



Evaluating Adjudicator Performance

Transparency and Accountability



Who here likes to be held to account?





Ellis: The Corporate Responsibility of Tribunal Members

22 C.J.A.L.P. 1

“This is not an operational environment in which...there can be any place for ... "Islanders"- adjudicators who conceive of themselves as occupying islands of justice within a tribunal's office, who see the tribunal as having no legitimate role beyond the delivery of registrar services, hearing rooms and supplies to their island, and who believe that their interaction with tribunal colleagues must properly be confined to social niceties.”



Some examples of quality



- prior to oral hearings, identifies facts that are not likely to be in dispute
- conducts hearings in a neutral, respectful and courteous manner
- deals with objections in a clear, balanced, and effective manner
- concise reasons in plain language
- demonstrates flexibility and commitment to the Division goals by taking on files when requested, at times on short notice, for determination in chambers or in the hearing room when assigned cases have been postponed



...And quantity

- 150 finalisations per year
- Reasons issued in 60 days



10. PRODUCTIVITY STATISTICS

Measure	Year 1	Year 2	Year 3	Year 4	Year 5	Total	Yearly Average
Member Availability (%)						n/a	
Total Finalizations							
Hearing Finalizations							
In Chambers Finalizations							
Finalizations signed in 60 days							
Finalizations signed in over 60 days							



Assessing Quality

“...she has improved on her handling of interlocutory issues and on focusing on what is relevant. Still, there is room for improvement in this area in two respects: the delivery of reasons on interlocutory matters, and the need to intervene when evidence becomes repetitious.”



“The main area of concern...was the sufficiency of her reasons in the exercise of the Division’s discretionary jurisdiction. Her analysis was often cursory and did not clearly communicate which factors outweighed others, and thus the basis of the decision was often not clear to the reader.

The member has been open to discussing this concern. She has taken action to address this through a process of reflection, discussion with legal advisers and colleagues. The result is a significant improvement in the quality of her written and oral reasons.”



“...management of hearing room time is a concern. This was expressed in his informal appraisal...This trend has continued, in that he consistently has more seized cases than the average for this region. The uninterrupted nature of this trend indicates that he needs to focus on concluding hearings in a single sitting. In observing hearings, I note that he will recess frequently, for short periods of time, such as when the evidence of one witness concludes and another is to be called.

...postponements is another area which needs focus. Since his informal appraisal, the member's average rate of postponement has been consistently higher than the regional average.

Averages are not meaningful over a short period of time, but they do become so when there is a consistent trend over a prolonged period.”