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Feedback for professionals: co-production of court services by mirrormeeting-focusgroups for the judiciary in the Netherlands

Martijn van Gils[a], Franka Baardman[b], and Philip Langbroek[a]

[a]Montaigne Centre, Utrecht University, Utrecht, The Netherlands; [b]Criminal Lawyer at Strafwerkadvocaten, Utrecht, the Netherlands

ABSTRACT

Mirrormeetings are focusgroups used by courts in the Netherland to gather feedback on the functioning of court services and judges in different fields of law. Different categories of court users are consulted on their experiences with court proceedings in different legal fields. In the set-up of those meetings judges and court staff are the listening audience of the conversation between court users about issues brought up by moderators of the session. That conversation is intended to mirror the court work. In this article we share the results of an inquiry into the functioning of mirrormeetings as a feedback instrument. Our study shows how courts and judges value the feedback they receive. However, because courts control the organisation and content of mirrormeetings to a considerable extent, there may be a risk of missing out on relevant, but unforeseen feedback. Furthermore, the follow up of mirrormeetings in terms of change in routines or in judicial behaviour is traceable to a limited extent. Therefore, it is difficult to assess if and how intended adaptations are implemented.

KEYWORDS

mirrormeetings; focus groups; courts; feedback; the Netherlands

1. Introduction

A mirrormeeting is a focusgroup where professionals in a certain field of practice (health care, law, child protection, etc.) meet with their patients or clients and ask them to talk about their experiences about services provided in the presence of these professionals (Melissen et al. 2009; Hennink 2013, Viljoen, 2017). During the past decade, the Netherlands' judiciary has adopted the idea of 'mirrormeetings' from the healthcare sector, where hospitals have used it to organise feedback for doctors, nursing and other staff from their patients (Krol, Leeuw en Wilde 1980). This paper focuses specifically on the organisation of mirrormeetings in the Dutch judiciary, where they aim to function as a (learning) tool to enhance the quality work of Dutch courts and judges, as an element of the judiciary's quality management system (Langbroek and Westenberg 2018, 167).

The aim of this paper is to describe and analyse mirrormeetings function both as a co-production of court-professionals and court-users and as a feedback instrument, using a qualitative approach. It explores the use of mirrormeetings, in a relatively under-researched domain: whereas focusgroups are abundantly discussed in literature on health care organizations, they are almost absent in literature on court administation (McKeever et al 2018, Wallace, Blackman and Rowden 2013).

CONTACT Philip Langbroek p.m.langbroek@uu.nl Montaigne Centre, Newtonlaan 201, 3584 BH Utrecht, The Netherlands
Martijn van Gils LLM) is currently a PhD student at Utrecht School of Law, Utrecht University.
This research was coordinated by Martijn van Gils and Supervised by Philip Langbroek. Together with Franka Baardman they are authors of the text of this article. Students Elise Corbee and Jonathan Rekken assisted with the research.

Table 1. Overview of mirrormeeting reports, distinguished by court, area of law and type of participant

Court of Appeal	Area of law	Type of participant	Date
	Criminal law		
's-Hertogenbosch		Lawyers	20 October 2015
Amsterdam		Lawyers	23 November 2015
's-Hertogenbosch	*Civil law*	Lawyers	16 June 2014
	Family and Youth		
Amsterdam	Family	Lawyers	17 March 2015
Amsterdam	Youth	Lawyers and Child Protection	19 September 2016
District Court	**Area of law**	**Type of participant**	**Date**
	Criminal law		
Den Haag		Lawyers	29 October 2015
Amsterdam		Victims (non-professional court users)	20 June 2016
Den Haag		Public prosecutors	10 November 2016
Noord-Holland		Lawyers	24 November 2016
Oost-Brabant		Public prosecutors	12 October 2017
	Administrative law		
Amsterdam		Lawyers and representatives of public authorities	14 March 2016
Noord-Holland		Lawyers and representatives of public authorities	23 April 2015
Noord-Holland	Immigration	Lawyers and Immigration and Nationalisation Service	21 May 2015
Noord-Holland	Tax	Lawyers and tax advisors	13 December 2016
Rotterdam		Representatives of public authorities	22 November 2016
	Civil law		
Rotterdam	Labour	Employers and employees (non-professional court users)	14 April 2010
Rotterdam		Lawyers and bailiffs	4 December 2014
Noord-Holland		Lawyers and bailiffs	1 December 2016
Noord-Holland		Lawyers and bailiffs	29 November 2016
Gelderland		Lawyers	7 November 2017
	Family and Youth		
Noord-Holland	Youth	Child Protection	17 November 2014
Noord-Holland	Youth	Child Protection	17 November 2015
Amsterdam	Family and youth	Lawyers and Child Protection	9 November 2015
Rotterdam	Youth	Lawyers	14 January 2016
Rotterdam	Youth	Child Protection	26 January 2016
Rotterdam	Family and youth	Parties (non-professional court users), lawyers and Child Protection	11 October 2016

The paper first describes the methodology used to conduct the qualitative study. It then explains the concept of mirrormeetings, followed by the research outcomes: the functioning of mirrormeetings in the context of Dutch courts. The paper finishes with a discussion of mirrormeetings in the Dutch judiciary from co-production and quality management perspectives.

2. Methodology

We followed a qualitative empirical approach to explore and describe the functioning of mirrormeetings in Dutch courts (Maxwell, 2012). The first section, where we explain the concept of mirrormeetings in the context of the Dutch judiciary, is based on the (scarce) literature on the use of mirrormeetings in health care and in the judiciary and on literature on focusgroups and feedback. We describe what mirrormeeting are and how they are intended to function as feedback instrument.

The subsequent sections are based on the documents we received from 6 first instance and 2 appeal courts about 26 mirrormeetings (2010-2018), and on interviews with 13 judges who organized mirrormeetings (see Table 1). We received contact details for all the courts within the remit of the Council for the Judiciary (the body responsible for the national court administration in the Netherlands), after they were informed of the research. These files contain the invitation letters, the mirrormeeting report, the letter containing a reaction of the court to suggestions of the *participants* (the feedback letter) and the results of the evaluation questionnaires from the *listeners* (or audience). We did not receive these documents from all of the mirror meetings: the document we

Table 2. Overview of interviews, distinguished by court and area of law

Court	Number of judges	Area of law	Date
District Court Oost-Brabant	1	Criminal law	21 November 2017
Court of Appeal Amsterdam	1	Criminal law	24 November 2017
Court of Appeal Amsterdam	2	Tax law, Family and Youth	19 December 2017
District Court Amsterdam	1	Family and Youth	22 December 2017
District Court Rotterdam	1	Civil law	22 January 2018
District Court Rotterdam	2	Administrative law, Family and Youth	25 January 2018
Court of Appeal 's-Hertogenbosch	2	Family and Youth, Criminal law	30 January 2018
District Court Noord-Holland	1	Administrative Law	1 March 2018
District Court Gelderland	2	Civil law, Family and Youth	9 March 2018

consistently received from all courts was the mirrormeeting report. The evaluation questionniaires from the listeners, however, were often lacking (we missed 13 out of 26). The submitted results of the evaluation questionnaires were from the Appeal Court s'Hertogenbosch (2x), District Court the Hague (2x) and District Court Noord Holland (8x). We did not always receive accurate information about the actual numbers of participants and especially listeners for each meeting.

We used the invitation letters, the mirrormeeting reports, and the feedback letters to identify the category of participants and to analyse the content of the feedback given by court-clients during the meetings. We used the evaluation questionnaires and the remarks made in them to analyse the listeners' opinion of mirrormeetings *qualitatively*. To strengthen our qualitative analysis, we also made a limited quantitative analysis of the data from the evaluation questionnaires. Furthermore, we used the feedback letters and the interviews to understand how outcomes of mirrormeetings have led to changes in the functioning of the court. Thus, we tried to identify the co-production aspect of mirrormeetings.

For our analysis of the reports and interviews, we coded these documents following an open, grounded theory approach (de Boer 2011; Corbin and Strauss 2008). We heuristically arranged the information from the documents in several categories and subcategories, which allowed us to understand the information gathered during the mirrormeetings on a more detailed level: organisation, court procedure, quality of the judge, treatment of parties, treatment of parties in criminal procedures, use of language, and differences between judges. Similarly, we divided the information on the implementation of the feedback in four different categories, which describe the different ways in which courts respond to the received feedback: *no change; further discussion of the received feedback; lasting attention for the mentioned comments; concrete change*.

We conducted interviews with 13 judges who have participated in the organization of mirormeetings between December 2017 and March 2018. We prepared the interview questions on the basis of an initial analysis of the literature on feedback for professionals, focusgroups and mirrormeetings and on the mirrormeeting reports. Interviewees work in five district courts and two appeal courts (see Table 2). We coded the information from the interview reports in five categories. Three of these categories are about the organisation of mirrormeetings: *preparation, participants* and *course of the meeting*. The other categories are *evaluation and implementation of feedback received* and *judges' experiences of the meetings*. For our research we combined the latter with the quantitative results of the evluation questionnaires.

3. Mirrormeetings in the judicial domain – context and concept

3.1. Concept

In a mirrormeeting, court users (prosecutors, lawyers, representatives of administrative bodies, youth care professionals, experts, victims, parties) are offered the opportunity to share their experiences with court proceedings. In a small-scale setting, moderators engage in a conversation with court-users about their experiences with court proceedings. Judges and court staff (clerks, bailiffs,

administrative staff) are the audience and are allowed initially only to listen to the feedback. The voluntariness of participants and listeners and its safe environment, provided by the set-up and the role of the moderator, contribute to the effectiveness of mirrormeetings as a feedback instrument for the judiciary (Melissen et al. 2009, p.18; Hennink 2013, p. 2).

In public administration, co-production is defined as the voluntary or involuntary involvement of public service users in any of the design, management, delivery and/or evaluation of public services (Osborne, Radnor and Strokosch 2016, p. 640). The concept goes back to Elaine Sharp (1980) and Gordon Whitaker (1980). Mirrormeetings in courts fit the concept of co-production between professionals and clients or citizens (Voorberg, Bekkers and Tummers 2015), because they help professional organizations to improve, by learning how their clients experience their work and services (Kessener 2009; Viljoen 2017). It is thus a method for organizational and professional learning (London and Sessa 2006; Hennink 2013; Viljhoen 2017). Mirrormeetings in the judicial domain are originally intended as a co-production of court clients and judicial professionals (Melissen et al 2009, p. 3-9; Vennik, Putters and Grit 2016). The aim of mirrormeetings for judges and court staff is to receive feedback from different court-users as a contribution to improving the functioning of courts and judges (London and Sessa, 2006; Viljoen 2017, p. 123-125).

Mirror meetings are therefore also relevant from a quality management perspective. Organisational and legal quality of courtwork are responsibilities attributed to both the Council for the Judiciary and the boards of the courts (the body responsible for local court management, consisting of the president, a judicial quality officer and the court director) in the Dutch Judicial Organisation Act. Part of the current quality policy of the judiciary is to require judges to participate in legal training on avarerage for at least 90 hours in three years. Participation in mirrormeetings is counted as fulfilling part of that obligation.

3.2. Development

Mirrormeetings have first been developed as a feedback mechanism for medical professionals in the Netherlands (Witman, 2001; Feijter, 2007). The underlying reasons for organizing mirrormeetings were twofold. First, for the improvement of healthcare services it was considered important to give personnel, doctors and nurses insight in the experiences of patients. The direct way of giving and receiving feedback has a powerful effect and improves the involvement of patients in the healthcare system (Krol, de Leeuw and de Wilde 1980; de Wit, Mul and Bal, 2008). Second, mirrormeetings could help counter the trend of decreasing trust of citizens in the professions of doctors and medical specialists (Vennik, Putters and Grit, 2016).

This 'democratic' aspect was also at the basis of the transfer of mirrormeetings from health care to the courts. Other reasons for copying the concept of mirrormeetings into court organisations are the similarities between medical doctors and judges, as both belong to classic professions, and the positexperiences with mirrormeetings (Ellerbroek, 2010). Courts felt that feedback via mirrormeetings would be a good addition to other feedback instruments, like court user satisfaction surveys and complaint proceedings (Melissen et al. 2009, p. 10; Martins and Ledimo 2017, p. 42-43). Especially the mirrormeeting with litigants and their next of kin as participants in family cases at the Rotterdam district court in 2009 has served as an inspiration (Melissen et al. 2009, appendix 3; Ellerbroek, 2010). The direct feedback could contribute to changing the attitude and behavior of the listeners (Stichting Spiegelbijeenkomsten, 2019).

3.3. Distinctive characteristics

Mirrormeetings share many of the characteristics of the other feedback mechanisms often used by courts: online feedback and client satisfaction surveys: they concern the same subjects (court users), the same content (the functioning of the judiciary) and the same targeted audiences (court professionals and, sometimes, lay people) (Schaaf and van Bavel, 2017).

However, there are also some notable differences. In contrast to mirrormeetings in online feedback and client satisfaction surveys, there is no direct contact between feedback givers and feedback receivers. During mirrormeetings, direct interaction between participants (feedback givers) and listeners (feedback receivers) is almost absent as well. In that sense they do differ from the approach developed by Marie Hagsgård, where interaction (in the form of interviews) between judges and court personnel (interviewers) and legal professionals and court-users (interviewees) is essential in order to generate adequate feedback (Hagsgård 2008 and 2014). However, it cannot be said that participants and audience are not directly engaged with each other during a mirror meeting. Different from online feedback and client satisfaction surveys, the feedback receivers (the listeners) can see and hear the participants. Another difference is that mirrormeetings are not aimed at 'ticking all the boxes': experiences shared in mirrormeetings are not intended to represent all of the experiences of court users (Melissen et al. 2009, p. 19). They are about conveying specific experiences of participants in court proceedings as identified as relevant by judges and court staff. Finally, mirrormeetings are not anonymous, which is another difference with online feedback and client satisfaction surveys.

4. Organisation of mirrormeetings

During the past decade, the majority of Dutch courts has organised a mirrormeeting at least once. Usually there is a content-related reason to organise a mirrormeeting, as a family lawjudge said:

> "(For us a) reason to organise a mirror meeting (in our court) was a pilot project on the direction of the coordinating judge and the missing of parenting plans (…). Part of the pilot project was that judges are trained to use a different hearing method: the coaching matrix.[1] Not everybody likes it. We wanted to learn what parties feel about the coaching matrix hearing method. That was the purpose to organise those mirrormeetings. We hoped to learn in that way, whether parties liked it or not."

The interviewees often (6 out of 13) mention that organising a mirrormeeting demands organisational capacity. It takes quite some time and organisers need to keep in touch intensely with moderators, participants and listeners. Agreements also need to be reached with judges and court staff, for example about the subjects to be discussed, the time and place of the meetings and the evaluation procedure. Next to judges, registrars, legal secretaries, administrative staff and bailiffs are regularly invited as listeners.

Mirrormeetings are led by two moderators. Most of them are not from within the judicial organisation. Some of them have a legal background, others haven't. A legal background is sometimes considered as an advantage, because it helps them understand legal discussions when participants are lawyers. But sometimes this is also considered a disadvantage, because it hinders an open mind towards the functioning of the courts.

The subjects and questions prepared by the organizing team of the court are the guidelines for the conversation. Participants are being selected according to the following criteria: is the participant a private of professional participant in proceedings, how often does the participant take part in court proceedings, how experienced is the participant, etc.

In general, mirrormeetings take place orderly. The participants sit in a (half open) circle, with the audience behind the participants. The audience does not take part in the conversation. Both factors give the conversation a more intimate and safe character for the participants. Some of the judges (3 of 13) say that such a special setting also helps judges to keep their attention on what is being said during that meeting. Tensions between participants and listeners rise especially when listeners feel that a participant is airing frustrations, instead of giving useful feedback (4 of 13

[1]The 'coaching matrix' the interviewee refers to is a therapeutic method to help persons deal with their emotions in everyday life contexts. It is about taking four steps: establishing facts, assessing the problem (what bothers you), reflecting on the aim and taking action.

interviewees). Although the listeners may not react during the conversation of the participants, they can ask clarifying questions after the conversation between participants has finished. This may not be used for defending themselves or giving a reaction (Miedema et al. 2015).

5. The feedback of court users

Below, we have summarized the most important and relevant feedback in three main categories: *judicial quality, the court hearing,* and *treatment of parties (in criminal procedures).* We destilled the most often recurring comments of court users.

5.1. Judicial quality

All participants acknowledge the legal qualities and expertise of individual judges, and their awareness of recent developments in legislation and case law. Some lawyers, however, complain that judges are not always aware of all the facts in an individual case. A lawyer said:

> "I understand that the judge asks questions at the beginning, but sometimes I get the feeling that it is because they have not read the file sufficiently. Clients then indicate "we discussed this, why does the judge not ask about it?" […] From some questions you can notice that the judge did not prepare the case well and that makes parties feel bad."

Many lawyers (16 of 26 mirrormeeting reports) have voiced concerns over the differences that exist between individual judges. Judges who have previously worked as a public prosecutor, seem more thoughtful of prosecutors than other judges. Lawyers furthermore point out that judges, especially in criminal cases, impose different sentences in similar cases.

5.2. Organisation of court hearings

Planning and delay of hearings and of judgments are complained about in 23 of 26 mirrormeeting reports. Lawyers and representatives of administrative bodies complain that the planning of court sessions takes a long time (sometimes even months) and are announced late, so that litigants have to change their schedules last minute. Some courts postpone a session if a party asks for it, but most courts are not so flexible.

Some lawyers think it often takes too long for the courts to give a judgment, especially if a case is decided by a three judge panel. They argue for a fixed date for a court decision. Litigants would also like to receive the decision by e-mail or fax rather than on paper. Especially participants in family cases agree that the same judge(s) should stay on a case during the entire procedure. At least, this creates certainty for parties and makes it easier for lawyers to prepare the case. If a case is reassigned to another judge, lawyers would like to hear this as soon as possible.

Lawyers mention their experiences with contacting clerks and the administration of the courts in 22 of 26 reports. Their comments are mixed - some participants complain the telephonic accessibility of the courts is bad and the reaction on messages is delayed, especially by e-mail.

5.3. The court hearing

When they enter the court room, parties are often quite nervous, and it would help if the judge greets them and shows some interest. Judges should avoid treating one party more friendly than the other. Parties do not always feel taken seriously by the court, if the judge does not take sufficient time to listen to the parties, or if a judge takes a critical stance to only one of the parties involved.

Case handling involves the courts taking several decisions concerning the proceedings. Participants have mentioned some of them: allowing oral arguments to be made in court,

accepting files that have been handed in too late, and allowing advocates (not) to wear a gown (lawyers). Participants want the courts to take a consistent approach, so that they know what they can expect (10 of 26 reports).

In family law, lawyers and parties appreciate sufficient distance between parties to avoid conflicts in court. Participants generally like the judge to keep an equal distance from all parties (including the prosecutor and government officials), to prevent appearances of bias.

Most participants are positive about the length of the court sessions in civil and administrative cases (10 reports). In criminal cases they are negative about this (5 reports). Judges take enough time to hear the parties and their arguments. Some lawyers specializing in family law, however, are under the impression that courts must 'produce' court cases, which sometimes comes at the expense of the attention given to parties, as participating child protection and youth care professionals attest.

5.4. The courts' treatment of parties in criminal proceedings

An important concern of victims is that there is enough distance between them and the suspect (mentioned in 3 of the 8 reports on mirrormeetings about criminal cases). Court sessions in criminal cases often take more time than planned. This happens most often in criminal cases due to unforeseen circumstances like illness, traffic jams, availability of interpreters, etc., and to the limited time alloted for the hearing.

Most prosecutors and lawyers think that the courts treat the public prosecutors reasonably well (5 reports about criminal cases). They warn that this might give the impression that the courts favour the public prosecutor's perspective over that of the suspect. Lawyers are often under the impression that courts want to decide cases quickly and do not pay much attention to the accused person. Public prosecutors think that courts should react more vigorously if the suspect or his lawyer attacks the prosecutor in person. But lawyers feel that courts often seem to be more critical to the suspect and his lawyer, than to the public prosecutor. One lawyer states:

> "I think that a judge should not show through his facial expression that he does not believe the story of a suspect. The court must instead ask the suspect questions. I'd rather have a judge who asks for the story than an emotionless judge who will only show what he thinks about it in his verdict."

6. Evaluation of mirrormeetings and implementation of feedback

Most of the courts we studied have organised evaluations of the mirrormeetings. The starting point for the evaluation usually is an analysis of the mirrormeeting report, in which the feedback of the participants is translated in 'strengths' and 'weaknesses'. The 'strenghts' are the positive and neutral remarks that participants have made about the court; the 'weaknesses' are the negative remarks. Courts use this analysis to evaluate the received feedback. During the evaluation meeting, judges discuss the 'strengths' and 'weaknesses' and decide how to respond to them.

The evaluation meeting is organised differently in each court. Some courts organise the meeting shortly after the mirrormeeting has taken place (4 interviews); other courts organise the evaluation meeting two or three months later. It also differs who are invited to the meeting – some courts invite all judges and other court personnel present at the meeting, while others only invite judges. They later inform the other judges and court personnel present at the mirrormeeting about the outcome of the evaluation meeting.

During the evaluation meeting organisers and listeners examine whether the received criticism is urgent enough to make changes in their routines, and what kind of changes are necessary to meet such criticism. After the evaluation meeting, courts usually send a letter to the participants of the mirrormeeting, in which they thank them for their presence and feedback and explain

what they are going to do with the feedback they received (we received 12 of these letters). These letters differ: some courts explain their response to the feedback in great detail, while others only give a short overview of the changes they are going to implement, without elaborating on why they do so.

There is very little information available on the implementation of the feedback – some courts provided us with a 'to do-list', but most courts showed no documents which could provide insight into the implementation of feedback. The interviews we held with judges did not clarify this matter either: surprisingly enough, judges could often not give a clear answer to the question what they had done with the feedback. Most judges, when asked about the implementation of feedback, came up with anecdotal evidence – examples of very specific changes they implemented in response to the received feedback. A typical conversation on this subject during an interview:

> Interviewer: "How did it proceed then, did the conversation with judges continue afterwards?
>
> Judge:" […] it has not really had a follow-up like: this came out and we will do this. But with children's hearing, for example, we have continued to do so and that [the mirrormeeting] has also contributed to that.
>
> Interviewer: "There wasn't a list of action points or something?"
>
> Judge: "No, not with us. At least not that I know."

Therefore, it seems that most court organisations do not have a consistent or systematic implementation process, and implement feedback from mirrormeetings only on an incidental basis. The interviews we conducted demonstrate a lot of willingness on the side of the judges to act on feedback, but whether action has actually been taken did not become clear. Judges admit in 4 of 13 interviews that work pressure is very high (confirmed in Visitatiecommissie 2018, 14 and 28), which makes it difficult to implement complex and time-consuming changes like improving services, communication with litigants about the agenda of the hearing and organizing the same judge in connected cases. Furthermore, some judges are very skeptical about such changes (3 of 13), and are not easily convinced that they are necessary.

Based on evaluation reports and interviews, we were able to distinguish between four different ways in which courts responded to the respondents' criticism. Those four modes are*: no change, further discussion of the received feedback, lasting attention for the mentioned 'weaknesses'*, and *concrete change*.

First, the feedback from mirrormeetings does not always result in the implementation of changes. A considerable part of the participants' feedback is positive and thus does not give the courts a reason to change existing practices. Furthermore, courts are often not willing or able to implement certain changes recommended by the participants of the mirrormeetings (mentioned in 8 of the letters to participants). This concerns mostly feedback about the organisational aspects of the court, the planning of court hearings and the terms for handing in files. For example, the suggestion of a lawyer to make it possible for parties or their lawyers to consult with court clerks about an individual case was rejected by the court, arguing that this would be against procedural fairness. Similarly, a suggestion by a lawyer to let the courts inform the parties on beforehand about the questions they will ask during a procedure was rejected. The reason was more practical – judges don't have enough time to do that bacue it would mean they have to study the file twice.

Another way of dealing with feedback is the announcement to participants that the court will discuss the matter further (10 letters). To what extent courts really organise further discussion, is hard to determine – we have not seen much evidence for this in the materials we received from the courts, nor could our interviewees give a clear answer when we asked for it. A typical example of feedback which requires further discussion, is the communication between parties and the courts. In response to lawyers' criticism about procedural uncertainty, one court promised

Table 3. Overview of mirrormeetings for which a questionnaire was filled out, distinguished by court, area of law and type of participants

The numbers in the horizontal rows in the charts below refer to the mirrormeetings as indicated in the column below.

Mirrormeetings	Court	Date of the mirrormeeting	Proceedings	Participants
1	Appeal court Den Bosch	16 June 2014	Civil	Lawyers
2	Appeal court Den Bosch	20 October 2015	Criminal	Lawyers
3	District Court N-Holland	17 November 2014	Family & youth	Youthcare
4	District Court N-Holland	23 April 2015	Administrative law	Lawyers/admin bodies
5	District Court N-Holland	21 May 2015	Asylum law	Lawyers/ Representatives of administrative authorities
6	District Court N-Holland	17 November 2015	Family & youth	Youthcare
7	District Court N-Holland	24 November 2016	Criminal	Lawyers
8	District Court N-Holland	29 November 2016	Small claims	Lawyers/Bailiffs
9	District Court N-Holland	1 December 2016	Small claims	Lawyers/Bailiffs
10	District Court N-Holland	13 December 2016	Taxation	Lawyers/taxadvisors
11	District Court Den Haag	29 October 2015	Criminal	Lawyers
12	District Court Den Haag	10 November 2016	Criminal	Prosecutors

that it would examine whether it could provide parties with more concrete and consistent information about the course of the procedure.

Third, courts sometimes say that they will follow up on 'weaknesses' mentioned during the mirrormeeting (12 letters). For example, in various letters sent to participants, courts promised that they would point out to judges what the perceived weaknesses of their treatment of parties are (equal treatment of parties, use of language, the judge's steering role) and that they will monitor whether judges improve this.

Finally, courts sometimes implement concrete changes in response to received feedback (4 reports and 3 interviewees). These are easy, practical issues, for example providing the parties with water during the court session or timeley updating the information available at the website of the court. Another example of such concrete change is the placement of nameplates in the court room, to make it easier for parties to recognise the different persons and their functions. Courts have sometimes implemented more complex and time-consuming concrete changes. For example, one court promised to improve on the delay of judicial procedures and court decisions, with the concrete assurance that such improvements would be visible halfway through 2016.

7. Experiences of listeners

In this section we discuss the experiences of the audience of mirrormeetings. This qualitative assessment is based on 12 evaluation questionnaires filled in by participants and on the 13 interviews we conducted.

7.1. Results of the listeners' questionnaires

We received and analysed the summarized results of evaluation questionnaires filled out by the audiences of 12 mirrormeetings (see Table 3). Usually they consist of judges, legal assistants and other court personnel. The results do not distinguish between those groups, and therefore do not allow for separate analysis of those groups. Unfortunately, we received those data only from the district court of the Hague (2x), the district court of North Holland (9x), and the appeal court of Den Bosch (2x); thus only 13 of the 26. One of those only contained average scores per question and therefore, we left that one out, and worked with the 12 remaining questionnaires. The total number of respondents of the 12 questionnaires the courts sent us is 187.

Table 4. Overview of results of the questionnaire: score distribution per question*

Question	5	4	3	2	1	Nr of respondents	No answer
1. The aim of the mirror-meeting on beforehand was absolutely clear (5) - very unclear (1)	94	58	25	7	3	187	3
	50,27%	31,02%	13,37%	3,74 %	1,60 %	100%	1,60%
2. The surplus value of partaking in the audience of this mirrormeeting over reading the report is: beyond debate (5) – There is no surplus value (1)	81	77	22	3	0	187	3
	43,31%	41,18%	11.76%	1,60%	0%	100%	1,60%
3. The mirrormeeting brought: surprising new viewpoints (5) – was not informative at all (1)	17	84	77	7	0	187	3
	9,09%	44,92%	41,17%	3,74%	0%	100%	1,60%
4. The mirrormeeting inspired me (5) – had no inspirational effect at all (1)	38	96	42	5	2	187	4
	20.32%	51,30%	22.46%	2,67%	1,07%	100%	2,14%

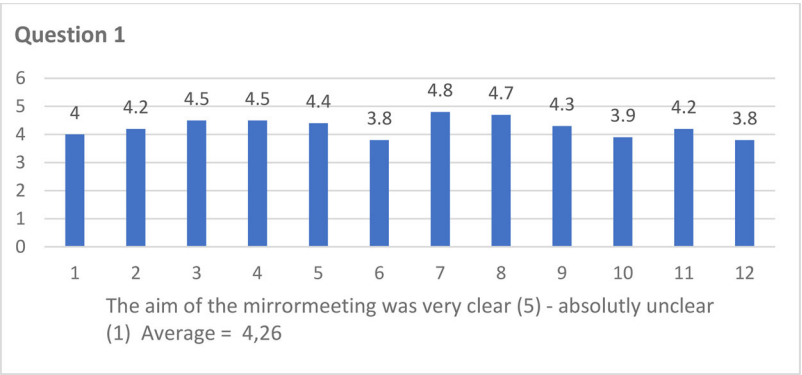
*One of the data sets of the appeal court of Den Bosch does not allow for an analysis per question – we only received average scores per question, and not the numbers of respondents that choose a certain answer on the Likert scale.

The questionnaires contained several open and closed questions (the number of asked questions also differed per court and mirror meeting). All of the questionnaires contained four closed questions on the experience of the audiences with the mirrormeetings. Respondents had to answer these questions by giving a score on a Likert scale of 5-1:

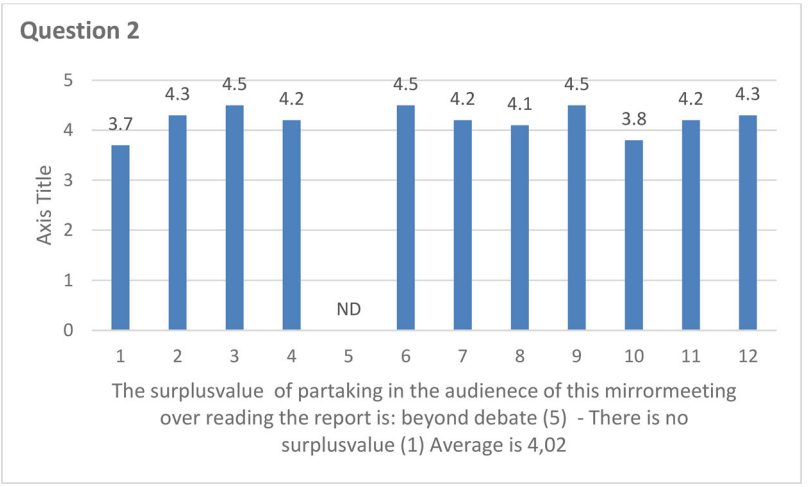
1. The aim of the mirrormeeting on beforehand was absolutely clear (5) - very unclear (1)
2. The surplus value of partaking in the audience of this mirrormeeting over reading the report is: beyond debate (5) – There is no surplus value (1)
3. The mirrormeeting brought: surprising new viewpoints (5) – was not informative at all (1)
4. The mirrormeeting inspired me (5) – had no inspirational effect at all (1)

The participants in the mirrormeetings as evaluated by court personnel and judges are lawyers, prosecutors, bailiffs and youth care professionals. Also here it is not possible to distinguish between different types of audiences, because in some of the meetings different types of audiences were combined. In 8 out of 12 meetings participants were professional lawyers, but in 3 of those 8 meetings they were combined with bailiffs (2x), administrative body representatives (2x) and tax advisers (1x).

The overall scores (see Table 4) show that listeners were well aware of the purpose of mirrormeetings – question 1, with 81% giving a positive score and 5,3% giving a negative score. They experienced surplus value from attending the meeting (84%), but surprising new viewpoints were experienced by no more than 54%. 71% of the listeners were inspired by the mirrormeetings. These data show there is an overwhelming positive response towards the attended mirrormeetings, but not on specific contents. The charts below show the average scores per mirror meeting for each question.

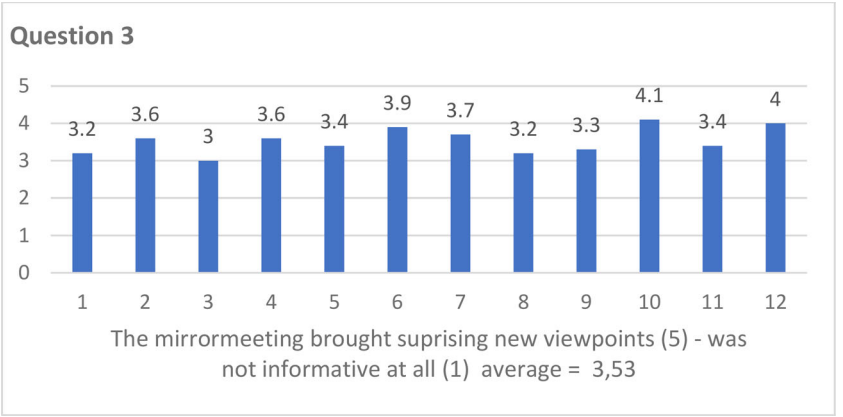


The lowest scores on question 1 (being aware of the aim of the mirrormeetings) are in meetings with tax advisers (nr 10), youth care professionals (nr. 6) and prosecutors (nr. 12) but are still quite high.

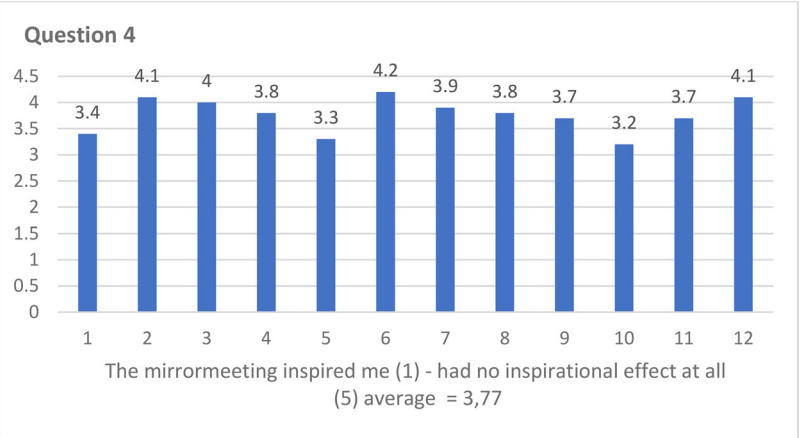


2. The surplus value of partaking in the audience of this mirrormeeting over reading the report is: beyond debate (5) – There is no surplus value (1)

For question 2, the average score (4,02) is also high, meaning that on average, most listeners were very positive about their participation in the audience. Listeners of the meeting 5 (district court North-Holland, 21 May 2015) did not answer this question.



Also for question 3, the average score is quite high (3,53), allbeit somewhat lower. The type of participants cannot explain the difference between the lowest scoring mirror meetings – youth professionals (meeting 3), lawyers & bailiffs (meeting 8), advocates (meeting 1) – and the highest scoring mirror meetings - lawyers and tax advisors (meeting 10) and prosecutors (meeting 12).



Also for question 4, most judges think that mirrormeetings are an inspiring form of feedback. The difference between highest scores and lowest scores – lawyers and bailiffs (meeting 10) and advocates and representatives of administrative authorities (meeting 5) and the highest scores - youth professionals (meeting 6), lawyers (meeting 2) and prosecutors (meeting 12) - cannot be explained by the type of participants.

7.2. Results of the interviews

7.2.1. Organisation

Most judges are satisfied with the organisation, the time and duration of the mirrormeetings (7 interviewees). Most of them feel that they were well-informed in advance about the aim of the mirrormeeting. They are generally content with the setting of the meeting, which creates some distance between the judges and the participants.

The judges' opinion on the role of the moderator varies. Two interviewed judges think that moderators stick too much to the pre-composed topics, and do not leave enough space for participants to come up with their own feedback. To the contrary, seven of the interviewed judges think that the moderators leave too much space for participants to ventilate their own ideas, so that the pre-set topics only get limited attention.

Three judges would like the moderator to take a more critical stance to some of the remarks of the participants and ask them to explain those remarks further, for example when participants disagree with each other. One judge noticed that moderators with a legal background are better able to take such a critical stance than others.

Judges appreciate the possibility to ask clarifying questions at the end of the mirrormeeting. It ensures that judges understand the participants' feedback.

7.2.2. Feedback

Judges are generally positive about the feedback they receive during the mirrormeetings (7 interviews). They indicate that it is useful information, which they can apply in their daily practice. The feedback that participants give of their own accord works sometimes as an 'eyeopener' for the judges – it is usually feedback that judges do not think of themselves but might help improve the functioning of the court (3 interviews). However, four interviewees consider the feedback to be sometimes incorrect, incomplete or exaggerated. They think that certain participants want to express their frustration with a specific case, a specific judge or the court in general. This also makes it difficult to distinguish between feedback which is very specific (concerning an individual

case or judge) and feedback which is of a more general nature. But three judges experienced that participants are reluctant to give feedback. This is especially the case when civil or administrative lawyers participate. They are hesitant to criticise judges who might decide their cases in the future.

Judges have also given suggestions how mirrormeetings can be improved. One suggestion is to invite other court functionaries to attend the meeting as listeners– not only judges, but also clerks, security guards and administrative staff, because the feedback is often related to their work as well. Another suggestion is to invite more lay people to participate in the mirrormeeting. Some courts have already done so (for example, by inviting next of kin to parties in family law cases) and other courts have attempted to do so but found it very difficult to actually persuade them to participate in a meeting.

8. Conclusion and discussion

8.1. Organisation of mirrormeetings

The organisation of mirrormeetings is relatively uniform in the different courts. The initiative for organizing the meeting comes either from the court management which wants the court-professionals to reflect on their functioning, or from individual judges or teams of judges. The organisation of the meeting is time-consuming, especially the prepartion of subjects and the selection of participants.

In the preparation of mirrormeetings, the courts show great interest in the experiences of professional participants. The organisers often determine on beforehand what subjects need to be addressed during a meeting, together with the moderators. In that way the feedback received is mostly restricted to what the team thinks relevant, such as the planning of court hearings, plus a number of very practical issues, like the interior of the court room. Apparently, it is not intended that the feedback (and criticism) goes beyond the daily practices of the court and judges in a specific legal domain. And this may explain that questionaire question 3 – (the mirrormeeting brought: surprising new viewpoints (5) – was not informative at all (1)) – gave the least enthousiastic results. Many judges, although not the majority of them, were apparently not surprised by the questions asked – and answers given.

There is a clear difference between, on the one hand, the civil and family law teams of the district court of Rotterdam and the criminal law teams of the district court of Amsterdam who choose to invite lay people involved in family cases and victims of crimes respectively, and, on the other hand, the professional participants in the other courts. An often-mentioned reason to mirror the court with professional court users are:

- it appears to be very difficult to find lay people willing to participate in mirrormeetings.
- judges expect more meaningful feedback from professional court users, because they are familiar with court proceedings.

Even so, the district courts of Rotterdam and Amsterdam experienced the feedback of lay people (parties and victims) as highly relevant. Unfortunately, the courts did not send us evaluation questionnaires from participants of these meetings.

It is thus clear that judges carefully select the participants of the mirrormeeting focusgroups and the topics that will be discussed during the meeting. In this way, judges receive feedback on topics they find important and which they can subsequently implement. It is therefore not surprising that judges are generally satisfied with the current functioning of mirrormeetings. There are, however, also disadvantages to the current approach. First, because judges carefully select both the topics and the participants of the mirrormeeting, there is a risk that they miss out on

other valuable feedback, despite assertions that there is enough space to make free remarks. In connection with this, the courts mostly have focussed on the more safe approach of mainly inviting legal professionals to the mirrormeetings. They are hardly surprised by the feedback they receive. That evokes the question why mirrormeetings with non-professional court users have not been organised more often, considering the positive experiences in Amsterdam and Rotterdam. There seems to be some reluctance in many courts to communicate directly with lay court users about their experineces. This shows a tension between the need for control on the content and selection of participants by the organisers of mirrormeetings in the courts and the possible benefits of a more open approach with the possibility of unforeseen feedback.

8.2. Evaluation and implementation of feedback

After the mirrormeetings, courts organise a meeting to evaluate the received feedback. They decide what they are going to do with the feedback, and communicate this to the participants in a letter. The letter is a characteristic of the co-productive nature of mirrormeetings. Suggestions the courts do not want or are not able to implement mostly concern organisational aspects of court proceedings. They refer to the exclusive judicial and professional repsonsibility on these issues. Courts sometimes pay attention to suggestions and criticism related to the treatment of parties –in some instances, there has been attention for the parties' treatment in peer review amongst judges. But most of our interviewees often could not say whether the outcomes of mirrormeetings resulted in adaptations. It is therefore unclear whether courts implement changes which go beyond very practical matters, and, if they do, whether the adaptations of court routines last in the long run. Some interviewees indicated that repetition of mirrormeetings is meaningful if there is enough time between them (two years or more), so that participants can react on implemented changes. However, we have found few repeated mirrormeetings, whereas the first mirrormeeting was held in 2009.

The difficulties for the courts to show adequate follow ups of mirrormeetings may be caused by the workload of the courts and the organisational strains caused by reorganisations in the Dutch judiciary, such as the recent change of the court map in 2013 and the recently halted digitalisation program. The workload of the courts and the organisational distresses in connection to these current developments puts tremendous working pressure on the judiciary (Visser, Schouteten and Dikkers, 2019; Visitatie commissie, 2019), making organized follow ups difficult.

All in all, mirrormeetings provide a meaningful feedback instrument for courts that results in useful feedback. Courts and individual judges like the personal way in which they receive the feedback, which helps them empathise with the participants. However, the selection of participants and subjects by the courts leads to a restriction of the feedback they receive. Furthermore, we were not able to detect the effects of mirrormeetings, in terms of implemented changes in court proceedings and in case management routines.This may indicate that intended adaptations, which could contribute to improving the quality of the functioning of the Dutch judiciary, do not always lead to such improvements. A better monitoring of the intended adapations could help making mirrormeetings a more effective feedback tool for courts and judges.

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