

Article

Sustainability of Portuguese Courts: Citizen Satisfaction and Loyalty as Key Factors

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Abstract: This paper aims to describe the satisfaction and loyalty of citizens towards the sustainability of Portuguese courts. This research was carried out under the Portuguese justice agenda named “Justice + Closer” between the years of 2017, 2018, and 2019. The methodological approach adopted was quantitative. Based on the literature review, a structural model of the relationships between the dimensions that directly and indirectly influence citizen satisfaction and loyalty was adapted from the arbitration centers to the court’s reality. Data collection was carried out during the three years mentioned—in person at the Portuguese Campus of Justice and also through questionnaires applied online. In the course of the three years, 3276 observations were collected. Through structural equation modeling, it was possible to measure positive relations produced between seven established dimensions. The results of this study contribute generally to applied research in the field of justice administration and to the understanding of this topic by those in the academic sector where it has been superficially addressed. Related future investigations might include a comparative study between the satisfaction and loyalty of citizens with (i) the formal adjudication processes and case outcomes of the Portuguese courts and (ii) alternative dispute-resolution processes and case outcome means reached by recognized arbitration and mediation centers, judges of peace, and related ADR services.

Keywords: courts sustainability; citizens; satisfaction; loyalty; justice administration; structural equation modelling

1. Introduction

The sustainability and effectiveness of public reforms and their performance are a present concern of governments. The justice sector is fundamental to reach social well-being, alongside sustainable development purposes [1].

Citizen satisfaction and loyalty is an important measure in assessing the performance of public services and systems, and by ensuring their sustainability [2,3]. The term sustainability applied to the judicial environment has implications regarding the support of the courts, court fees, or maintenance of the court system, and confidence in the institutions. These institutional sustainability for the justice sector as much as it is for democracy as both can only operate in a viable way if participants, that is, the citizens, agree and have a reasonable perception about its legitimacy. Otherwise, both systems become unsustainable, tyrannical or anarchical. Nowadays, the traditional concepts of efficiency, effectiveness, and quality in the administration of justice are associated with efforts to assess public satisfaction and loyalty in the justice sector. Civil society demands of judicial sector performance now include new dimensions which, in turn, have introduced new fields of research and analysis for academic and professional researchers [4].

In the field of public administration, the new political and social disciplines within justice administration assign new contributory roles—both to individual citizens and civil society

institutions [5]. In an era of growing nationalism and populism espoused by heads of state in numerous countries, judicial systems have become increasingly vital as guardians whose institutional roles are to protect citizen rights and access to justice and the rule of law. In that context, it is critical that they understand what is at stake and their role in preserving democratic society [6].

The objective of this article is to validate an adapted structural model from the judicial reality of the Portuguese Arbitration Centers into the Portuguese courts, aiming to measure the relationship of seven dimensions: (i) access to information, (ii) operation, (iii) responsibility, (iv) available resources, (v) installations, (vi) general aspects of courts, and (vii) loyalty of citizens. These dimensions directly and indirectly influence citizen satisfaction and loyalty towards Portuguese courts. Since both systems of legal conflict resolution have in common all variables in this study, it may be valuable to compare the two realities. Both have several pieces of information available to citizens, they have a similar way of operation, a responsible judge or referee judge linked to the case, both have resources to perform their purpose, and both have designated installations. Additionally, in the European scenario, calls for improving the efficiency and quality in judicial systems resulted in the creation of the European Commission for the Efficiency of Justice (CEPEJ), which assists member states of the European Union to develop public policies to implement achieve effectively and quality results in their domestic systems. CEPEJ recommends the continuous evaluation on the quality of public justice services provided to citizens, in order to obtain useful information to implement public policies. In the public justice services, besides courts, CEPEJ also recommended the assessment of other alternative systems of dispute resolution, such as arbitration centers mediation and judges of peace [7].

Pursuant to EU recommendations to its member states, the Portuguese XXI Constitutional Government established the Great Plan Options for 2016 to 2019 with a set of new policies and commitments in order to achieve sustainable development goals. One of those commitments was to Portuguese justice administration. In this context, the Portuguese agenda named “Justice + Closer” arises, with a special orientation for innovation, and efficiency, effectiveness, and quality services. This public program presents to society more than 100 public measures in the justice field. The objectives of this public policy agenda are more simplified, more agile, and more sustainable justice, assisted by the new technologies aiming at more effective and optimized management, transparent data and information provision, more human justice by attending the real needs of its target, and justice closer to the citizen, positioning itself as the activity center [8].

The measure of the Portuguese public policy agenda “Justice + Closer” that will be approached in this article is named “Justice 360°—Evaluation of the citizen’s satisfaction and loyalty”. This measure introduces continuous systems to evaluate public satisfaction and loyalty and, by this, creating an analyze the offered quality, and also target potential improvements in the Portuguese system [8].

This article presents the following structure: first, the theme of the study is introduced, with a literature review regarding citizens’ satisfaction and loyalty towards public services; in this section, the authors present the model which was adapted for the Court’s reality. Then, the research methods employed in this study are explained, followed by the results and discussion. Finally, limitations and future lines for investigation are highlighted.

2. Literature Review

To evaluate public sector performance and quality, a large measure used is the evaluation of citizens’ satisfaction. It is a reasonable easy measure to apply, by ensuring data regarding services’ performance (which are hard to acquire through other types of objective measures), and the citizen is placed in the center of public activity [9]. Some studies have focused on the determinants of satisfaction, loyalty and trust with the judicial system [10–13].

Citizen opinion has been a constant concern in governance since this type of public opinion presents several important consequences to democracy and public responsibility. The scientific research upon citizen satisfaction highlights the role of public service quality in the creation of citizen perceptions on quality and functioning [14,15]. Citizen satisfaction contributes to evaluate the capacity for a service

to fulfill citizens' needs satisfactorily. This evaluation has been reinforced through the years and the posture to adopt must be the one adopted in the private sector: putting people at the center of the justice system [16]. This is a metric with favorable potential to society, since, by using this measure, the elements/dimensions/fields which are important to citizens are captured during the process and information on the service quality is provided to the governance structure [15].

A long-term effect of satisfaction is loyalty [17]. For Dick and Basu [18], loyalty is a combination of behaviors and attitudes. A loyal client is the one that, after a positive experience, repeats the use of the good or service.

The relationship between satisfaction and loyalty have been studied in the Portuguese reality [16,19]. Regarding this issue, Catarino and Correia [20] have developed a study aiming to verify the existing relationships between a set of dimensions that directly and indirectly influence citizen satisfaction and loyalty towards the Portuguese Arbitration Centers, by using the following dimensions: "access to information on arbitration centers", "operation on arbitration centers", "responsible for the process in the arbitration center", "resources available for the arbitration center", "installations of the arbitration center", the "general aspects of the arbitrage center", and the "loyalty" of the citizens towards this public service. The authors had established and validated a theoretical model to evaluate the satisfaction and loyalty of citizens towards a Portuguese judicial reality.

For this research, the above-mentioned theoretical model was adapted to be applied in the Portuguese Court's reality (Figure 1). This theoretical model confirmed that the satisfaction with the "general aspects of the arbitrage center" had a direct impact over the "loyalty" (H6), and the other dimensions (satisfaction with the "responsible for the process in the arbitration center", "access to information on arbitration centers", "operation in arbitration centers", "resources available for the arbitration centers", and "installation of the arbitration centers") had direct impact over the satisfaction with the "general aspects of the arbitrage center".

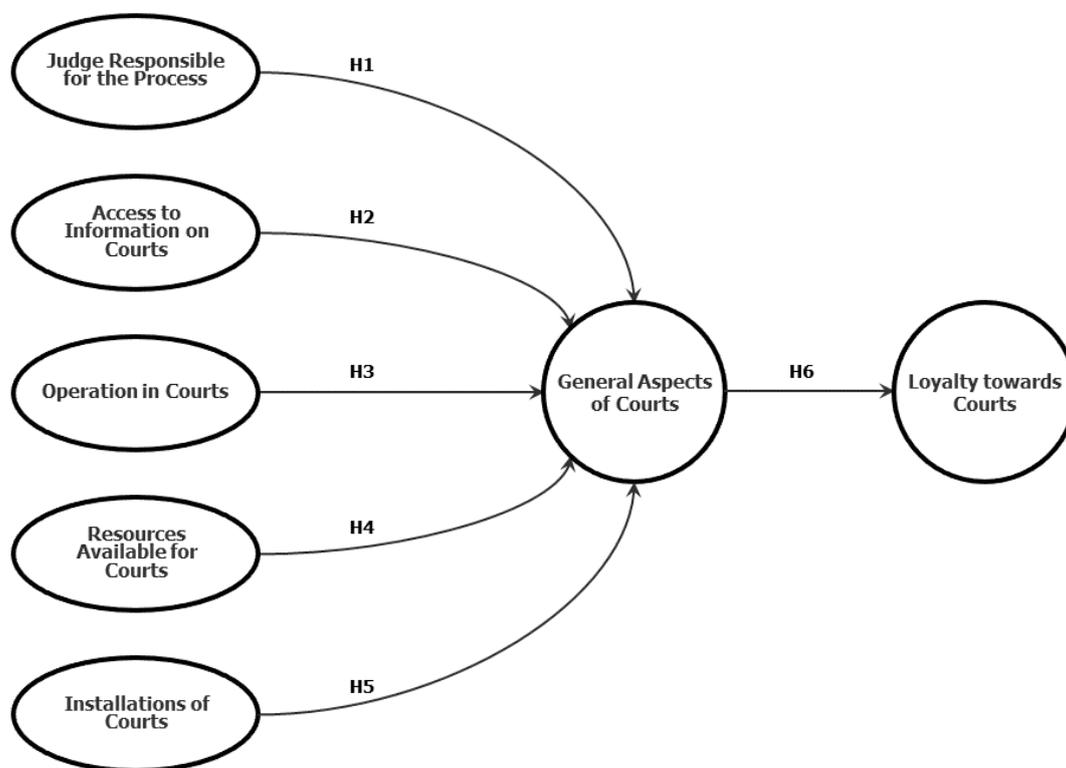


Figure 1. Proposed model for citizen satisfaction and loyalty towards the Portuguese courts based and adapted from [20].

3. Materials and Methods

A mixed approach was adopted, as the study can be considered both deductive and inductive. The study can be considered deductive since the model used came from the theoretical foundation previously studied [20]. On the other hand, the study can be considered inductive because the data collected was the source for the realization of the model presented and allowed for the alteration of the model initially proposed.

This research follows a quantitative approach, using the technique of inquiry by questionnaire. The statistical universe of this research is all the users of the Portuguese courts. The observations used were obtained from citizens interviewed in person at the Portuguese Justice Campus at Lisbon, as well as citizens who participated via questionnaires applied online from other Portuguese jurisdictions. Between the years 2017, 2018, and 2019, 3276 observations were collected, of which 653 correspond to the year 2017, 1193 correspond to 2018 and 1430 correspond to the year 2019. Of the total mentioned, 1449 observations were registered at the Portuguese Justice Campus and 1827 registered in areas other Portuguese jurisdictions than the Portuguese Justice Campus. The questionnaire used is named “Courts Quality Barometer”, which was adapted from the questionnaire available in the Handbook for Conducting Satisfaction Surveys Aimed at Court Users in Council of Europe’s Member States, adopted by the European Commission for the Efficiency of Justice [21,22].

The structuring of the hypotheses was inspired by the model of satisfaction and loyalty of users of arbitration centers, proposed and tested by Catarino and Correia [20], adapted to the satisfaction and loyalty of citizens about the courts. In this way, it was possible to elaborate a structural model to obtain the impacts, direct and indirect, of the constituent dimensions (independent latent variables) in the dimensions (dependent latent variables), general aspects of the courts and loyalty to the courts (Figure 1).

3.1. Data Treatment

The approach used in this research is quantitative, and the data were collected through a questionnaire. The data collection instrument was formed with seven dimensions—categorical variables and with 24 indicators—scale variables (Table 1), quantified using Likert scales (in ascending order of valorization, all points are numbered, successively from 1 to 10).

Table 1. Citizens’ satisfaction and loyalty towards the Portuguese courts structural model items.

Dimension	Indicators	Indicator Designation
General aspects of courts	G1	General functioning
	G2	Speed of resolution of the dispute
	G3	Costs of access (excluding attorneys’ fees)
	G4	Trust in the system
Access to information on courts	Ac1	The facility in finding information
	Ac2	Clarity of the information transmitted
Installations of courts	I1	The installations are easily accessible
	I2	The installations are well signalized
	I3	The waiting conditions are adequate
	I4	The installations are well equipped
Operation in courts	F1	Communications/information is clear
	F2	The time elapsed between the request and the first session was acceptable
	F3	The sessions started at the appointed time
	F4	Availability and assistance of the technicians of the courts
	F5	Competence of the technicians

Table 1. Cont.

Dimension	Indicators	Indicator Designation
Judge responsible for the process	J1	Attitude and courtesy demonstrated
	J2	Clarity of the language used
	J3	Impartiality throughout the process
	J4	Equal opportunities in discussing the issue throughout the process
	J5	Clarity of agreement/decision
	J6	The speed with which the decision is reached
Resources available for courts	R1	The resources available to the courts are adequate
Loyalty towards courts	L1	If necessary, you would use courts again
	L2	Would you recommend the use of courts?

Source: based and adapted from [20].

3.2. Structural Equation Modelling (SEM)

The Structural Equation Modeling (SEM) methodology was implemented to the data collected, to construct a valid and robust structural model. The software used for these purposes was the SPAD—*Système Pour Analyse de Données*—version 6.5.

The SEM methodology requests the creation of a model of analysis (Figure 1) with a hypothesis established to validate the model. The analysis model is established by the set of causal relationships between the latent variables and the indicators. This structural model is anchored in seven dimensions (latent variables) with 24 indicators (scale variables). Each of the interactions gives rise to a hypothesis tested in this study—Hypothesis 1 to Hypothesis 6 (Figure 1). Therefore, the following hypothesis was tested: the dimension general aspects of courts suffer the direct impact of the dimension judge responsible for the process in court (Hypothesis 1), the dimension general aspects of courts suffer the direct impact of the dimension access to information on courts (Hypothesis 2), the dimension general aspects of courts suffer the direct impact of the dimension operation in courts (Hypothesis 3), the dimension general aspects of courts suffer the direct impact of the dimension resources available for courts (Hypothesis 4), the dimension general aspects of courts suffer the direct impact of the dimension installations of courts (Hypothesis 5), and the dimension loyalty towards courts suffers the direct impact of the dimension general aspects of courts (Hypothesis 6).

4. Results and Discussion

The structural model initially proposed was not validated as a whole. Hypothesis 1, corresponding to the direct impact of the dimension judge responsible for the case on the general aspects of the courts, and Hypothesis 5, corresponding to the direct impact of the size of the court facilities on the general aspects aspect of the courts were rejected. It was concluded before that the dimension loyalty to the courts suffers a positive and direct impact of the dimension judge responsible for the process and still the dimension loyalty suffers a positive and direct impact of the dimension installations of the courts (Figure 2).

Consequently, it was necessary to reformulate the hypotheses initially established. The reformulation of the hypotheses validated our sample, confirmed with a p -value < 0.05 for the direct impact between the dimensions considered (Table 2). The global model goodness-of-fit index (GoF) presented a value of 0.742, and the item loadings for all indicators are above 0.70 (Appendix A). This measure is used to evaluate the global model, which varies between 0 and 1—values of 0.37 are considered acceptable [23]. More information on the SEM methodology is available in Appendices A and B.

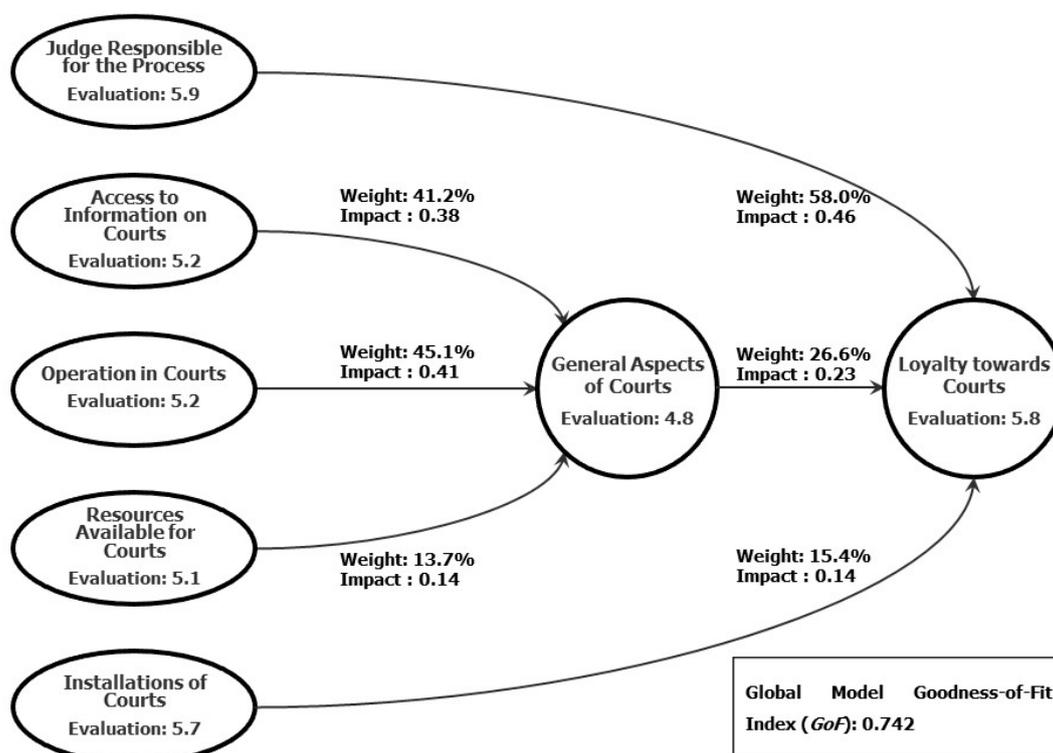


Figure 2. Effective structural model for citizens’ satisfaction and loyalty towards the Portuguese courts. Source: elaborated by the authors, based on the results obtained in the study.

Table 2. Evaluation of the structural model.

Block	Number of Indicators	Mean	Alpha de Cronbach	Rho Dillion-Goldstein	Adjusted R2	The Internal Quality of the Model	
						H2	F2
Judge responsible for the process	6	5.9	0.9558	0.9651	0.7393	0.8190	-
Access to information on courts	2	5.2	0.9124	0.9586	0.8224	0.9148	-
Operation in courts	5	5.2	0.9221	0.9415	0.8350	0.7609	-
Resources available for courts	1	5.1	-	1.0000	0.7238	-	-
Installation of courts	4	5.7	0.9293	0.9497	0.6588	0.8218	-
General aspects of courts	4	4.8	0.8908	0.9247	0.6815	0.7524	0.9432
Loyalty towards courts	2	5.8	0.9475	0.9744	0.5864	0.9432	0.5010

Source: elaborated by the authors, based on the results obtained in the study.

The structural model proposed for analysis was accepted (Table 2), its results being represented in Figure 2 and explained as follows: on the one hand, the dimension which most contributed to the users’ satisfaction with the general aspects of Portuguese courts, was the dimension operation of courts with 45.1% of the global weight, followed by the dimension access to information on Portuguese courts with 41.2% of the global weight, and lastly for the dimension resources available for Portuguese courts with 13.7% of the global weight. On the other hand, the dimension which had a greater impact on the users’ satisfaction with the general aspects of Portuguese courts, was the dimension operation of Portuguese courts with an impact of 0.41 followed by access to information on Portuguese courts with an impact of 0.38, and lastly for the dimension resources available for the Portuguese court with an impact of 0.14%.

Moreover, the dimension which highly contributes for the loyalty towards Portuguese courts is the dimension judge responsible for the process in Portuguese court with 58% of the global weight, followed by general aspects of Portuguese courts with 26.6 of the global weight, and finally the dimension installations of the Portuguese courts with 15.4 of the global weight. Regarding its impact, the three dimensions supra-mentioned possess direct impact over the loyalty towards Portuguese

courts, with values of 0.46, 0.23 and 0.14, respectively. The other three dimensions have an indirect impact on the dimension loyalty towards Portuguese courts.

5. Conclusions

After the presentation of results, there are a set of final considerations that the authors pretend to highlight. Firstly, the difference in results is quite peculiar when comparing the two judicial realities. Contrary to what Catarino and Correia [20] concluded in the case of the Portuguese Arbitration Centers, in the Portuguese courts, the impact of the dimensions “judge responsible for the process” and “installations of courts” were not validated as direct and positive towards the satisfaction of the “general aspects of courts”. Otherwise, in this research, those two dimensions had presented a positive and direct impact on “loyalty towards courts”.

This change is justified in the literature. Firstly, regarding the dimension “installation of courts”, it can be concluded that it has not become a relevant factor for satisfaction with the “general aspects of the courts” due to its positive and homogeneous level (confirming through the positive average rating of 5.7) so the impact of the factor is minor [20]. Regarding loyalty, considered in the literature as a long-term effect of satisfaction [17], it can be assumed that the good quality of the facilities increases the citizen’s loyalty over time. Second, regarding the “judge responsible for the case” dimension, its impact on loyalty to the courts is equally intelligible.

Courts are the sovereign bodies with the competence to administer justice on behalf of citizens. Currently, we live with institutionalized and socially judicial activity recognized as legitimate. In a democratic society, judges carry out their work independently, without any political, social, or economic pressure on the decisions they must take. With the guarantee of this independence, society’s expectation is for decisions to be taken fairly and based on the law [24]. Furthermore, for the proper functioning of the courts, citizens’ trust in judges is essential. The legitimacy of judges is largely based on the public’s confidence in the judicial system and especially on judges so that their legitimacy is not questioned. In addition to legitimacy, the citizen, by holding the judges accountable and trusting, creates the so-called “reservoir of loyalty”, which grows according to the transparency of the courts and the judicial system [25]. A study, carried out recently, concluded that people’s confidence in the judicial systems of their countries is positively related to the fundamental institutional characteristics of the judicial systems, to independence and judicial responsibility [26]. Thus, we believe that the direct and positive impact of the “judge responsible for the case” dimension is theoretically justified in the “loyalty to the courts” dimension.

The Portuguese people have a solid and rooted democratic and civic culture. The culture of legality, civility, and the belief that, despite the aspects to be improved, the judicial system, sometimes, remains the only forum for resolving some types of disputes between citizens keep citizens loyal to the courts in the sense that they would recommend them and return to them if required. Although, nowadays, other alternative systems of dispute resolution are gaining ground with quite fascinating levels of satisfaction and loyalty. Today, courts compete with private mediation systems, public and private arbitration centers, and judges of peace, which may lead to better results in the justice system. In this regard, a recent study [27] performed in this subject and with the same data, concluded the existence of two clusters, in other words, the existence of two natural groups of citizens, posteriori characterized and called “satisfied citizens” and “dissatisfied citizens”. The analysis of the cluster “satisfied citizens” concluded that this group is associated with a statistically significant factor, to individuals who never used alternative systems of dispute resolution, and who went to court for between 1 and 3 years. The analysis of the cluster “dissatisfied citizens” found that this group is associated with a statistically significant factor, to individuals who used alternative systems of dispute resolution, and who never went to court. Surprisingly, winning the cause was not a statistically significant factor, and that instead, one of the most important statistically significant factors was having previous experience with court services.

Moreover, this measure was analyzed for a period of three years—2017, 2018, and 2019—engaged the CEPEJ recommendations, by proceeding with regular research, based on tested and already valid questionnaires, and aimed to monotonize changes in the evaluation of services, localizing its attention at the court citizen experience. The Portuguese results were positive in the user's satisfaction and loyalty towards the Portuguese courts. These results encounter the designed objectives of the Great Plan Option from the XXI Constitutional Government and the public policy agenda "Justice + Closer": a closer justice, establishing the citizen at the center of activity.

Moreover, these positive outputs are framed in the CEPEJ ambitions to increase the quality and sustainability of the justice sector. This empirical article exemplified how it is possible to approach satisfaction and loyalty studies as a tactic to build a data basis to evaluate and analyze citizen satisfaction and loyalty to reinvent justice and improve the provided service. By adopting these types of approaches, the public participation is fomented, building new bridges between the state and the citizens, creating new forms of civil society engagement in the public structure. It shows a path to transparent, human, agile and sustainable justice.

The investigation was subject to a set of usual limitations when carrying out this type of scientific investigation. First, we are evaluating perceptions, and it is important to underline the fact that measuring perceptions is not the same as measuring reality; however, the data, information, and theoretical and empirical addition obtained, in general, counterbalance with the (self) knowledge it provides about the systems under study. Second, regarding the formation of perceptions of citizens' satisfaction and loyalty, this is a process with a high degree of complexity and is certainly influenced by many more variables than those addressed in this dissertation. Thus, it is essential to work continuously in an attempt to introduce new indicators, new dimensions, and new models of analysis, whenever this is duly justified. Third, data collection, both in-person and online, was reported by the respondents themselves, so, it is not possible to prevent possible misrepresentations caused by social desirability.

For future investigation, it is recommended the conduction of a comparative study between the satisfaction and loyalty of citizens with the Portuguese courts and the alternative means of dispute resolution, that is, arbitration centers, judges of peace, and mediation. Moreover, a cluster analysis and formulation of recommendation maps and priority indexes are recommended to ponder the priority dimensions in hypothetical cases of public policies and investments to improve the service provided. Moreover, considering the current new reality of the COVID-19 pandemic, it would enrich the justice sector, the reapplication of the model presented in this research, and compare the results between the two different moments. For more information about the impact of COVID-19 in Portugal and its connection to governance sustainability, consult [28,29].

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Appendix A

Table A1. Results for outer model: outer weights and correlations.

Block	Indicator	Outer Weights	Normalised Weights	Correlation	Communality	Redundancy
Access to information on courts	(MODE A) Ac1	0.2099	0.5077	0.9631	0.9275	-
	Ac2	0.2035	0.4923	0.9554	0.9127	-
Operation in courts	(MODE A) F1	0.0987	0.2115	0.8828	0.7793	-
	F2	0.1009	0.2162	0.8561	0.7330	-
	F3	0.0843	0.1806	0.8318	0.6918	-
	F4	0.0937	0.2008	0.9098	0.8277	-
	F5	0.0891	0.1909	0.8859	0.7848	-
Resources available for courts	(MODE A) R1	0.4192	1.0000	1.0000	1.0000	-
General aspects of courts	(MODE A) G1	0.1200	0.2471	0.8909	0.7937	0.6041
	G2	0.1183	0.2436	0.8827	0.7792	0.5931
	G3	0.1107	0.2280	0.8094	0.6552	0.4987
	G4	0.1366	0.2813	0.8967	0.8040	0.6120
Installation of courts	(MODE A) I1	0.1074	0.2391	0.8967	0.8041	-
	I2	0.1064	0.2368	0.9114	0.8306	-
	I3	0.1223	0.2724	0.8980	0.8064	-
	I4	0.1130	0.2517	0.9279	0.8609	-
Judge responsible for the process	(MODE A) J1	0.0739	0.1727	0.9182	0.8431	-
	J2	0.0657	0.1535	0.8922	0.7961	-
	J3	0.0763	0.1783	0.9296	0.8641	-
	J4	0.0746	0.1743	0.9297	0.8644	-
	J5	0.0692	0.1617	0.9136	0.8346	-
	J6	0.0683	0.1596	0.8453	0.7146	-
Loyalty towards courts	(MODE A) L1	0.1730	0.4867	0.9731	0.9469	0.5552
	L2	0.1824	0.5133	0.9764	0.9533	0.5590

Source: elaborated by the authors, based on the results obtained in the study.

Appendix B

Table A2. Outer model assessment.

Latent Variable	Total SS	Residual SS	Redundancy H2
Access to information on courts	1,208,270.0000	102,923.0000	0.9148
Operation in courts	2,855,630.0000	682,734.0000	0.7609
Resources available for courts	-	-	-
General aspects of courts	2,127,650.0000	526,781.0000	0.7524
Installation of courts	2,281,990.0000	406,710.0000	0.8218
Judge responsible for the process	3,775,520.0000	683,339.0000	0.8190
Loyalty towards courts	1,583,070.0000	89,892.6000	0.9432
General aspects of courts	2,127,650.0000	946,961.0000	0.5549
Loyalty towards courts	1,583,070.0000	790,004.0000	0.5010

Source: elaborated by the authors, based on the results obtained in the study.

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