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## **From The Editors:**

# **Court Administration in a Time of Changes – IACA´s First Conference in Latin America – The Importance of Research**

**By Andreas Lienhard and Luis Maria Palma**

The trying times we live in are characterized, in terms of public management, by a growing gap between the latter and the necessities it has to fulfill: around the world, many state agencies are frequently superseded in their ability to provide services in an efficacious and efficient manner, in front of an increasing and diversified social demand. The regulatory framework that rules their functioning sometimes explains -largely but not exclusively- the reason for this situation.

In the Era of Globalization, notions like "space" and "time" are under crisis:<sup>1</sup> the Information and Communication Technologies –ICT- make it possible today to work remotely and in real-time in the creation of knowledge and, thus, to develop regularly many activities that were hardly imaginable two decades ago.<sup>2</sup>

Although these opportunities are expanded in every moment,<sup>3</sup> many things have to be done within public sectors -and within them, the judicial systems- to adjust and promote changes through research, leadership, teamwork and participation.

This issue of IJCA deals with these topics and points out the importance of research and knowledge transfer.

We deeply acknowledge the work of our reviewers, our English-language proof-readers, and our Technical Editor, Linda Wade-Bahr.

### **This Issue**

The editors proudly present seven articles by authors from Australia, Italy, The Netherlands, Romania and the United States of America. Some of the works selected refer to experiences and best practices of judicial reform, while others enhance the necessity of developing academic and practical research on court administration, in order to improve oriented public policies and services consequently provided.

The description of how court administration has evolved in a particular country can be a very illustrative and practical way of learning for those who want to reform their own judicial systems. *Richard Foster's* article on Australia's case clearly explains it and highlights the great importance of cultural change, leadership and participation to promote and develop modernization processes. The core of it underlies the evolution of the role and profile of the court administrator, the importance of learning from the past and the constant attention to a world in continuous change, to meet the needs of users and the social demand of justice.

In the context of huge economic and financial crises, reality seems to impose on the public sector the necessity of providing more services despite the fact of gross budget cuts (in other words, "to do more with less"). *Frans Van Dijk and Horatius Dumbrava's* work consider European judicial systems ongoing reform processes under those conditions, and the consequent challenge of facing bigger and increasing caseloads with less public expenditures. They also put the magnifying glass on a critical issue: the importance of improving the judiciary functioning is critical for civil society, but also for the economy.

In the aforementioned scenario, an interdisciplinary approach turns out to be more and more relevant to improve the quality of the services provided by Judicial Systems. A specific and highly relevant matter upon which this focus is being applied is that of the decision making process, thanks to the inputs of cognitive psychology and neuroscience. *Pamela Casey, Kevin Burke and Steve Leben* refer to the main characteristics and advantages of related efforts and the principles of procedural justice, as an effective way to increase compliance of court orders and positive public perceptions of the court system.

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<sup>1</sup> Alvin and Heidi Toffler, *The Revolution of Wealth*, Debate Publishers, Buenos Aires, October 2006, page 63.

<sup>2</sup> For example, virtually research, teamwork, or writing an essay in collaboration with some person who is thousands of miles away, all within the virtual environment.

<sup>3</sup> Thomas Friedman, *The Earth is Flat*, Planeta-Martínez Roca Publishers, first edition in Argentina, Buenos Aires, December 2006, page 57.

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*Pamela D. Schulz and Andrew J. Cannon* emphasize the huge potential of the multidirectional communication among worldwide users enabled by social media. Besides of being a mean to create more ways for democratic expression, social media can facilitate the conditions to exercise influence on public policy and court administration. Courts can meet the challenge and improve their own methods of information and communication with civil society.

*Ann Johnson and Bianca Radu* analyze the judicial reform process of Romania through the creation of an institution, the Superior Council of the Magistracy as a way to improve the rule of law, also considering internal changes in the judiciary as a consequence of the activity of the European Court of Human Rights (ECHR). A series of semi-structured interviews to members of the Romanian Judiciary make this study particularly vivid.

*Giancarlo Vecchi* summarizes the results of a national program on dissemination of best practices within the Italian judicial offices, focused on management, internal functioning, ICT and relations with users. The conception of the program is of a “two way” nature that combines top-down actions of the central state administrations and bottom-up initiatives by local judicial offices. The importance of participation to legitimate reform processes is one of the highly relevant points of this effort, which also leads to conclude the need of a strong coordination on these kinds of programs to succeed.

The worldwide current scenario of judicial budget cuts is addressed by *Jessica Vapnek*, who proposes 21 concrete measures aimed to save costs in areas such as court operations, staffing and salaries, court and case management. Even when this article is mainly directed to readers from developing countries, it summarizes lessons from the past that include valuable experiences from de US and Europe.

### **IACA´s First Regional Conference in Latin America**

Latin American young democracies are dealing with most of the problems we regularly consider as current within judicial systems. With judicial reform programs that grow stronger and diversify as times go by, the region seems to be a fertile space for court administration, the discussion of its best practices and new ways to improve the judiciary organization, functioning and services.

Therefore, during May 29, 30 and 31, 2013, IACA will develop its First Regional Conference on Court Administration in the City Buenos Aires, Argentina.

Co-sponsored by the Attorney General’s Office of the City of Buenos Aires (<http://www.mpf.jusbaires.gov.ar/>), the event will take place at the facilities of the University of Buenos Aires –UBA- Law School ([www.derecho.uba.ar/](http://www.derecho.uba.ar/)), with the participation of judges, prosecutors, public defenders and court administrators all over the region, North America and Europe.

The topics to be discussed during the conference will include Court Administration in a Globalized World, New Models of Judicial Organizations, Environmental Courts in Latin America, Pretrial mediation, E-filing and Digital Procedures, The Relevance of Statistics in Judicial Policy Making. Cybercrime, Trafficking in Persons and International Cooperation, Criminal Justice Reform and New Proceedings for Complex Crimes.

Registration and more specific information are available at <http://www.iaca.ws>

### **Research Project “Basic Research into Court Management in Switzerland” started**

To date in Switzerland there has been a widespread lack of empirical and theoretical findings on the modus operandi of the justice system and its interaction with society or with specific social target groups. In relation to its basic knowledge of its judiciary, Switzerland is far behind other countries in the world.

Developments in public administration have shown management in the judiciary will become a necessity in the future. Without a better basic knowledge of the judicial field, the development of specific management models for the judiciary will not be possible. Therefore, the main common aim of this project is to gain knowledge of the Swiss judiciary as a subsystem of the democratic society and as an organization.

This basic research is carried out with regard to the development of integrated management models for the administration of justice. In addition, it is expected that the research project will yield considerable methodological findings related to research in systems of justice. This will generate scientific added value; so far there have been hardly any solid and recognized methods for research into systems of justice.

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The questions dealt with in this project are being approached on an interdisciplinary basis. Gaining an insight into the judiciary from outside involves studying the interaction of legal, sociological, macro-economic, psychological, historical and political science aspects. In addition, research into the functioning of the judiciary, its organizational impacts, internal processes and the interaction between the people working within the system can only proceed on an interdisciplinary basis.

The structure of the research project – following several recognized management models – is subdivided into the internal organization of justice and an investigation of the pertinent environment. The investigation of the internal organization will examine the elements of resources, processes, organization (structure) and culture. Accordingly, the research project consists of five interdisciplinary sub-projects dealing with specific questions. Internal coherence and external cross-linkage will be guaranteed by means of an overall project management team, a cross-sectional project and two coordination groups.

The research findings achieved through the three years lasting project will be presented in doctoral theses, articles in professional journals, academic working papers, reports from research workshops as well as in summarizing reports of the sub-projects and the cross-sectional project. The findings of the overall project will lead to a summarizing fundamental work on the subject.

In addition to the University of Berne (Leading House), the Universities of Zurich, Lucerne, St. Gallen and Utrecht (NL) as well as the Idheap (University of Lausanne) are involved in this interdisciplinary project.

First empirical results on the status of Court Management in Switzerland: IJCA Special Issue 2012. For more information: <http://www.justizforschung.ch>