 4	<b>Reasonable civil justice delays</b>
Indicator 5	Reasonable delay for <b>administrative proceedings</b>
Indicator 6	<b>Accessibility, impartiality and efficiency of dispute settlement mechanisms</b>
Indicator 7	<b>Efficiency of the penal arbitration system</b>
Indicator 8	<b>Efficiency of civil justice</b>
Indicator 9	<b>WJP Rule of Law Index</b>
Indicator 10	Civil justice <b>without discrimination</b>
Indicator 11	<b>Fair application of the laws and the rights of the accused</b>

JUDICIAL PERFORMANCE INDICATOR	France	Belgium	Germany	UK	Denmark	Ireland	Lux	Netherlands	Finland	Sweden	Australia	New Zealand	Canada	Average	Standard deviation
<b>INPUT INDICATOR</b>															
<b>Financial resources</b>															
Access to affordable justice	0,62	0,64	0,68	0,58	0,73	n/a	n/a	0,72	0,59	0,71	0,50	0,71	0,55	0,64	0,08
<b>Information resources</b>															
Public access to laws and legal data	0,55	0,56	0,6	0,67	0,68	n/a	n/a	0,64	0,7	0,66	0,64	0,8	0,69	0,65	0,07
Use of ICTs	3,60	1,24	4,01	3,71	1,46	3,79	2,25	3,75	5,25	2,93	n/a	1,65	n/a	3,06	1,26
<b>OUTPUT INDICATOR</b>															
<b>Length of proceedings</b>															
Reasonable <b>civil</b> justice <b>delays</b>	0,59	0,45	0,75	0,73	0,61	n/a	n/a	0,76	0,57	0,69	0,59	0,73	0,47	0,63	0,11
Reasonable delays for administrative proceedings	0,66	0,55	0,73	0,69	0,79	n/a	n/a	0,83	0,77	0,89	0,77	0,77	0,74	0,74	0,09
<b>Other</b>															
Accessibility, impartiality and efficiency of dispute settlement mechanisms	0,75	0,77	0,87	0,82	0,87	n/a	n/a	0,84	0,76	0,82	0,9	0,81	0,83	0,82	0,05
Efficiency of the penal arbitration system	0,69	0,65	0,69	0,79	0,78	n/a	n/a	0,65	0,80	0,70	0,76	0,75	0,68	0,72	0,06
Efficiency of civil justice	0,71	0,74	0,88	0,71	0,81	n/a	n/a	0,9	0,86	0,90	0,81	0,71	0,73	0,80	0,08
<b>OUTCOME AND IMPACT INDICATOR</b>															
<b>WJP Rule of Law Index</b>	<b>0,74</b>	<b>0,77</b>	<b>0,81</b>	<b>0,78</b>	<b>0,87</b>	<b>n/a</b>	<b>n/a</b>	<b>0,83</b>	<b>0,85</b>	<b>0,85</b>	<b>0,8</b>	<b>0,83</b>	<b>0,78</b>	<b>0,81</b>	<b>0,04</b>
Civil justice without discrimination	0,71	0,82	0,83	0,62	0,90	n/a	n/a	0,92	0,86	0,73	0,54	0,73	0,59	0,75	0,13
Fair application of the laws and the rights of the accused	0,73	0,77	0,83	0,82	0,89	n/a	n/a	0,82	0,92	0,9	0,8	0,82	0,74	0,82	0,06
<b>Impartiality</b> of the penal system	0,61	0,58	0,68	0,65	0,77	n/a	n/a	0,72	0,83	0,65	0,57	0,66	0,61	0,67	0,08
Perceived independence of the justice system	5,1	5,4	6	6,2	6,2	6,4	5,7	6,2	6,6	6,2	5,7	6,7	6,2	6,05	0,46
Reliability of police services	5,3	5,6	6	5,7	6,1	6,1	6	6,1	6,7	5,9	6	6,4	6	5,99	0,35

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Reliability of police services	5,3	5,6	6	5,7	6,1	6,1	6	6,1	6,7	5,9	6	6,4	6	5,99	0,35

# What is there left to know ?

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**It isn't complicated:** on both the Canadian and provincial levels, it seems we do not know much...

Therefore, just about everything remains to be determined...



## Some recommendations on what remains to be defined

Develop indicators on the theme of **citizen confidence, satisfaction, knowledge and perception**

Develop more precise indicators on **delays in the judicial proceedings**

Develop indicators on **direct and indirect costs of justice**

Develop **indicators on the use of information and communication technologies (ICTs)**

Develop a series of **follow-up and evaluation indicators on the self-represented litigant phenomenon**

Establish the **profile of justice system users** and their **level of access to judicial services**

Include indicators and data on the levels of **gender, age, as well as rural and urban parity**

Develop **benchmarking between Canadian provinces in the area of access to justice**

Create an **expert committee to support decision-making and provide advice as to data standardisation**

Develop an **annual compendium** to disseminate the state and evolution of follow-up and benchmarking indicators of access to justice

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# What do the numbers require?

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**Indicator** precision

**Measure** precision

**Digital management of courts**

**Harmonisation** of indicators (interprovincial and international)

Secure **filing and storage** of data

Establishment of data **access** conditions

Development of an **expertise** in judicial statistics

On the structural level, the establishment of reliable judicial statistics requires...

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The creation of an ***independent*** non-profit ***institution***, steered by multi-interest governance board (Ministry, Bar, Courts, Universities).

In sum, a data centre...

# Issues

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**Data ownership ?**

**Connection** between databases...

Selective **data access** (data security classification etc.)

**Depersonalisation** of “sensitive data”

Gradual **enlargement** of analyses towards judicial files data

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# Discussion