



Memorandum of Understanding

on

The Development of Performance Standards in Chiang Mai Administrative Court (The Pilot Court) under the International Framework for Judicial Organisations

The Administrative Court has implemented its 20-year Master Plan (2018 - 2037) which is based on the vision of “rendering fair, speedy, and timely administrative justice for the enhancement of good governance in society and the achievement of court excellence”. In addition, the President of the Supreme Administrative Court determined a policy for the Administrative Court prescribing fiscal year 2020, as “The Year of Administrative Justice Development in Compliance with International Standards”. By virtue of the President of the Supreme Administrative Court’s Order No. 54/2562, dated 28 October 2019, the Commission for the Development of Performance Standards in the Administrative Courts under the International Framework for Judicial Organisations was established. Subsequently, the Commission considered the relevant international framework and identified practices and timeframe for the development of performance standards in the Administrative Courts (Phase I). Initially, the Commission viewed that there should be three pilot courts: Chiang Mai Administrative Court; Ubon Ratchathani Administrative Court; and Nakhon Sawan Administrative Court. Upon agreement of court personnel, the Presidents of these three courts agreed to pilot the development of performance standards.

To ensure clarity, continuation, and sustainability in the development of performance standards in the pilot courts - the executives of the Administrative Courts, the executive of the Office of the Administrative Courts, and the Commission entered into a Memorandum of Understanding (MOU). Following, are the details of that MOU.

1. As a pilot court, the Chiang Mai Administrative Court shall comply with the framework for the development of performance standards in cooperation with court personnel at all levels, covering the following aspects:

1.1 Court Personnel:

1.1.1 Workforce Management: In response to the backlog of cases and the amount of related clerical processes; court clerical work will be separated from case file preparation and personnel who have finished their routine tasks will be assigned to support administrative case officials in handling clerical work.

1.1.2 Rewards and Incentives for Court Personnel: Motivate operational staff and affiliates, as well as reward the highest-performing affiliate by, for instance, sponsoring study visits.

1.2 Fundamental Facilities and Court Proceedings:

1.2.1 **Revise Format and Components in Judge-Commissioner of Justice's Memorandum (Tor. 15)** as follows:

1) **Be Precise in Summaries of Facts and Plaints:** Precisely identify, without repeating a summary of facts, any defendant's order that jeopardises a plaintiff; the date of issuance of such order, the plaintiff's grievance and causes of such grievance; the time that such order is notified to the plaintiff; the time that the plaintiff previously appealed to the defendant; the time that the plaintiff is notified of the results of an appeal; or what court judgment or order is sought by the plaintiff.

2) **Opinions of a Judge-Commissioner of Justice** consist of the following two parts:

2.1) **Issues on Jurisdiction and Conditions in Filing a Case:** After examining a plaint, the judge-commissioner of justice shall specify whether a case is within the jurisdiction of the Administrative Court and meets conditions enabling the Administrative Court to render a judgment or issue an order. If the opinion of the judge-commissioner of justice on the jurisdiction and conditions is different from the judge rapporteur's opinion, the judge-commissioner of justice shall explain in detail.

2.2) **Issues of Facts and Law (Applying Law to Facts):** Unlike in previous proceedings, it is not necessary to separate issues of facts, issues of law, and the application of law to the facts. Therefore, it is proposed that the format and components of the judge-commissioner of justice's statement be revised.

1.2.2 **Proceedings that involve the judge-commissioner of justice must be more precise:** The following actions must be taken:

1) **In a case where the judge-commissioner of justice perceives a lack of facts in a case file,** it is not necessary to return the case file to a chamber for re-inquiry of facts according to the opinions of judge-commissioner of justice. Instead, the judge-commissioner of justice shall state which facts are lacking and what the Court should order or what judgment should be made in that case.

2) **In a case in which the judge-commissioner of justice is transferred,** it is not required to appoint a new judge-commissioner of justice. The judge-commissioner of justice in charge shall continue his/her duty in the case. On the date of the first hearing, the judge-commissioner of justice shall orally present a statement before the chamber via VDO conference.

3) **Sole Written Statement Prepared by the Judge-Commissioner of Justice:** In conformity with the new and more precise format and components, the judge-commissioner of justice's statement should be prepared in a single written form. A separate form for oral statement (Tor 16) is no longer required.

4) **In a case where an administrative judge is designated to be a judge-rapporteur and a judge-commissioner of justice at the same time,** the preparation of the judge-

commissioner of justice's statement will be the first priority in order to expedite a speedy termination of judicial proceedings.

5) Where the caseload per judge meets an appropriate standard; the chamber, the judge-commissioner of justice, and the President of the Chiang Mai Administrative Court shall jointly specify the date of first hearing of a case in advance and shall give parties notice of the date of facts inquiry termination at the same time.

1.2.3 Innovation and Electronic Communication: Various electronic channels; e.g. Line, e-mail, and other applications; have been adopted in formal judicial proceedings of numerous courts so the President of the Chiang Mai Administrative Court has agreed to adopt electronic means in the formal judicial proceedings of the Chiang Mai Administrative Court. As electronic means have never been applied in formal judicial proceedings before, the President of Chiang Mai Administrative Court has designated the Office of Chiang Mai Administrative Court to study relevant laws, rules, applicable tools, and the feasibility of applying electronic communication to the formal judicial proceedings.

1.3 Court Services:

1.3.1 Satisfaction survey results will be communicated via various channels within the Administrative Courts and the Office of the Administrative Courts, as well as be circulated among state agencies in areas within the Chiang Mai Administrative Court's jurisdiction.

1.3.2 A waiting facility has been provided for service recipients in order to foster a relaxed atmosphere. Service recipients can relax, read or study instructions for lodging different types of motions or applications, or access information from e-articles; all of which are accessible via QR code.

1.4 Excellent Results and Achievements of the Court:

1.4.1 Provide instructions for service recipients on writing a plaint at the waiting facility and information centre;

1.4.2 Develop knowledge and expertise of court personnel, as well as cultivate a "positive service attitude" among the court personnel. Attach service-related motto signs in observable locations;

1.4.3 Provide learning space for internal personnel to facilitate the development of their knowledge, skills, and expertise. Also, provide up-to-date learning facilities which enable them to study further about administrative judicial proceedings, search for information related to administrative cases and other relevant technical information;

1.4.4 Provide uniforms for service staff;

1.4.5 Encourage participation of court personnel in various activities and foster a sense of belonging within the organisation. For example, instruct court personnel how to behave when people visit the Court; and

1.4.6 Reserve an area at the access to the Court premises for publicising case appointment lists. Also, provide up-to-date information media.

2. The Office of the Administrative Courts will fully and effectively support the Chiang Mai Administrative Court (the pilot court) to fulfil assignments within the framework.

3. During the period of project implementation in the Chiang Mai Administrative Court (the pilot court), the Commission for the Development of Performance Standards in the Administrative Courts under the International Framework for Judicial Organisations shall closely collaborate with the pilot court – for successful development of performance standards within the framework.

4. Pre-test evaluation must be conducted from 1 April 2020 onwards. Post-test evaluation must be conducted after the project has been carried out for six months (approximately, by October 2020).

5. From 1 April 2020 onwards, the pilot court is required to proceed with the first phase of project for one year.

If it is thought that amendments should be made to this MOU, the Commission, the executives of the Administrative Courts, the executive of the Office of the Administrative Courts, and the executives of the pilot court shall hold a meeting and jointly pass a resolution thereon.

This Memorandum of Understanding (MOU) is made in duplicate - one in Thai and the other in English - both copies of which have the same substance and mutual intent in all aspects.

.....
 (Mr. Piya PATANGTA)
 President of the Supreme Administrative Court

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 (Mr. Somphop PONGSAWAUNG)
 President of the Chiang Mai Administrative Court

.....
 (Mr. Atichoke PHOLDEE)
 Secretary-General of
 the Office of the Administrative Courts

.....
 (Mr. Supornchai NETIPATHAYAKUL)
 Director of
 the Office of Chiang Mai Administrative Court

.....
 (Mr. Boonanan WANNAPANIT)
 President of a Chamber of the Supreme Administrative Court,
 Chairman of the Commission for the Development of Performance Standards in the Administrative Courts
 under the International Framework for Judicial Organisations