



The Judiciary Performance Enhancement Tool - PET

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**Hon. Mr. Justice Mike Chibita, Justice of the Supreme Court and
Chairperson – The Judiciary Performance Enhancement Committee**



Presentation Outline

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Background and Introduction

Background:

The Judiciary Performance Enhancement Committee (PEC) was established by the Hon. The Chief Justice on the 7th of February 2020, under Office Instrument No.1 of 2020 to handle activities relating to the implementation of the Performance Enhancement Tool. Its work follows the efforts of the earlier PEC of 2016.

Introduction:

It was envisaged that continuous monitoring of performance of the judiciary staff would help identify gaps & bottlenecks involved in judicial service delivery as well as improve accountability. The Judiciary has developed the Performance Enhancement Tool to enable it evaluate its efficiency and effectiveness.

The Objectives

The Main Objective:

To develop and Implement an online Performance Enhancement System which provides for an impartial way of conducting performance management of Judges and Justices of the Superior Courts (Justices of the Supreme Court, Justices of Court of Appeal and High Court Judges) as well as other Judiciary staff.

The Specific Objectives:

- 1) To provide for quantitative and qualitative assessments for the Judicial and non-Judicial staff.
- 2) To provide for an appropriate Judicial Case Court Weighting Scheme
- 3) To provide mechanisms to safeguard the independence of Judiciary and its Judicial officers.
- 4) To provide efficient mechanisms for managing and improving the Performance Monitoring and Evaluation System for Judges and Justices.
- 5) To provide for effective and efficient monitoring, supervision, appraisal, training and promotion of Judiciary staff.
- 6) To provide for guaranteed confidentiality and integrity of the appraisal process.

The Justification For PET

- 1) The Justices at the Supreme Court, Court of Appeal and Judges of the High Court (International Crimes Division) sit in a Coram and hence their performance needs to be evaluated per Coram.
- 2) The management of cases, which is a core function of Judicial Officers, involves a number of players such as Police, Prosecutors, and Advocates who need to participate in the measurement of Performance.
- 3) The Constitutional independence of Judicial Officers in the course of their work poses great challenge in performance measurement using the Ministry of Public Service Appraisal form.
- 4) The Training programmes are not coherent with, or informed by the performance management process thus a need for an integrated Performance Management tool .

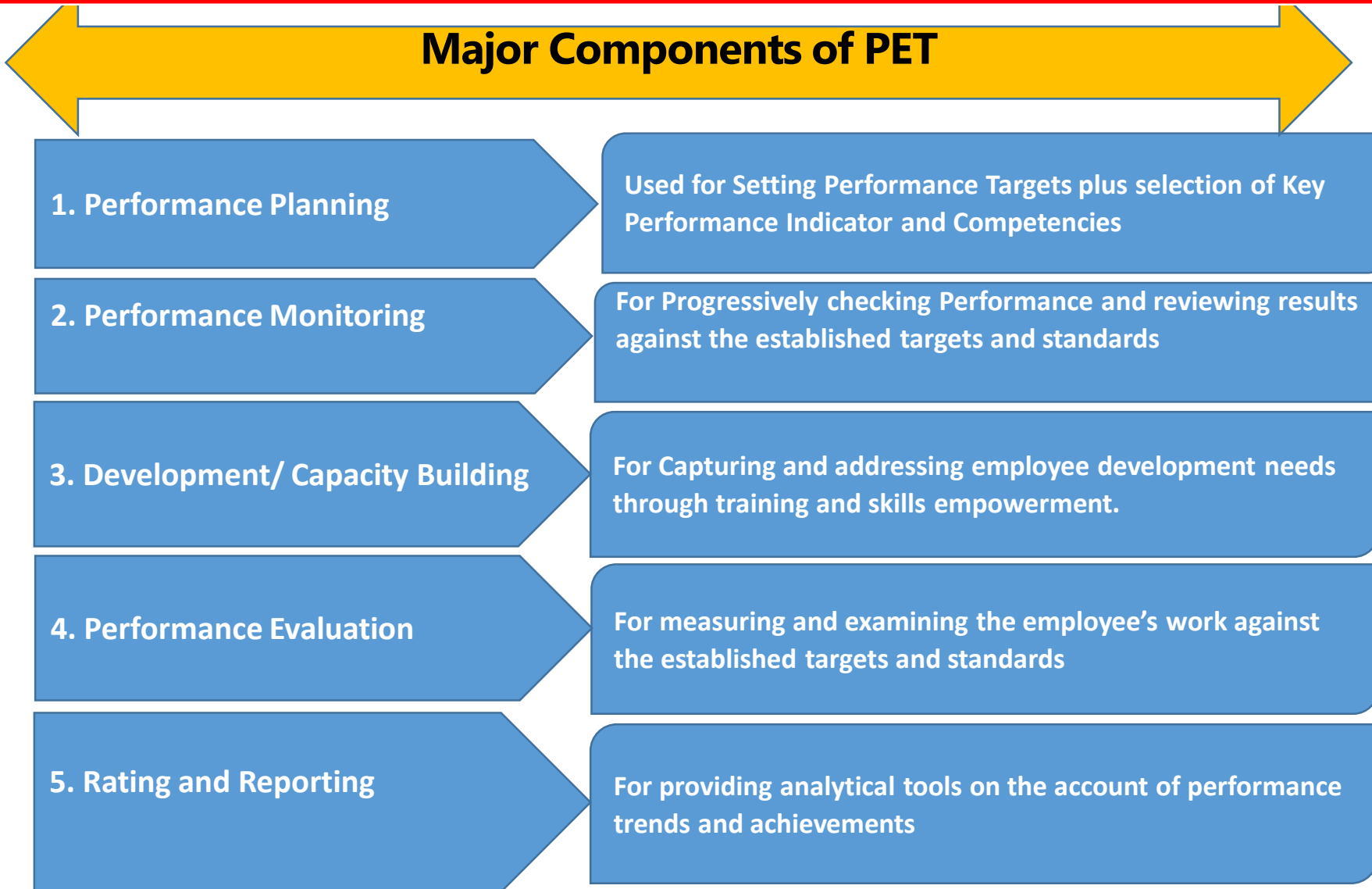
Cont'd: The Justification For PET

- 5) The case of promotion for Judicial staff, and particularly Judges is as a result of recommendations from the JSC, with the final appointing authority being the Executive. There is need of a robust performance management system that enhances performance and merit-based culture to inform decisions on promotion.
- 6) The Performance management system need to be backed up by a culture that recognises and rewards employee performance through incentives.

Due to the uniqueness of the Judicial work of case management, the appraisal system from the Ministry of Public Service was deemed inappropriate in the measurement of performance in the Judiciary. Thus the need to develop a tailor made online Performance Measurement Tool for the Judiciary was fronted to drive the Judiciary to the next level of performance management with the PET.

The PET tool was Launched at the last 21st Annual Judges Conference held on the **28th – 31st January, 2019**, by His Excellency the President of Uganda.

The Judiciary Performance Enhancement Tool



The Judiciary Performance Enhancement Tool

The Scores of the 360 Degrees Assessment Model

Actor	Score
Self-Appraisal	15%
Supervisor	35%
Subordinate	10%
Peers	20%
Court Users Survey (Collected through Surveys)	
Lawyers	5%
Prosecutors	5%
Public	10%
Total	100%

Assessing the Courts that sit in a Coram

In the case of appellate and other panel courts, the following scheme would apply;

- i. All Justices participating on the panel get the weight of the case as per the case category;
- ii. The Justice who writes the lead judgment gets an extra 50% of the case weight as per the category;
- iii. The Justice who writes a lengthy concurring judgment gets an extra 50% of the case weight as per the category;
- iv. The Justice who writes the dissent judgment (if any) gets an extra 50% of the case weight as per the category;
- v. The case weight score for the single Justice applications are allocated to the Justice concerned in handling the case matter.

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The Sample Summary Report of PET 360 Degrees Assessment

Section 4 : Overall Assessment								
Reviewer		Weight	Overall Rating					Effective Score
Category	Name		Key Performance Indicator (M)	Core Competencies Assessment (N)	Non-Core Competencies Assessment (O)	M+N+O	Overall Rating	
Supervisors	Stephen Mubiru	35.00%	4.00	4.15	4.30	12.45	4.15	29.05%
Subordinates	Catherine Agwero	10.00%	-	4.75	4.48	9.23	4.61	9.23%
Peers	Susan Abinyo	20.00%	-	4.65	4.65	9.30	4.65	18.60%
Self	Thomas Ocaya	15.00%	4.30	4.40	4.15	12.85	4.28	12.85%
Advocates	-	5.00%					5	5.00%
Prosecutors	-	5.00%					4	4.00%
Public	-	10.00%					5	10.00%
Final Rating								88.73%

THE AREAS OF PERFORMANCE ASSESSMENT

1. KEY PERFORMANCE INDICATORS (KPIs) – ASSESSED BY SUPERVISOR & SELF

S/No.	1. Key Performance indicators (Assessed by Supervisor and Self/ Appraisee)
1.	Annual Weighted Civil Suits for High Court Judges @ 6 Points: Weight = 40%
2.	Annual Weighted Miscellaneous Causes for High Court Judges @ 5 Points: Weight = 20%
3.	Annual Weighted Miscellaneous Causes for High Court Judges @ 1 Point: Weight = 30%
4.	Annual Weighted Civil Appeals for High Court Judges @ 3 Points: Weight = 10%

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The Sample Assessment Form for Key Performance Indicators



Appraisal Cycle A1 For Judge Thomas Ocaya 2023-Ocaya Ojele - Ocaya Ojele Thomas

Key Performance Indicators

Annual Weighted Civil Appeals for High Court Judges (@ case = 3)
(Weight : 30)

Description:

Status: In Progress

Completion: 0%

Rating:

Comment:

Annual Weighted Civil Suits for High Court Judges (@ case = 6)
(Weight : 50)

Description:

Status: In Progress

Completion: 0%

Rating:

Comment:

THE AREAS OF ASSESSMENT

2. CORE COMPETENCES (CC) – ASSESSED BY ALL

S/No.	2. Core Competences (Assessed by Supervisor, Self, Peers and Subordinates)
1.	Accountability
2.	Leadership and decision making
3.	Problem Solving
4.	Communicating Effectively
5.	Teamwork

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The Sample Assessment Form for the Core Competencies



Appraisal Cycle A1 For Judge Thomas Ocaya 2023-Ocaya Ojele - Ocaya Ojele Thomas

Core-Competencies

Ethics and Integrity

Ability to uphold actions that are consistent with the accepted social and ethical standards *(Weight : 25)*

Rating:

Comment:

Willingness to act in ways that are consistent with Judicial Service values, principles and professional standards *(Weight : 25)*

Rating:

Comment:

Strategic Thinking and Analytical

Ability to adhere to organization's principles, ethics and values *(Weight : 25)*

Rating:

Comment:


THE AREAS OF ASSESSMENT

3. NON - CORE COMPETENCES (CC) – ASSESSED BY ALL

S/No.	3. Non-Core Competences (Assessed by Supervisor, Self, Peers and Subordinates)
1.	Commitment to own personal development and training
2.	Ensuring Customer Satisfaction
3.	Respect and Courtesy
4.	Commitment to work and organizational development


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The Sample Assessment Form for the Non-Core Competencies

 x Appraisal Cycle A1 For Judge Thomas Ocaya 2023-Ocaya Ojele - Ocaya Ojele Thomas


Non-Core Competencies

Respect, Courtesy and Commitment

 Commitment to work and organizational development (Weight : 25)


Rating:

Comment:

 Respect for colleagues and clients (Weight : 25)

Rating:


Comment:

 Treating colleagues and clients with courtesy (Weight : 25)

Rating:

Comment:

Ensuring Customer Satisfaction

 Ensuring client satisfaction (Weight : 25)

Case Disposal Targets by Judicial Officer Rank

S/No	Judicial Officer Rank	Annual Disposal Target	Case	Average Monthly Case Disposal Target
1	Judges	300		25
2	Registrars	400		33
3	Deputy Registrars	400		33
4	Assistant Registrars	400		33
5	Chief Magistrates	600		50
6	Principal/Senior Magistrate Grade1	300		25
7	Magistrates Grade I	300		25
8	Magistrates Grade II	250		21

Case Weighting Scheme for Supreme Court

Court Level	Case type	Case Category	Relative Base Case Weight (Points)
Supreme Court	Civil	Civil Appeals	4
Supreme Court	Civil	Civil Application	3
Supreme Court	Civil	Constitutional Cases Applications	1
Supreme Court	Civil	Constitutional Petition Cases	5
Court Level	Case type	Case Category	Relative Base Case Weight (Points)
Supreme Court	Criminal	Criminal Appeals	3
Supreme Court	Criminal	Criminal Applications	3

Case Weighting Scheme for Court of Appeal/CC

Court Level	Case type	Case Category	Relative Base Case Weight (Points)
Court of Appeal/ CC	Civil	Civil Appeals	4
Court of Appeal/ CC	Civil	Civil Application	3
Court of Appeal/ CC	Civil	Constitutional Petition Cases	5
Court of Appeal/ CC	Civil	Election Petition Appeals	7
Court of Appeal/ CC	Civil	Election Petition Applications	1
Court of Appeal/ CC	Civil	Mediation Cause	4
Court Level	Case type	Case Category	Relative Base Case Weight (Points)
Court of Appeal/ CC	Criminal	Criminal Appeals	3
Court of Appeal/ CC	Criminal	Criminal Applications	3

Case Weighting Scheme for High Court Commercial

Court Level	Case type/ Division	Case Category	Relative Base Case Weight (Points)
High Court	Commercial	Arbitration Cause	1
High Court	Commercial	Bankruptcy Petition	5
High Court	Commercial	Civil Appeals	3
High Court	Commercial	Civil Revisions	3
High Court	Commercial	Civil Suits	6
High Court	Commercial	Company Cause	3
High Court	Commercial	Mediation Cause	5
High Court	Commercial	Miscellaneous Application	1
High Court	Commercial	Originating Summons	1

Case Weighting Scheme for High Court Civil

Court Level	Case type/ Division	Case Category	Relative Base Case Weight (Points)
High Court	Civil	Bankruptcy Petition	3
High Court	Civil	Civil Appeals	3
High Court	Civil	Civil Revisions	1
High Court	Civil	Civil Suits	5
High Court	Civil	Company Cause	3
High Court	Civil	Election Petition Appeals	2
High Court	Civil	Election Petitions	3
High Court	Civil	Mediation Cause	5
High Court	Civil	Miscellaneous Appeals	3
High Court	Civil	Miscellaneous Application	1
High Court	Civil	Miscellaneous Cause	3
High Court	Civil	Originating Summons	1
High Court	Civil	Taxation Application	3

Case Weighting Scheme for High Court Family

Court Level	Case type/ Division	Case Category	Relative Base Case Weight (Points)
High Court	Family	Administration Causes	1
High Court	Family	Adoption Cause	1
High Court	Family	Civil Appeals	3
High Court	Family	Civil Revisions	7
High Court	Family	Civil Suits with locus visit	6
High Court	Family	Civil Suits without locus visit	5
High Court	Family	Divorce Appeal	3
High Court	Family	Divorce Causes	3
High Court	Family	Family Cause	3
High Court	Family	Mediation Cause	5
High Court	Family	Miscellaneous Application	3
High Court	Family	Miscellaneous Cause	3
High Court	Family	Originating Summons	3

Case Weighting Scheme for High Court Land

Court Level	Case type/ Division	Case Category	Relative Base Case Weight (Points)
High Court	Land	Civil Appeals	3
High Court	Land	Civil Revisions	1
High Court	Land	Civil Suits	7
High Court	Land	Mediation Cause	5
High Court	Land	Miscellaneous Appeals	1
High Court	Land	Miscellaneous Application	1
High Court	Land	Miscellaneous Cause	3
High Court	Land	Originating Summons	6
High Court	Land	Taxation Application	3

Case Weighting Scheme for High Court Anti-Corruption, Criminal and ICD

Court Level	Case type/ Division	Case Category	Relative Base Case Weight (Points)
High Court	Anti-Corruption	Criminal Appeals	8
High Court	Anti-Corruption	Criminal Miscellaneous Applications	1
High Court	Anti-Corruption	Criminal Offence (Suits)	33
High Court	Anti-Corruption	Criminal Revisions	3
High Court	Anti-Corruption	Criminal Session Case	61
High Court	Anti-Corruption	Miscellaneous Causes	1
High Court	Criminal	Criminal Appeals	3
High Court	Criminal	Criminal Miscellaneous Applications	3
High Court	Criminal	Criminal Revisions	3
High Court	Criminal	Criminal Session Case	3
High Court	Criminal	Miscellaneous Causes	1
High Court	ICD	Criminal Miscellaneous Applications	7
High Court	ICD	Criminal Sessions Case	9

Case Weighting Scheme applied to Case Disposal

Annual Weighted Case Disposal					
Case Category	Sum of cases Disposed of	Total Number of Judges in civil Division	Average Number of cases per Judge Per Case Category per year	Base Weights	Annual Weighted Target Per Case Category Per Judge
Bankruptcy Petition	6	7	1	3	3
Civil Appeal	162	7	23	3	69
Civil Revision	43	7	6	1	6
Civil Suit	642	7	92	5	459
Company Cause	51	7	7	3	22
Election Petition	42	7	6	3	18
Miscellaneous Appeal	31	7	4	3	13
Miscellaneous Application	1008	7	144	1	144
Miscellaneous Cause	588	7	84	3	252
Originating Summon	8	7	1	1	1
Total			369		987

Case Complexity Factors

Case Complexity Factors

1. Number of witnesses;
2. Number of parties involved;
3. Number of exhibits;
4. Number of languages used;
5. Value of the subject matter;
6. Number of Advocates involved.
7. Mode of Disposal (Judgment, Ruling, Withdrawal, Dismissal)

Case Complexity Factors and Adjustments- Civil

Court Level		High Court
Exhibits:		Adjustment
0-9		No adjustment
10-19		Add 4 to the Base case weight
20+		Add 8 to the case weight
Languages:		
1-2		No adjustment
3-9		Add 4 to the case weight
10+		Add 8 to the case weight
Value of the subject matter:		
51M-500M		No adjustment
>500M-3bn		Add 4 to the case weight
>3bnM+		Add 8 to the case weight
No. of Lawyers involved		
1-4		No adjustment
>4-8		Add 4 to the case weight
>8+		Add 8 to the case weight

Case Complexity Factors and Adjustments- Criminal

Criminal	High Court (Judge/Registrar)	Add 24 to the case weight for each additional party in excess of two parties
Exhibits:		
0-9	No adjustment	
10-19	Add 4 to the Base case weight	
20+	Add 8 to the case weight	
Languages:		
1-2	No adjustment	
3-9	Add 4 to the case weight	
10+	Add 8 to the case weight	

Case Complexity Factors and Adjustments- Criminal

Mode of disposal	Adjusted case weight (person hours)
A. CRIMINAL CASES	
Withdrawal by ODPP	4
Nolle Prosequere	4
Dismissal for want of Prosecution	4
Dismissal/Acquittal no case to answer	12
Dismissal for defective charge sheet	4
Dismissal on Plea of previous conviction or acquittal	4
Dismissal on Plea of Presidential Pardon	4
Plea of guilt	4
Change of Plea during trial	8
Plea bargain	4
Reconciliation prior to hearing	4
Reconciliation during trial	8
Abatement of the charge	4
Upon committal by a Magistrate Court	4
Transfer of cases by Magistrate Court	4
Judgment	Refer to weights of case category

Case Complexity Factors and Adjustments- Civil

B. CIVIL MATTERS	Adjusted case weight (person hours)
Dismissal upon failure to serve summons	4
Dismissal for want of commencement (or failure to takeout summons) of the suit	4
Dismissal for failure to pay fees	4
Dismissal for non-appearance of plaintiff	4
Dismissal for non-appearance of both parties	4
Dismissal upon a ruling arising out of Preliminary Objections	20
Dismissal for defective pleadings	4
Dismissal for non-disclosure of cause of action	4
Dismissal for lack of Jurisdiction	4
Striking out pleadings	4
Exparte Judgment	8
Summary Judgment	8
Judgment on Admission	8
Consent Judgment	8
Judgment	Refer to weights of case category
Withdrawal of the claim	8

Thank You

