

Court Administration in Finland

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Introduction

Finland is one of the few countries in Europe where the central administration of the courts is a task for the Ministry of Justice, that is, an organ representing the executive power in the country.

In general, the Ministry of Justice maintains the legal order and legal safeguards and oversees the structures of democracy and the fundamental rights of citizens. The Ministry is responsible for the drafting of legislation, the operation of the judicial system and the enforcement of sentences.

Especially as regards the responsibility of the Ministry for the operation of the judicial system, it should be noted that the independence of the courts is guaranteed by the Constitution of Finland. The President of the Republic appoints the judges. In addition to the courts of law, the purview of the Ministry of Justice in this respect comprises the prosecution of offences and the work of the legal aid authorities.

According to the Constitution, everyone has the right to have a decision affecting their rights or duties reviewed by a court or another independent adjudicative organ. The Constitution also contains the fundamental provisions on the guarantees of a fair trial and good government. The most significant of these guarantees are the openness of proceedings, the right to be heard, the right to a reasoned decision and the right to appeal against a decision.

The Finnish Court System

The foundations of the Finnish court system are laid down in the Constitution of Finland. According to the Constitution, the general courts consist of the Supreme Court, the Courts of Appeal and the District Courts. The courts of administrative law, for their part, consist of the Supreme Administrative Court and the regional Administrative Courts. It is possible to establish special courts for specifically defined fields; the relevant provisions must be laid down by an Act of

Parliament. In contrast, the establishment of provisional courts is prohibited by the Constitution.

Accordingly, Finland operates a three-track court system directly by virtue of the Constitution. The general courts have jurisdiction over civil disputes and criminal matters and, more generally, over all matters that have not been specifically excluded from their jurisdiction. The courts of administrative law, in contrast, deal mainly with conflicts arising from the relationships of public authorities and private persons under public law. The special courts, that is, the Market Court, the Labour Court and the Insurance Court, have clearly defined jurisdiction over matters or types of matter specifically assigned to them.

Administration and Management of the General Courts

District Courts

General information. A grand process of unification of the courts of first instance in Finland was carried out in the early 1990s, when the District Court was created as the general court of first instance in all parts of the country. Originally, 70 District Courts were established to replace the earlier 25 Town Courts and 71 Circuit Courts. As of the autumn of 2006, the number of District Courts has been reduced to 58 owing to mergers. The process of merging smaller courts into larger units continues, with a middle-term objective of 50 District Courts by 2010.

Each District Court has a Chief Judge, who in addition to judicial duties serves as the court director, and one or more District Judges. Also the Junior District Judges, who deal with less complex civil and criminal cases, and the Trainee District Judges, who are serving their one-year judicial traineeship, can be characterised as professional judges. In addition to these legal professionals, the District Courts have Lay Judges and in certain case types also Expert Members. Experts participate in proceedings in land rights cases, admiralty cases, patent cases and military cases.

Administration and management. As noted, the Chief Judge is the director of the court. The organisation of work in a court is laid down in greater detail in its Internal Rules, as adopted by the Chief Judge. The Chief Judge must also see to it that cases are processed with due care and expediency and that the law is applied in a uniform manner.

The Chief Judge decides the court's administrative and financial matters. Crucially, the Chief Judge is also the main negotiator of the court in the annual performance negotiations between the Ministry of Justice and the court in question.

A court may also have an Executive Committee. The Executive Committee is not a decision-making body; instead, it serves as a forum for the preparation of decisions on administrative and financial matters and the gathering of sufficient data and comments for a decision to be made.

The four largest District Courts, i.e., Helsinki, Tampere, Oulu and Turku, have Administrative Directors. Their duties vary somewhat, on account of the differences in the Internal Rules of the respective courts. In practice, however, each Administrative Director is in charge of the smooth functioning of the

general, financial and personnel management of the court, thus assisting the Chief Judge in his or her task.

The largest District Courts have organised themselves into divisions or sections. A division or section, which consists of judges and other personnel, is headed by a District Judge appointed to the task. The provisions on the tasks of the heads of division are contained in the Internal Rules.

Courts of Appeal

General information. The historic Courts of Appeal of Turku, Vaasa and Viipuri (from 1945, Eastern Finland) were in the 20th Century complemented by the Courts of Appeal of Helsinki (1952), Kouvola (1978) and Rovaniemi (1979). Hence, there now are six Courts of Appeal in Finland. The establishment of the new courts arose directly from the heavy backlogs in the existing courts and from the endeavours to speed up the process.

The Courts of Appeal serve as general intermediate courts. They exercise mainly appellate jurisdiction, hearing appeals and complaints regarding decisions of the District Courts.

In addition to their adjudicative duties, the Courts of Appeal also have certain duties in judicial administration. They supervise the operations of their subordinate District Courts and, if necessary, take measures to remedy perceived shortcomings. A Court of Appeal may also submit proposals for legislative action or amendment.

A Court of Appeal's judicial staff consists of the President, who is also the director of the court, Senior Justices and Justices. In addition to the Justices, also the referendaries, who prepare cases for decision, are deemed to belong to the judicial staff. The Courts of Appeal do not have lay members, but in certain case types there are Expert Members participating in the proceedings.

Administration and management. Like the District Courts, also the Courts of Appeal are headed by a single official. The President of the Court of Appeal serves as the director of the court and is responsible for its performance. In this capacity, the President leads the Court of Appeal's negotiation team in the annual performance negotiations with the Ministry of Justice.

The President also adopts the Internal Rules of the Court of Appeal after having heard the personnel groups. In addition, the President sees to and develops the operational capacity of the Court of Appeal and sees to the achievement of performance targets; monitors the uniformity of the application and interpretation of legal principles and the law in the decisions of the Court of Appeal; sets the performance targets of the Court of Appeal Divisions; determines the criteria for the allocation of cases among the Divisions; assigns the Senior Justices, Justices and the referendaries to the various Divisions, normally for terms no shorter than one year; and sees to it that the Court of Appeal supervises its subordinate District Courts in an appropriate manner.

The President must hear all personnel groups before setting performance targets. The President will serve as a presiding justice in a division in so far as his or her other duties so allow.

For administrative affairs, each Court of Appeal has a Secretary General. Unless otherwise provided by the Internal Rules, the Secretary General prepares the budget and monitors compliance with it, monitors the achievement of the

result targets of the Court of Appeal and its Divisions, does public relations and information work, plans and organises training, prepares and presents matters for decision by the Plenary or the President, and prepares and presents the judicial appointment opinions to be issued by the Court of Appeal. In addition, the Secretary General must perform the other tasks that may be provided or ordered for him or her.

In the management and development of the operations of the Court of Appeal, the President is assisted by an Executive Committee. The Executive Committee is chaired by the President; the members are the Senior Justices and the Secretary General. The Executive Committee deals with proposals pertaining to the Internal Rules or the result targets of the Court of Appeal, monitoring of the achievement of the result targets, budget proposals, the personnel training plan, and the other matters referred to in the Internal Rules or assigned by the President.

As noted, the President may submit an administrative matter within his or her competence to be decided by the Plenary. The Plenary is composed of the President, the Senior Justices, the Justices and those temporary Justices whose term of appointment is at least one year. In addition, the President is entitled to refer administrative matters of lesser significance to be decided by the Secretary General; he or she may also take upon himself or herself to decide individual matters that otherwise would fall within the competence of the Secretary General or some other official.

The Supreme Court

General information. The main task of the Supreme Court, under the Constitution, is to administer justice in civil, commercial and criminal cases in the final instance. It also supervises the administration of justice by judges and enforcement authorities. In addition, the Supreme Court has certain tasks in judicial administration, mainly relating to judicial appointments. Before signing an Act into law, the President of the Republic may request an advisory opinion from the Supreme Court as regards legislation passed by the Parliament and as regards Åland legislation passed by the Åland Legislative Assembly. The Supreme Court is also entitled to make legislative initiatives to the Government.

The Supreme Court has “competence on competence” to rule on whether a case or a matter is properly within the jurisdiction of the general courts, the special courts or the administrative authorities as well as to rule on which court has territorial jurisdiction in a given case.

Administration and management. The operations of the Supreme Court are directed by the President, who also is responsible for the achievement of its performance targets. The Internal Rules of the Supreme Court are adopted by the Plenary. Also the Internal Rules mention the role of the President as the director of the Supreme Court.

Even though the President thus has a very important position, also the Plenary of the Supreme Court, composed of the President and the Justices, has many tasks relating to the administration and management of the Court. The Plenary makes decisions and issues opinions on legislative initiatives, opinions on legislative matters, matters relating to the Internal Rules, the performance targets and budget of the Court, the appointment of Justices, referendaries and

other court officials, disciplinary matters and other matters for the Supreme Court in so far as these are not to be decided by the President or an individual official.

The Secretary General of the Supreme Court works in close co-operation with the President to ensure its smooth operations, as well as presents the administrative and financial matters for decision to the Plenary or the President. The President may assign also other referendaries to present administrative and financial matters for decision. The Secretary General also directs and supervises the work of the clerical staff, as well as prepares the personnel matters to be decided by the Plenary or the President.

The Supreme Court has recently established a position of Administrative Officer. This official assists the President and the Secretary General in their tasks relating to the management of the Court and the direction, monitoring and reporting relating to the entirety of the general courts system.

Administration and Management of the Courts of Administrative Law

Regional Administrative Courts

General information. The regional Administrative Courts were established in 1999 as the result of a prolonged and comprehensive development process. The Courts are descendants of the earlier County Courts, whose independence as judicial organs was confirmed as late as 1989. In the context of the administrative court reform, the national special court for water rights matters, the Water Court of Appeal, was disestablished. Together with the Vaasa County Court, it formed the basis for the new Administrative Court of Vaasa.

The Åland Administrative Court was established in 1994 by a specific Act. It operates in connection with the District Court of Åland.

The Administrative Courts hear and decide administrative appeals, cases of administrative litigation and other matters assigned to them by statute. They have jurisdiction over local, regional and national State authorities, as well as over municipalities and other public authorities.

Administration and management. The Chief Judge is the director of the Administrative Court and is responsible for its performance. The Chief Judge represents the Administrative Court in the annual performance negotiations with the Ministry of Justice.

The Chief Judge also adopts the Internal Rules of the Court after having heard the Plenary. The management of the Administrative Court includes e.g. seeing to and developing the operational capacity of the Administrative Court and seeing to the achievement of the result targets; monitoring the uniformity of the application and interpretation of legal principles and the law in the decisions of the Administrative Court; setting performance targets; and deciding on personnel matters.

The Chief Judge has residual competence over those internal administrative matters of the Court that have not been provided or ordered to be decided by the Plenary or another court official. The Administrative Courts do not have designated positions of Administrative Director; instead, the job is performed by

an official who has been appointed to it. The Administrative Director manages and supervises the clerical work in the court; sees to internal communications and to the information and public relations work of the Administrative Court; plans and organises training; and prepares and presents for decision to the Plenary or the Chief Judge matters pertaining to the internal administration of the Court, unless otherwise ordered by the Chief Judge.

An Administrative Court has an Executive Committee to assist the Chief Judge in the management and development of the operations of the Court. The Committee is chaired by the Chief Judge; the membership consists of the Administrative Director and other personnel of the Court as provided in the Internal Rules.

The Supreme Administrative Court

General information. The Supreme Administrative Court exercises supreme adjudicative authority in matters of administrative law. It also supervises the application of the law in its field of competence and may submit proposals to the Government for legislative action. The President of the Republic may request an advisory opinion from the Supreme Administrative Court on Acts of Parliament before signing these into law.

There is generally an unfettered right of appeal to the Supreme Administrative Court against decisions of the Administrative Courts. There are, however, certain case types that are either subject to leave to appeal or cannot be appealed at all. Moreover, if the Supreme Administrative Court deems that the appeal turns on the assessment of the material appropriateness of the decision under appeal rather than its legality, the court will refer the matter to the Government for decision. Also some rulings of the Market Court are open to appeal to the Supreme Administrative Court. In addition, the Supreme Administrative Court is the first (and final) appellate instance as regards the decisions of the Government and the Ministries.

Administration and management. The President leads and supervises the work of the court. He or she has the specific duty of seeing to the uniformity and expediency of the administration of justice by the Supreme Administrative Court, as well as seeing to it that other administrative adjudication is monitored in an appropriate manner.

The Supreme Administrative Court has also a Secretary General. The duties of this official include making proposals to the President for the development of the operations and working methods of the Supreme Administrative Court; seeing to financial management; and supervising the clerical staff.

Similarly to the Supreme Court, the Plenary of the Supreme Administrative Court wields significant powers of administration and management of the court. Namely, in addition to cases for adjudication, the Plenary makes decisions and issues opinions on e.g. the appointment of Justices and referendaries to the Supreme Administrative Court, and on the multiyear plan and the annual budget of the Supreme Court.

As noted, the Supreme Administrative Court deals with administrative issues not only in the Plenary, but also in Administrative Committee, consisting of the President, the heads of the Divisions and four other Justices, assigned by the Plenary for a term not exceeding three years.

The President has residual competence to decide matters that have not been provided to be decided by the Plenary, the Administrative Committee or the Secretary General.

Administration and Management of the Special Courts

The Market Court

General information. The newly constituted Market Court, combining the functions of the earlier Market Court and the Competition Council, commenced operations in 2002.

The Market Court has exclusive jurisdiction over cases relating to restrictions of competition and public procurement, as well as cases relating to business practices.

Administration and management. The Chief Judge is the director of the court and is responsible for its performance. The Chief Judge also adopts the Internal Rules. In addition, he or she is the lead negotiator for the court in the annual performance negotiations with the Ministry of Justice.

The Labour Court

General information. The Labour Court deals with and decides disputes concerning collective bargaining agreements and civil service collective agreements, as well as disputes arising from collective bargaining legislation. If a duty to perform or the application of a collective bargaining agreement or civil service collective agreement to a given individual case depends on the resolution of a dispute referred to above, the Labour Court is competent to deal with and decide the relevant action at the same time. Hence, the court will not deal with all employment cases. Disputes over an employment contract are dealt with by a District Court. Similar disputes over a civil service relationship are dealt with either by the Civil Service Board or an Administrative Court.

In the matters within its competence, the Labour Court is the final instance. Its judgments are not open to regular appeal and they can be enforced at once.

The Labour Court consists of the President and the Labour Court Justice, both full-time judgeships, and fourteen part-time members. Eight of the part-time members have experience of labour relations; four are appointed on the nomination of employer organisations and four on the nomination of employee organisations. Another four part-time members have experience of civil service relations. There are an additional two part-time members who represent neither interest group.

Administration and management. The organisation of the work of the court is laid down in greater detail in the Internal Rules of the Labour Court. The President of the Labour Court adopts the Internal Rules after having heard all personnel groups and after the issue has been discussed in a session of the court.

The President represents the court in the annual performance negotiations with the Ministry of Justice.

The Insurance Court

General information. The Insurance Court is the special court for social insurance matters. It deals with cases relating to workers' pensions, national

pensions, injuries at work, unemployment benefits, injuries in military service, crime injuries, housing support, student support, invalidity support, rehabilitation, child-care support and pensioners' care support. In these case types, the Insurance Court has exclusive jurisdiction in Finland.

The Insurance Court consists of the Chief Judge, Senior Judges and Judges. In addition, the court has part-time physician members, members well versed in working conditions or enterprise, and members well versed in matters relating to injuries in military service.

Administration and management. The Chief Judge of the Insurance Court is the director of the court and is responsible for its results. The Chief Judge is assisted by the Executive Committee, consisting of the Senior Judges and the Secretary General in addition to the Chief Judge. The Chief Judge also represents the court in the annual performance negotiations with the Ministry of Justice.

Relationship Between the Central Administration and the Courts

Department of Judicial Administration

In the context of the 2005 reorganisation of the Ministry of Justice, also the Department of Judicial Administration underwent an internal reorganisation. The Department, headed by the Director-General, is now divided into six Units. These are the Legislation and Strategy Unit, the Court Administration Unit, the Legal Aid Administration Unit, the Enforcement Administration Unit, the Training Unit, and the Finance and Personnel Unit.

The *Court Administration Unit* has as its main task the performance-based management of the court system. Officials in the Unit conduct annual negotiations with the individual courts for the setting of performance targets and the allocation of operational resources. This task, with the inherent requirement of close co-operation and frequent contact with the courts and their managers, forms the greater part of the workload of the officials. The Unit is also in charge of the judicial divisions in the country, which means that it is heavily involved e.g. in the planning and implementation of mergers of small District Courts into larger, more efficient units. Other tasks of note are the representation of the interests of the State in court proceedings arising from alleged judicial misconduct, as well as the planning and definition of objectives relating e.g. to IT specifications and the procurement of technical equipment for the use of the courts.

The newly established *Strategy and Legislation Unit* is involved in the drafting of middle-term strategic plans for the judicial sectors, as described at greater length below, as well as the preparation of organic legislation relating to the court system. In contrast, the drafting of procedural legislation is a task mainly for the Law Drafting Department of the Ministry of Justice. Substantive legislation is also being drafted by the latter Department, as well as by various other Ministries in their respective sectors of competence. Strategy work, both in terms of preparation and of dissemination, and the drafting of organic legislation will form the main remit of the Unit also in the future. The Unit is also involved in international co-operation relating to the research and development of judicial

issues, e.g. in the context of CEPEJ, the European Commission for the Efficiency of Justice (under the auspices of the Council of Europe).

The *Legal Aid Administration Unit* sees to the performance-based management of the Public Legal Aid Offices in Finland. The Unit is also involved in the design of new forms of legal advisory services, e.g. by way of telephone or the internet. Also the performance-based management of the provision of consumer advice and advocacy has recently been made a part of the remit of the Legal Aid Administration Unit.

The *Enforcement Administration Unit* is in charge of the performance-based management of the Enforcement Offices in Finland. These offices see to the compulsory collection of judgment debts, public charges and fees, and fines imposed within the penal system, and then to the disbursement of the funds so collected to the relevant creditors.

The *Training Unit* is in the business of providing continued training to, and procuring continued training for, court managers, judges, other court staff, legal aid personnel, enforcement personnel and others active in the field of administration of justice. The work of the Unit is described in greater detail below. In addition, officials in the Training Unit participate in the work of a judicial training network for the EU countries.

As the name indicates, the *Finance and Personnel Unit* is mainly involved in the administration of the finances and human resources of the Department and the administrative sector. Its ambit covers not only budgeting and appointments (including the reallocation of personnel resources between courts on the basis of need), but also procurement, real estate, and security arrangements.

Ideas for the development of the central administration of the courts

In 2003, the Commission of inquiry into the development trends of the court system in Finland held that the development needs make it necessary also to evaluate the functioning of the central administration of the courts and to reform and develop its operations.

It was argued that the central administration should have a dedicated unit, with adequate resources, for the development of and research into the court system and for the support of court management. In all development work co-ordinated by the central administration, the judiciary and the other court personnel should be properly represented. It is required of the central administration that it can perform its tasks in the administration of the court system efficiently, reliably and expertly, taking due note of the special characteristics of the courts. The central administration should be arranged with an eye on the more general trends of administrative reform and international comparisons. The central administration model should also be in concord with the independence of the courts.

In addition, the Commission noted that the performance management system is not without its problems as regards the independence of the courts. The planned intensification of the system and the more extensive benchmarking and evaluation of the quality and impact of the courts' work might aggravate these problems. Nevertheless, there was a recognised need for the development of a more finely tuned quality measurement and resource allocation mechanism for the court system. In order to secure the independence of the courts, the judges

and the courts should be intrinsically involved in the development of that mechanism.

The Commission discussed also the role of the supreme courts and the Courts of Appeal in court administration. The control exercised by the Supreme Court, the Supreme Administrative Court, and the Courts of Appeal over the courts subordinate to them by means other than case-law has not been defined in any detail, and should in the opinion of the Commission be clarified. Cooperation in this respect should not be based on the formal hierarchical relationships of the courts, but rather on the participation of all instances on an equal basis, combining different viewpoints and competences and seeking best practices and improvements in the professional skills and competence of the judges and their common collegial identity.

Notably, the majority of the Commission was of the opinion that the courts' central administration should be reformed and developed on the basis of an agency model, separated from the Ministry of Justice. A central administrative agency of this kind would serve better than other models for the strengthening of court development work and ensure that the courts have effective central support in their development aspirations. Court personnel would be well represented in the development and in the decision-making concerning the court system. The model would be clear also in its organisational and administrative structure. The adoption of this model would correspond to the recent trends of administrative reform in Finland, as well as the specific reforms of courts' central administration internationally — especially in the other Nordic countries. A central administrative agency for the courts, separate from the Ministry of Justice, would emphasise the independence of the courts and also otherwise clarify their status within the structure of society. This would have a positive effect on the public image of the courts and the trust they enjoy among the public.

In contrast, the minority of the Commission was of the opinion that the development of the court system does not require the establishment of a separate central administrative agency. There is need for a specific court development unit to be established within the Ministry of Justice. The task of the unit would be e.g. to develop methods for the monitoring of the quality of court work and to support the courts' own development efforts.

Current Situation

Personnel statistics

In 2005, the personnel statistics show that there were a total of 888 judges in Finland. It should be noted here that this figure, as well as the other staff numbers discussed here, is expressed as person-years. Hence, there were 888 positions of judge in Finland in 2005, but the number of individuals serving as a judge over that year was naturally somewhat larger.

In addition, there were 411 referendaries, 34 Junior District Judges, 201 positions of Trainee District Judge, 269 process servers and a total of 1,677 clerical staff. All in all, the court system of Finland employed 3,480 staff (person-years) in 2005.

Among the judges, the staff number breakdown was as follows. The general courts: 672 judges (19 in the Supreme Court, 174 in the Courts of Appeal and 479 in the District Court. The courts of administrative law: 180 judges (20 in the Supreme Administrative Court and 160 in the regional Administrative Courts). The Labour Court had 2 judges, the Market Court 7 judges and the Insurance Court 27 judges.

Appointment of judges

Since March 2000, Finnish judges have been appointed by the President of the Republic on recommendation from the Minister of Justice, as advised by a Judicial Appointments Board. The Board is expected to promote the recruitment of judges from all walks of legal life, that is, from among court referendaries, the civil service, academia and the legal profession. The Judicial Appointments Board is composed mainly of members of the judiciary, but three members come from outside the judiciary. One is a practising lawyer appointed by the Bar Association, another is a prosecutor appointed by the Prosecutor General, and the third is an academic appointed by the Ministry of Justice.

However, the main innovation is that the recommendations of the Judicial Appointments Board are supposed to be followed not only by the Minister of Justice but also by the President of the Republic. In fact, this has always also been the case, with a single exception: The Board had voted 6-5 between the two main candidates and the appointment was finally given to the minority candidate.

At times there is a need to appoint a judge for a fixed period; this is a task for the Supreme Court and Supreme Administrative Court, respectively; these instances appoint judges to temporary positions for a year or longer. Shorter appointments are normally a matter for the chief of the court in question.

Judicial training

In Finland, judicial training has traditionally been based on practical training in the courts and on the in-service training for judges that the Ministry of Justice provides. At present, a reform of the judicial training system is under way, albeit stalled for at least a year owing to the upcoming parliamentary election.

As the matter now stands, the road to judicial office goes normally through the court system itself, with referendaries with long work experience moving forward to judgeships.

At present, the typical career of a judge in Finland proceeds as follows: University degree in law - Judicial traineeship at a District Court (one year, general training) - Work as a referendary at a Court of Appeal or Administrative Court - Possible temporary service as a District Judge, Justice of a Court of Appeal or Administrative Judge - Appointment to a tenured judgeship.

Accordingly, the training towards a judicial office is obtained through learning by doing. Where possible, the referendaries are given career advice and support, and they are encouraged to broaden their experience through temporary appointments and service in various deciding compositions of the court.

Judges are appointed by the President of the Republic on the basis of recommendations given by the Judicial Appointments Board. The Ministry of Justice does not play any significant role at this stage of the judicial career. The Ministry does see to the human resources planning of the courts and determine

the annual intake of trainees. Referendaries participate in the in-service training offered to judges.

In contrast, the Ministry of Justice is in charge of the provision of in-service training to the judges. The Training Unit of the Department of Judicial Administration offers some 300 training days to judges and other legal staff every year.

The objective of the in-service training is that the judges would have access to training and self-improvement opportunities in all branches of the legal system and in other skills and knowledge useful for judicial work. Thus, in addition to legal subjects, judges are provided e.g. with language training, leadership skills training and IT training. There has been a special emphasis on the management of proceedings in the courtroom and on the skills and knowledge contributing to this judicial task.

The content of the training varies in accordance with the specific need being addressed. The need for training, in turn, is determined in accordance with the requirements of judicial work, the development of work processes and procedural legislation, as well as the demands of society. The determination of the need for training is an essential element in the development of judicial training. This work is undertaken in co-operation with the judges themselves. The groups of judges commenting on judicial training correspond to the scientific committees established in certain other countries. In addition, each individual training event has its own development team, consisting of judges and other relevant experts.

The duration of the in-service training events offered to judges varies on the basis of the needs for training, ranging from brief information sessions to long-term training programmes. Methodologically, the in-service training aims to combine theories and practical issues so as to achieve the best possible learning results. The methods employed range from lectures and presentations to group work, casework, simulations and self-directed study. In the context of certain development projects, also video recording has been used as a training aid.

Over the past decade or so, there have been numerous major reforms carried out in Finland relating to the court system, proceedings and structures, all of which have included also a considerable training element. The development projects have been carried out by first training a number of judges and other personnel as peer educators in their own agencies. At the busiest, some of these multiyear projects, such as the civil procedure reform and the District Court reform in 1993-1998, have had dozens of judges working as peer educators for extended periods of time. These thoroughly trained peer educators have later been a valuable source of training expertise for the in-service training organised by the Ministry. This "training-for-trainers" method has proven to be an excellent tool for carrying out many of the recent reforms in the court system. It is also a means for emphasising the independence of the judiciary, which is an interest that must be kept constantly in mind in the planning and organisation of in-service training.

In practical terms, the training is arranged by Ministry officials and to a considerable extent also by way of co-operative arrangements with certain Universities. Professors, other experts and serving judges all work as trainers.

Normally, Ministry officials themselves work as trainers only in information sessions concerning new legislation.

Judges participate in training on a voluntary basis. Nevertheless, the objective is to develop the management of skills and ability in all courts to such a standard that the courts, under their chief judges, would self be able to see to the procurement of the requisite skills and to set up personal development plans for the judges so that both the needs of the courts and those of the judges can be served as well as possible. The idea is that the judges would then be able to use the training offered by the Ministry of Justice and by other service providers in accordance to their personal plans.

The Ministry provides information on its courses and training events on the Intranet of the judicial administration, in the annual training calendar, and in specific invitations sent to the courts. The judges select the events that they wish to participate in on this basis. The training practices adopted by the Ministry are intended to promote the independence of the judiciary. The development teams consisting of judges, the training needs determined by the commentator groups, the service of judges as peer educators, and the opportunity of the judges to seek training on their own accord all support the ideal of judicial independence. Naturally, the coherence of the training participation and the link between the training and the needs of the court will also be left to the management of the courts to sort out.

As noted above, a reform of judicial training in Finland is in the works. The objective of the reform is to support more open recruitment processes, intended to promote a broader experience base among the judges, as well as raise the professional standard of judges by enabling the procurement of judicial skills and knowledge through an organised training programme, where lawyers from a variety of career backgrounds can undergo training in the courts and other agencies of judicial administration based on their individual needs. This training would proceed under supervision and the trainees would be evaluated by experienced tutor judges. Completed training would hopefully be considered a merit when the individual later seeks judicial office.

The persons participating in the training programme would also attend common training sessions, intended for the dissemination of theoretical information and the provision of training advice. The programme would be entered through a centralised selection procedure, to be administered by a Judicial Training Board. The Board would be in charge of the organisation of the initial training as well as adopt the content of judicial in-service training.

The debate about the development of the judicial administration is also under way in Finland. The future of the relationship between the Ministry of Justice and the courts will of course depend on the outcomes of this debate. In like manner, the relationship between the Judicial Training Board and the Training Unit of the Ministry will be decided at the same time. Until such time, the Board and the Unit would be functioning in co-operation, with the Board competent to adopt the annual training schedules and the main emphases of the training.

Future Developments

Judicial policy strategy

Ultimately, the task of the court system is to provide judicial services; this means that the services, the processes and the resources must be planned so that they correspond to the foreseeable demand for services. The decisive factor is not what kind of judicial system we would prefer, but rather what kind of judicial system we must have.

The viewpoint of effectiveness, introduced by the recent reform of Finnish legislation on State finances and the budget, is a new one when it comes to the operational planning of the judicial system.

Accordingly, all state agencies in Finland must draw up annual final accounts, containing also a report describing “the operational effectiveness of the agency, the development of the same and the effects that it has had on the development of societal effectiveness”. This reform of the budget legislation means a change in the *accountability* of the agencies. With the latest step, the consideration of effectiveness, the earlier narrower concept of accountability have been expanded to mean societal accountability, that is, the added value that the public agency is providing to those customers and stakeholders who need or use public services.

The budget legislation places effectiveness targets squarely in the midst of strategic planning and hence makes them the responsibility of the Ministries. That being said, the many special characteristics of the court system, not least the independence of the judiciary and the large number of geographically dispersed agencies, make it probable that the goal-setting will be easier if the Ministry and the courts co-operate and interact to that end.

Effectiveness can be approached from at least four viewpoints:

- What is the value for the money that the taxpayers and the society get from the court system?
- Who needs the services of the court system?
- What would happen, if there were no court system?
- What is the value added by the court system to the customers and the society?

The court system has an effect on the society through the *services* it provides. The relevant mechanism is the fair trial, where the effects of the service correspond to the law and the expectations of the society. The court system is also a significant provider of welfare services. It safeguards the interests of the citizens, so that the risk of their rights being violated is low and their welfare as rightsholders remains high. Effectiveness of this kind can be assessed by asking what would happen if there were no court system and by comparing Finland to other countries where people’s welfare as rightsholders is not at the same high standard as it is in Finland. Effectiveness of this kind does not depend on the productivity numbers of the court system, but rather from it having a functioning network of services and a viable organisation.

To comprehend the new accountability with its emphasis on effectiveness, to concretise of the effects of the operations and their effectiveness, and to design

appropriate benchmarks for the evaluation of the same, are a very important stage in the strategy process, one that may require also a new form of “customer-centeredness” also in the court system. Following the assessment of the demand for services and the effectiveness targets, the services (the product), the processes and the resources should be adjusted so that they correspond to the demand and to the requirements of effective operations.

In the near future, this will be a huge challenge for the court system and for its central administration, whatever the form it will ultimately have.