



Court User Feedback: A Swedish Case Study

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Table of Contents

Introduction	1
1. Why does Court User Feedback Matter for Court Performance?	1
2. Courts and User Feedback – the Swedish Experience	2
2.1. Approach	2
2.2. Methodology.....	3
2.3. Timing and length.....	6
2.4. Costs.....	6
2.5. Results.....	6
2.6. Lessons learned.....	8
2.7. Scalability for countries interested in boosting court performance	8
3. Conclusion	9

Introduction

Courts in Sweden have developed an effective way to gauge user satisfaction and improve the court user experience through user feedback. Their results are impressive. This Case Study examines the Swedish approach, methodology, timeframes, costs, results and lessons learned. The Case Study then highlights the extent to which this model may be replicated in other courts. The Case Study offers lessons for courts that are striving to increase user satisfaction, improve the quality of their justice services, and boost overall court performance.

1. Why does Court User Feedback Matter for Court Performance?

1 **User satisfaction is a key dimension of the quality of justice.** Citizens and businesses come to courts in need of essential government services, and the concept of justice requires that these users be placed at the center of justice service delivery, with the justice system focused on how best to ensure that their experience with the court system meets their needs.

2 **Research also shows that how courts handle cases is of vital importance to how those involved in court proceedings value their experience of the courts.** As stated in a recent report¹ of the Swedish National Courts Administration, “*How courts handle people and their cases is of even greater importance than the resolution of the case, both for the inclination to voluntarily comply with the decisions of the courts, and for confidence in the courts. People who feel that they have been treated fairly in the court have an easier time accepting if they lose*”.²

3 **Furthermore, when efforts are made to meet user demands and respond to user needs, people’s trust and confidence in the courts, and the entire justice system, increases.** This has a range of positive spillover effects for society and the economy.

4 **But improving user satisfaction requires an understanding of the court user experience and how that experience could be improved.**



Photo: Per Carlsson

¹ In its recent report, “*In other people’s eyes, the work of Swedish Courts yesterday, today, and every day*” / *I andras ögon, Sveriges domstolars förtroendearbete igår, idag – varje dag* (2017), the Swedish National Courts Administration reflects on their experience. The report analyses interviews, surveys and data collected since 2009 on courts’ work to improve the court user experience, including results and lessons regarding user perception of the quality of services, information to users, and treatment of users.

² All the quotes are from the report “*In other people’s eyes, the work of Swedish Courts yesterday, today – every day*”. (*I andras ögon, Sveriges domstolars förtroendearbete igår, idag – varje dag*)

2.Courts and User Feedback – the Swedish Experience

1.1. Approach

5 **The Swedish use four criteria to determine how a person experiences procedural justice.** These are (i) the possibility to make your voice heard, (ii) that the court is perceived as neutral, (iii) that the court respects the users and their rights, and (iv) that the court employees are perceived as trustworthy. In order to address these aspects, it is important that courts are aware of how they are perceived by court users. Structured and systematic interviews with users can be a key source of information in this regard.

6 **Sweden has more than a decade of experience in gauging the court user experience by conducting systematic user interviews in courts.** Over that time, thousands of people have been interviewed in more than 60 courts. The work has focused on the experiences of different types of court users, ranging from parties and witnesses, to lawyers and prosecutors. Interviews have also been conducted to assess the experience of staff with how they are treated internally.

7 **The Swedish courts use a method called the PDCA (Plan-Do-Check-Act) cycle³ for continuous improvement.** The cycle comprises four segments:

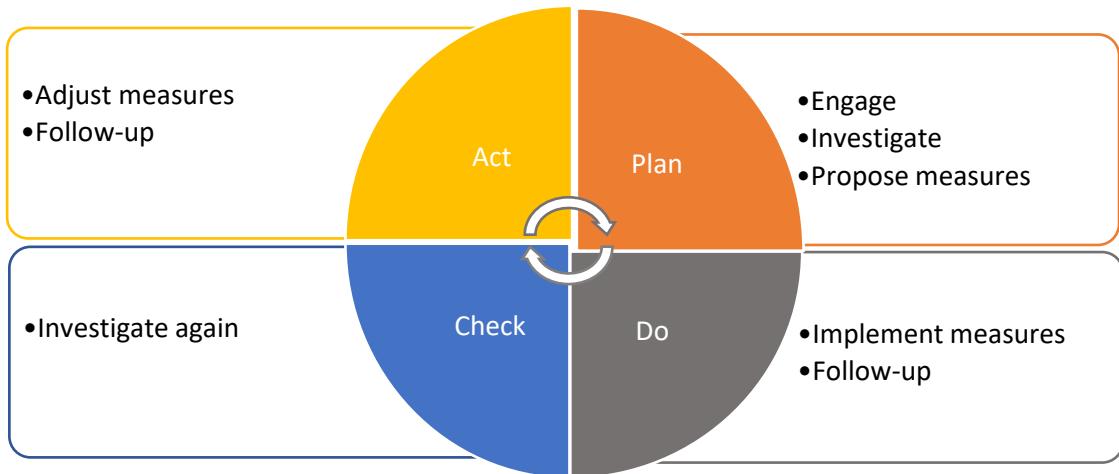
- a. First, the court investigates how court users experience the court process;
- b. Second, based on this information, the court devises ways to improve the user experience and introduces improvement measures;
- c. Third, the court evaluates the desired effects of these measures through fresh interviews, and;
- d. Lastly, the court uses the results of the user interviews to adjust those measures which have not had the desired effect.

Following the cycle, courts periodically interview court users and then take concrete measures in order to improve the court user experience. The process is intended to be repeated periodically, so that each court is working continuously on these issues, and ensuring that the courts are aware of any trends or changes in user satisfaction over time.

"The judge we had, she was so damn good. She's effing good. And the jurors were also good. Like, the judge. She started with presenting herself and kind of talked a bit about what would happen and such. This makes you feel a bit less nervous and you can relax a bit. Yes, and then she listened, looked at me when I spoke and I was able to say what I wanted, and such. It doesn't really matter if I go to jail."

³ The PDCA cycle is also used in other work in courts, for example with trying to improve the accessibility of language in court decisions. The PDCA Cycle, also called [PDSA](#) (Plan-Do-Study-Act), is a process for the continual improvement of a product, process or service.

Figure 1: The PDCA Cycle



8 The work has mainly focused at the individual court level. According to the report, experience shows that centralized work on these issues is not as effective, and that attitude change is most effective when judges and staff themselves are engaged in the continuous improvement process and feel ownership of it.

9 Convincing court staff and judges to change the way they work can be a difficult task. Experience from Swedish courts shows that results are more limited when judges and court staff are not committed to implementing new measures, for example, if the policies are introduced centrally and/or without consultation. The Swedish courts have found a way to address this issue by having judges and court staff engaged in all stages of quality work in their own courts, including personally conducting interviews to obtain user feedback. Judges and staff themselves are also integral to the process of suggesting solutions to the problems revealed through the interviews, implementing the measures, and then following up on the effects.

10 After the interviews have been conducted, the courts introduce concrete measures to address issues raised. The findings of the dialogue and occasional user surveys also contribute to the development of guidelines, policy notes and recommendations. Each court develops its own set of documents, tailored to its specific needs.

1.2. Methodology

11 The methodology to improve the court user experience involves both internal and external dialogue, where judges, staff and court users each have a say. The methodology is adapted by each court to fit its circumstances. The method used to conduct this work consists of 12 steps:⁴

⁴ Hagsgård, M.B. 2014. Internal and External Dialogue: A Swedish Approach to Quality Work in Courts. Onati Socio-legal Services, v.4, n.5 (2014) – Evaluating Judicial Performance.

Internal dialogue involving judges and other staff:

1. 5-10 members of staff are chosen by the court president to carry out interviews both internally and externally (and receive training in interviewing technique);
2. Selection of areas to be covered by the interviews;
3. Individual and anonymous interviews focusing on what is working well, what needs to be improved, and how to improve it;
4. Results of interviews are reported back to all staff and areas for improvement are identified;
5. Discussions in groups involving all staff with the task to give suggestions of concrete measures;
6. Decisions by the court president, and;
7. Discussions in groups of all staff regarding the results and any need of adjustments.

External dialogue with interested parties:

8. Interviews with representatives of lawyers and prosecutors focusing on what is working well, what needs to be improved, and how to improve it;
9. Interviews with court users (defendants, plaintiffs and witnesses) focusing on what is working well, what needs to be improved, and how to improve it.

Internal dialogue again:

10. Views of lawyers, prosecutors and court users are communicated to all staff and discussed in mixed groups with the task to suggest concrete measures of improvements;
11. Decision by court president, and;
12. Follow up involving interested parties and staff.

12 The work is carried out by court staff, including judges and other court employees, ensuring that they gain first-hand knowledge about court user experience. In addition to awareness, this also contributes to creating a drive among court employees to enhance the experience of the users. Court staff is also responsible for developing measures to address any problems in this area and improve user experience. Encouraging staff engagement in the interview work and the development of follow-up measures contributes to a system that works very well in practice as staff are best placed to assess which measures that are feasible in each individual court.

13 Interviews with parties and witnesses focus on the three stages of their court experience: the pre-court preparatory stage (i.e. the first letter, phone call, summons); arriving at court; and during the hearing. Parties and witnesses are also asked about the accessibility of the language in judgements in order to ensure that the language used is easy to understand and not too complicated or convoluted.

14 The interview format is quite simple. Most courts perform interviews with parties and witnesses present at court directly after their hearing has finished. In addition, interviews focused on the accessibility of the language of the judgment are conducted at the end of the case, immediately after the judgment is delivered. Approximately 90 percent of users agree

Court User Feedback: A Swedish Case Study

to be interviewed. Interviewers use guides with themes for what kind of questions to ask, but the interviewees are also free to ask follow-up questions. The interview length is on average 10-15 minutes, but depends on the interviewee and how much they want to communicate. All interviews are recorded and transcribed.

15 The number of interviews conducted varies in each court. Interviews continue to be held until so called “theoretical saturation” has been achieved, meaning that no new or additional information is obtained. In most cases, this means about 20 interviews, but numbers vary depending on the court (some courts have conducted up to 100 interviews, however, most common is 25-50 interviews).

16 Professional users, such as lawyers and prosecutors, are mostly interviewed in groups, while court staff interviews are conducted one-on-one and often take longer than interviews with parties and witnesses. Some courts also use user surveys, which are either filled out at the court premises or sent out to the users. However, in most cases, the courts conduct only interviews.



Photo: Johan Wingborg

1.3. Timing and length

17 **The 12 steps of the methodology take approximately one to two years to implement.** Interestingly, none of the courts that have used the method had any increases in pending cases; to the contrary, their case load had reduced when the method was introduced.

"It would have been really good with a map or a description of how to get there so that you know where it is located and where you can park the car. Now it was a bit difficult to know whether you'd make it on time, which can be quite stressful."

18 **The interviews are intended to be repeated periodically.** This to ensure that the courts are up to date with what users want as user preferences change over time, for example with the introduction of new technologies or shifts in expectations.

1.4. Costs

19 **The process requires some financial and human resources, albeit a small allocation.** Experience from the Case Study shows that the most successful courts are those that have allocated a small operational budget with human and financial resources dedicated to this work. According to the report, resource allocation is a minor operational adjustment only: rather an engaged and motivated court president is the most important factor for success. Allocating resources is easier for larger courts, and can be more difficult for smaller ones. One way to address this problem is for courts to cooperate on user interviews and pool their resources. This could be done based on different factors, for example geographical location or the size of the courts.

20 **Unfortunately, the Swedish National Courts Administration does not provide any detailed data on the costs of this work.** The idea behind the interviews is that they are conducted as an integrated part of the court's operational work and that they are carried out by court staff, who are supposed to get some relief from their other tasks. Each court decides how to do this work and the extent of it, hence the costs may vary between courts.

1.5. Results

21 **Follow-up interviews reveal that the measures introduced by courts have had a positive effect.** Parties and witnesses report that they receive more relevant information; the interaction with court staff has become more active; and staff feel more involved in hearings. Furthermore, the attitudes of those who draft court decisions seem to have improved and they themselves report that the language they use needs to become easier to understand for the general public. However, it is too early to tell whether the language used by court staff has become more accessible in practice. Practitioners, such as lawyers and prosecutors, report that the changes have

"There was nothing in the judgement that was not clear. It was easy to follow the reasoning and nothing was ambiguous. There were no words I could not understand and I did not think the decision was bureaucratic or difficult legally."

contributed to an environment where parties and witnesses feel more comfortable and involved. However, with regard to the language used in court decisions, they report that the results differ between courts and judges, and that there is still work to be done there.

22 **Court presidents also report positive changes in their courts.** Through the interviews, court staff have become more aware about the issues court users face and have become more

engaged in trying to address those issues. Some courts report efficiency gains and improvements in the rule of law. An interviewee says that there are “*fewer cancelled court proceedings. There is a greater will from all actors to work together to ensure that a proceeding can take place and within the indicated time.*” According to the report, court statistics show the reduction of pending cases already during the first year of the introduction of the method, which can be attributed to the introduction of better and uniform routines for handling cases. Staff also

report better work satisfaction. One court employee says there is “*more involvement from everyone. There is a collective sense of pride from getting feedback that we are doing the work in a good and proper way.*”

23 **The process has also led to the introduction of a range of improvements at courthouses, including:**

- a. uniform procedures for the preparation of cases by staff;
- b. more user-friendly checklists for appeal (which have been uploaded on the website of the Courts of Appeal);
- c. knowledge management activities to share corporate memory and improve the quality and quantity of information shared with users;
- d. better induction programs for new staff to the court, and;
- e. updated policies on the use of court interpreters.

“I thought I understood the judgement well. I understood what I did wrong and why I was sentenced.”

24 **In terms of improving court performance, the work has led to the following impressive results:⁵**

- a. More efficient handling of civil cases by judges;
- b. Shorter turnaround times for cases, and;

⁵ Hagsgård, M.B. 2014. Internal and External Dialogue: A Swedish Approach to Quality Work in Courts. Onati Socio-legal Services, v.4, n.5 (2014) – Evaluating Judicial Performance.

- c. Increased staff satisfaction by as much as 50 percent.

1.6. Lessons learned

25 **The interviews show that court users are mostly concerned about having their voices heard during court proceedings and being treated equally and with respect.** Users seem to

"The security guards were very nice. They even joked with me and said 'welcome in'. It was funny. No rude police-like behavior at all. It was actually super."

particularly appreciate when the judge explains their rights and the proceedings, listens to them and behaves objectively and neutrally. Users seem to also appreciate when court staff and judges treat them with empathy and kindness. This can involve active listening, showing interest, and using direct eye contact. Communication,

thus, seems like a key aspect of the court experience for court users. Where court staff are perceived as cold, formal and indifferent, court users report a more negative court experience.

26 **Courts need to be vigilant in implementing the full PDCA cycle, particularly the latter segments of monitoring the reforms that have been introduced. Many courts conduct the interviews, and several adopt reform measures.** However, only 16 percent of the courts have evaluated the work they have done, making it difficult to assess the impact of the entire process. Out of those courts, it is even fewer that have taken steps to tweak those measures that have not had the desired effect. This means that the different segments of the PDCA cycle are not being fully implemented, hence the PDCA cycle does not continually 'spin' as intended. In order to address this challenge and achieve long-term results, it is important for courts to ensure that the different segments of the PDCA cycle are implemented systematically and as part of the courts' agenda, and not as a side project.

27 **Another challenge has been in changing attitudes in courts on more difficult reforms.** It seems that many courts have chosen to address the easier 'low-hanging fruit', rather than more difficult challenges, such as improving workplace culture, or making the language of court decisions more accessible. It may also be difficult to engage judges in working on the development of their courts, as they feel valuable time is taken from their case work. Judges and staff may also 'go through the motions' of the exercise, without feeling full ownership and responsibility for the process and its outcomes. It can also be difficult to facilitate frank and constructive discussions about improvement measures in groups comprising both judges and court staff, given the hierarchical and cultural differences between the two. Finally, it is important to conduct the interviews and discussions on a regular basis and progress the dialogue.

1.7. Scalability for countries interested in boosting court performance

28 **The Swedish model outlined in this Case Study offers a practical and low-cost option for courts to improve user satisfaction and thereby improve court performance.** The tools that underpin the model are easy to implement. The model uses mainly existing resources, with only minimal adjustments at the court level. No legislative or policy change is required

from a central level, though support from the central level can assist. Furthermore, the improvement measures are also generally straightforward to implement and at low-cost.

29 **What the model most requires is the commitment of court presidents and staff.** In Sweden, the results appear to be most efficient if each court is responsible for carrying out the work by its own staff, so there is no need for centralized measures. However, as the Swedish experience shows, this also means that the commitment and level of effort varies significantly across courts.

3. Conclusion

30 **The experience of the Swedish Court Administration demonstrates that impressive results can be achieved to improve court user satisfaction, quality of justice, and overall court performance.** The Case Study reveals why and how user feedback is important and the many benefits it can bring for both court staff and users. Parties and witnesses feel more comfortable during proceedings, while court staff and judges feel increased workplace engagement and satisfaction. Courts have also reported efficiency gains, including improvements in timeliness and reductions in pending cases. Conducting user interviews requires commitment from the court, in time and some resources. It also requires that the work is followed through, and that measures are taken and follow-up interviews/surveys are conducted to periodically measure results and continually improve so that the PDCA cycle continues to ‘spin’.

