

Leadership in the Judiciary: Management and Administration Roles in the Justice System

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doi: <https://doi.org/10.37745/gjplr.2013/vol12n27189>

Published April 24, 2024

Citation: Llagami N. (2024) Leadership in the Judiciary: Management and Administration Roles in the Justice System, *Global Journal of Politics and Law Research*, Vol.12, No.2, pp.71-89

Abstract: *This paper explores the essential roles of management and administration in the judiciary, emphasizing the importance of leadership in these functions. It thoroughly discusses the relationship between judicial administration and the effective operation of courts, demonstrating how leadership is important for meeting current challenges such as technological advancements and increasing demands for transparency and judicial integrity. The research examines court administrators' wide-ranging responsibilities and emphasizes the critical role of competent leadership in ensuring the efficient and adaptable operation of courts. Through an analysis of international standards and practices across various jurisdictions, this paper identifies the key qualities and competencies that are essential for judicial leaders to effectively manage the complexities of modern judicial systems and ensure the rule of law.*

Keywords: Judicial leadership, court administration, rule of law, judicial integrity, strategic management

INTRODUCTION

The issue of court administration holds great significance, not only for those involved in the administration of justice, but also for the wider community. It's hard to envision a society or community that doesn't rely on the idea of the rule of law for its well-being and success. In the absence of a legal framework, society is left vulnerable to chaos or authoritarian rule. And, naturally, the foundation of a just society relies on the efficient functioning of the courts, which are established to administer justice. It is widely acknowledged that the smooth functioning of the

justice system relies heavily on a strong collaboration between the judiciary and court administrators¹.

The role of court administration is an essential part of the judicial process, covering different responsibilities, tasks, and staff structure². According to Kondrych³, international standards highlight the importance of having dedicated anti-corruption judicial bodies and ensuring that justice is administered through these courts. This approach can play a crucial role in reestablishing public trust in the judiciary. Nevertheless, some experts have raised concerns about the American Bar Association's standards for court organization, arguing that they may encourage excessive centralization and inflexibility. This, in turn, might negatively impact the adaptability and stability of court systems⁴. In order to ensure the right to a fair trial, it is crucial to have efficient court administration and uphold strict professional standards for judges. The fundamental principles of fairness, independence, and impartiality must be guaranteed⁵.

The latest international standards for court administration and management cover various important elements. In their work, Kondrych⁶ highlights the significance of specialized anti-corruption judicial bodies, while Syahr⁷ explores the application of the International Framework of Court Excellence (IFCE) for court accreditation. In a recent study, Koverznev⁸ emphasizes the importance of ensuring fair and equal access to justice in various aspects of economic relations. This includes considering factors such as financial, territorial, and organizational criteria. Finally, Turkanova⁹ highlights the importance of openness and transparency in court proceedings, using examples from the legal systems of England and Wales, the US, and the EU. The standards collectively strive to improve the quality, integrity, and accessibility of court systems internationally.

¹ Court Administrators and the Judiciary - Partners in the Delivery of Justice By The Honorable Wayne Martin AC, Chief Justice of Western Australia, Vol. 6 No. 2, December 2014 ISSN 2156-7964 URL: <http://www.iacajournal.org>, pg.3.

² Teremetskyi, V., & Kutsenko, K.D. (2021). Legal Status of the Court Administration. *Bulletin of Kharkiv National University of Internal Affairs*.

³ Kondrych, V. (2021). High anti-corruption court in the context of international standards of judicial procedure and administration of justice. *Revista Amazonia Investiga*.

⁴ Saari, D.J. (2016). Modern court management: trends in court organization concepts — 1976.

⁵ Šimonis, M. (2019). Effective Court Administration and Professionalism of Judges as Necessary Factors Safeguarding the Mother of Justice – The Right to a Fair Trial. *International Journal for Court Administration*.

⁶ Kondrych, V. (2021). High anti-corruption court in the context of international standards of judicial procedure and administration of justice. *Revista Amazonia Investiga*.

⁷ Syahr, Z.H. (2019). Creating a standardized assessment for court accreditation. *Jurnal Hukum dan Peradilan*.

⁸ Koverznev, V.O., & Kyiv, U.I. (2020). International standards for ensuring the right of access to court for participants of economic relations. *Economics and Law*.

⁹ Turkanova, V. (2019). International and european standards for openness and transparency of the trial and the enforcement of judicial decisions (on the example of the legislation of england and wells, the usa and the eu). *Bulletin of Taras Shevchenko National University of Kyiv. Legal Studies*.

The implementation of the latest international standards for court administration and management in various EU countries' jurisdictions presents a challenging and complex issue. Afanasiev¹⁰ emphasizes the importance of aligning online dispute resolution mechanisms with the fundamental principles of a fair trial, while Woude¹¹ underscores the difficulties encountered by the European Court of Justice in maintaining impartial decision-making due to financial limitations. In his study, Eliantonio¹² explores into the complexities surrounding the issue of judicial protection in 'composite procedures'. These procedures involve the collaboration of administrative actors from various jurisdictions, which can potentially create gaps in decision-making. In addition, Emmer¹³ highlights the challenges encountered by administrators and judges in Central and Eastern Europe when it comes to incorporating international norms into their national legal systems. This implies that innovative and additional approaches are necessary to ensure successful implementation.

Hunter¹⁴ and Brutinel¹⁵, in their research, have emphasized the significance of judicial leadership. Hunter emphasizes the value of accepting diverse and broad leadership styles, while Brutinel examines the complexities involved in identifying and preparing judges who can effectively lead. In an important research project, Cameron¹⁶ presents a theory of coordinative judicial leadership that highlights the sensitive balance between pushing the boundaries of legal doctrine and upholding the stability of law application. According to Zaffarano¹⁷, adopting a team management approach is recommended, where the chief judge and court administrator share responsibilities and receive proper leadership training. These studies highlight the importance of leadership in the judiciary and emphasize the need for a comprehensive approach to its development and implementation.

Court management and leadership

¹⁰ Afanasiev, S.F. (2022). About Legal Policy in the Field of Formation and Implementation Online Dispute Resolution Mechanisms in Civil and Administrative Court Proceedings. *Courier of Kutafin Moscow State Law University (MSAL)*.

¹¹ Woude, M.V. (2016). Towards a European Council of the Judiciary: Some Reflections on the Administration of the EU Courts.

¹² Eliantonio, M. (2015). Judicial review in an integrated administration: the case of 'composite procedures'. *Review of European Administrative Law*, 7, 65-102.

¹³ Emmert, F.L. (2003). Administrative and Court Reform in Central and Eastern Europe. *European Law Journal*, 9, 288-315.

¹⁴ Hunter, R.C., & Rackley, E. (2018). Judicial leadership on the UK Supreme Court. *Legal Studies*, 38, 191 - 220.

¹⁵ Brutinel, R.M. (2019). Choosing Leadership Judges by State Supreme Court Appointment: Analysis Of A Court Reform. *Law and contemporary problems*, 82, 1-25.

¹⁶ Cameron, C.M. (2017). Great Judges : Judicial Leadership in Theory and Practice.

¹⁷ Zaffarano, M.A. (2016). Understanding leadership in state trial courts: a review essay.

The role of leadership in court management is a complex and broad one, as emphasized by Zaffarano¹⁸ and Brutinel¹⁹. Zaffarano highlights the importance of adopting a collaborative approach to management, where both the chief judge and court administrator share responsibilities. Brutinel also highlights the fact that judges are frequently selected for managerial roles based on their legal expertise rather than their potential for leadership. The significance of leadership in court administration is further emphasized by Cornes²⁰ and Foster²¹, who explore the impact of lead judges in the UK and the development of modern court administration in Australia, respectively. These studies collectively emphasize the importance of strong leadership in court management, and the difficulties in finding and developing leaders in this specific context.

The court administrator plays an essential and broad role in ensuring the smooth operation of the judiciary. Teremetskyi²² highlights the importance of understanding the legal status of court administration. This status is determined by legislative acts and bylaws, and includes various functions, tasks, and staff structure. The legal status is also subject to the perceptions of presiding judges, who have the power to either restrict or broaden the responsibilities of the court administrator²³. This includes a call for a broader conception of court administration, particularly in areas such as criminal justice, family courts, and the jury system. Bunjevac argues for a more integrated and autonomous court management, supported by a Judicial Council, to improve the quality of justice²⁴.

In Foster's analysis²⁵, the development of court administration in Australia highlights the importance of strong leadership skills in various aspects of the role, including performance measurement, client-centered services, and financial management. Finally, Putrijanti²⁶ emphasizes the significance of state administrative courts in the advancement of state administrative law,

¹⁸ Zaffarano, M.A. (2016). understanding leadership in state trial courts: a review essay.

¹⁹ Brutinel, R.M. (2019). Choosing Leadership Judges by State Supreme Court Appointment: Analysis Of A Court Reform. *Law and contemporary problems*, 82, 1-25.

²⁰ Cornes, R.C. (2013). Pérdidas y ganancias en la traducción: el liderazgo del Tribunal Supremo del Reino Unido, parámetros y perspectivas.

²¹ Foster, R.J. (2013). Towards Leadership: The Emergence Of Contemporary Court Administration In Australia. *International Journal for Court Administration*, 5, 4-14.

²² Teremetskyi, V., & Kutsenko, K.D. (2021). Legal Status of the Court Administration. *Bulletin of Kharkiv National University of Internal Affairs*.

²³ Butler, B.W. (2016). Presiding judges' role perceptions of trial court administrators.

²⁴ Kaye, J.S. (1998). Changing Courts in Changing Times: The Need for a Fresh Look at How Courts are Run. *Hastings Law Journal*, 48, 851.

²⁵ Foster, R.J. (2013). Towards Leadership: The Emergence Of Contemporary Court Administration In Australia. *International Journal for Court Administration*, 5, 4-14.

²⁶ Putrijanti, A. (2021). Jurisprudence of State Administrative Courts in The Development of State Administrative Law. *Jurnal Penelitian Hukum De Jure*.

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emphasizing the crucial role of legal precedents in shaping legal principles and guaranteeing equal access to justice.

The analysis of different styles of leadership in court administration highlights an obvious shift towards a more competent and skilled approach, emphasizing the complex skill of leadership²⁷. It is crucial to consider court organizational design and the importance of judicial leaders being skilled in organization and consensus-building²⁸. An examination is made of the role of court administrators and judges, emphasizing the need for a harmonious and cooperative partnership between the two²⁹. The significance of organizational matters in the judiciary is highlighted by a comparative examination of judicial power and court administration in various legal systems³⁰. The organization and efficiency of courts rely extensively on their structural organization. Specifically, the presence of specialized courts such as family and labour tribunals, the flexible composition of the tribunal based on the complexity and significance of the case, and the interaction between higher and lower courts in terms of access filters and the scope of review, all play a crucial role in ensuring efficient case management³¹.

Methods of case management also involve facilitating collaboration between the courts and implementing uniformed organizational practices within the judicial system. Effective management of the case, hearings, and record, along with the exercise of discretionary powers by the judges, is crucial for ensuring a smooth and efficient process. Effective case management involves employing effective methods and techniques as well as reaching consensus and agreements between the parties involved. This approach can be referred to as process management, litigation management, or simply procedural control. There are various techniques involved in managing the process, including managing the office (court management) and managing judicial staff. Assistance to the judge is crucial in this regard³².

²⁷ Foster, R.J. (2013). Towards Leadership: The Emergence Of Contemporary Court Administration In Australia. *International Journal for Court Administration*, 5, 4-14.

²⁸ Lipscher, R.D., & Conti, S. (1991). A Post-Unification Approach to Court Organizational Design and Leadership. *Justice System Journal*, 15, 667-676.

²⁹ Flanders, S. (1991). Court Administration and Diverse Judiciaries: Complementarities and Conflicts'. *Justice System Journal*, 15, 640-651.

³⁰ Fleck, Z. (2014). A Comparative Analysis of Judicial Power, Organisational Issues in Judicature and the Administration of Courts.

³¹ Peter C. H. Chan and C. H. van Rhee, pg . 5, Civil Case Management in the Twenty-First Century: Court Structures Still Matter, ISSN 1534-6781 ISSN 2214-9902 (electronic) Ius Gentium: Comparative Perspectives on Law and Justice.

³² Pérez Ragone, Á. (2021). Case Management from a Comparative Perspective: Horizontal and Vertical Court Arrangements. In P. C. H. Chan & C. H. van Rhee (Eds.), Civil Case Management in the Twenty-First Century: Court Structures Still Matter (p. 43). Ius Gentium: Comparative Perspectives on Law and Justice, Volume 85.

Two crucial factors must be considered when it comes to case management: the specialization of the courts and the ability to adjust the composition of the courts based on the significance and complexity of the case, whether it involves a single judge or a panel of judges. When considering the first point, it is important to differentiate between regular and specialized courts. Examples of specialized courts include those that manage family, labor, social welfare disputes, and administrative matters³³.

In the recent years, also to deal with backlog and efficiency challenges, the administration has been supported by introduction of artificial intelligence (AI). The effectiveness of AI in case and judicial management is clear³⁴. At first, AI can offer crucial administrative assistance by utilizing digital files, electronic signatures, and online tracking systems. It has the potential to automate mechanical tasks using algorithms, potentially reducing the need for human involvement. In addition, AI has the potential to support judges in their decision-making processes by acting as an electronic 'clerk'. The COVID-19 pandemic has highlighted the significance of technology in court proceedings, resulting in the implementation of online hearings in various jurisdictions, such as Hong Kong. Remote presence is now possible for procedural steps that used to require in-person presence. As an illustration, Hong Kong had already implemented online case filing even prior to the pandemic. In the US, Congress has called on lawmakers to examine procedural rule changes in response to emergencies, but the effect on civil cases is still in question³⁵. There is a significant disparity in the understanding of court management across different legal systems, which has important implications for the allocation of resources and the overall efficiency of the legal process³⁶. There are several factors that can influence this variation, including leadership, case allocation, and the role of the public prosecutor³⁷. The role of court structures in shaping case management is significant, as different legal traditions have an impact on modern systems³⁸. Efforts to enhance efficiency have led to the restructuring of legal systems, leading to various approaches for resolving disputes and settlement practices³⁹.

³³ Pérez Ragone, Á. (2021). Case Management from a Comparative Perspective: Horizontal and Vertical Court Arrangements. In P. C. H. Chan & C. H. van Rhee (Eds.), *Civil Case Management in the Twenty-First Century: Court Structures Still Matter* (p. 44). *Ius Gentium: Comparative Perspectives on Law and Justice*, Volume 85.

³⁴ Sourdin T (2018) Judge v robot? Artificial intelligence and judicial decision-making. *The Univ New South Wales Law J* 41(4):1114–1133

³⁵ Pérez Ragone, Á. (2021). Case Management from a Comparative Perspective: Horizontal and Vertical Court Arrangements. In P. C. H. Chan & C. H. van Rhee (Eds.), *Civil Case Management in the Twenty-First Century: Court Structures Still Matter* (p. 46). *Ius Gentium: Comparative Perspectives on Law and Justice*, Volume 85.

³⁶ Clark, T.S., & Strauss, A. (2010). The Implications of High Court Docket Control for Resource Allocation and Legal Efficiency. *Journal of Theoretical Politics*, 22, 247 - 268.

³⁷ Jeuland, E. (2018). Towards a new court management? *Peking University Law Journal*, 6, 105 - 177.

³⁸ Chan, P.C. (2018). Framing the structure of the court system in the perspective of case management. *Peking University Law Journal*, 6, 55 - 79.

³⁹ Amir, N., & Alberstein, M. (2021). Designing Responsive Legal Systems: A Comparative Study. *SSRN Electronic Journal*.

The importance of leadership in court management is crucial as it significantly influences the overall effectiveness of the judicial system. In court administration, leadership plays a crucial role, especially when dealing with changing demands and challenges, as highlighted by Foster⁴⁰. Lipscher⁴¹ emphasizes the significance of judicial leaders in influencing the organizational structure of courts. Jeuland⁴² offers a thorough examination of court management, emphasizing the importance of strong leadership in key areas like case allocation, budgeting, and technology implementation. In his study, Boyea⁴³ explores the political aspect of election litigation and highlights the role of leadership in fostering consensus. These studies highlight the crucial importance of leadership in court management, encompassing both internal administration and external relations.

The role of the president of the courts

The necessity to distinguish between professionals and managers, the demand for expertise and leadership, and the interplay between content and organization, among other things, is crucial. A recent study by Holvast⁴⁴ has emphasized the increasing interaction between professionals and managers in court administration, such as for example in the Dutch public justice system. The increasing use of Legal Project Management (LPM) in law firms and in-house departments is a clear example of this trend. LPM has been recognized as a catalyst for managerial changes in the legal profession⁴⁵. The importance of judges' professionalism in ensuring the quality of judicial administration has been highlighted, along with the necessity for effective management of judicial staff⁴⁶. Nevertheless, the influence of managerialisation on the autonomy, efficiency, and stress levels of judges is a complex matter, presenting possible advantages in relation to court organization and performance⁴⁷.

⁴⁰Foster, R.J. (2013). Towards Leadership: The Emergence Of Contemporary Court Administration In Australia. *International Journal for Court Administration*, 5, 4-14.

⁴¹Lipscher, R.D., & Conti, S. (1991). A Post-Unification Approach to Court Organizational Design and Leadership. *Justice System Journal*, 15, 667-676.

⁴²Jeuland, E. (2018). Towards a new court management? *Peking University Law Journal*, 6, 105 - 177.

⁴³Boyea, B.D., & Farrar-Myers, V.A. (2011). Leadership and Election Litigation in State Supreme Courts. *State and Local Government Review*, 43, 17 - 31.

⁴⁴Holvast, N., & Lindeman, J. (2020). An inquiry into the blurring boundaries between professionals and paraprofessionals in Dutch courts and the public prosecution service. *International Journal of Law in Context*, 16, 371 - 389.

⁴⁵Rogers, J.M., Dombkins, P., & Bell, F. (2021). Legal Project Management: Projectifying the Legal Profession.

⁴⁶Reznik, O.N., Borko, A., Inshyn, M.I., Kobzieva, T., & Kislitsyna, I. (2020). Professionalism of Judges as the Basis of the Staffing in the Courts. *Journal of Legal, Ethical and Regulatory Issues*, 23.

⁴⁷Viapiana, F., Van Dijk, F., & Diephuis, B. (2023). Pressure on judges: How managerialisation and evolving professional standards affect judges' autonomy, efficiency and stress. *Oñati Socio-Legal Series*.

The issue at hand isn't solely rooted in our unique ways of thinking but rather in our entire civil law tradition. For example, countries that follow the common law system, such as the United Kingdom and the United States, give priority to caselaw and precedent, leading to a more pragmatic approach to justice management, which can help them navigate the conceptual challenges we face. In our system, it's not ideal for a judge to personally interpret the law. Contrary to popular beliefs, it's crucial for the law to serve as a guiding principle for a judge's actions. The judge's role is to faithfully uphold the law. The law takes precedence over the individual. It's crucial to elaborate on the fundamental role of the rule of law in ensuring justice, accountability, and the protection of individual rights within a democratic society. What attributes and competencies are necessary for an individual to concurrently serve as a legal professional and a leader? What strategies can we implement to inspire others? Merryman⁴⁸ explores the role of judges as civil servants and officials. Merryman posits that while judges are respected for their significance, they are not necessarily perceived as heroes. They are individuals who perform crucial tasks, but not ones that necessitate innovation.

During challenging times, a leader might lack the qualities of empathy or effective management. The contrast between the roles and expectations presents a unique challenge in the field of law and leadership. Merryman analyzes the function of judges as public employees and administrators, a subject that has been further analyzed by Wold⁴⁹ and Millender⁵⁰. Wold's research on the perceptions of state supreme court judges provides insight into the factors that impact judges' understanding of their role. Millender's research questions the assumption that judges' responsibilities were restricted to adjudication, emphasizing their additional advisory roles outside of the courtroom in the early United States and Great Britain. These studies significantly deepen our understanding of the complex and dynamic role of judges as public servants and administrators.

The concept of "transformative leaders" introduced by Stedham is highly relevant, particularly in light of a three-decade transition following the fall of the authoritarian regimes in Europe. According to Stedham's research, judicial leaders are aware of the ever-changing social, political, economic, and technological landscape in which the judiciary operates. Recognizing the current societal context and embracing the need for change is vital to ensuring an effective and impactful legal system that underpins a democratic society. An effective leader acknowledges the importance

⁴⁸ Merryman, J. H. (1977). JUDICIAL RESPONSIBILITY IN THE UNITED STATES. *Rabels Zeitschrift Für Ausländisches Und Internationales Privatrecht / The Rabel Journal of Comparative and International Private Law*, 41(2), 332–386. <http://www.jstor.org/stable/27876091>

⁴⁹ Wold, J.T. (1974). Political Orientations, Social Backgrounds, and Role Perceptions of State Supreme Court Judges. *Political Research Quarterly*, 27, 239 - 248.

⁵⁰ Millender, M.J. (1997). Most Humble Servants: The Advisory Role of Early Judges.

of embracing change and proactively works towards implementing it positively. These circumstances underscore the potential for activism and leadership within the judicial community, fostering the development of unique strategies rather than relying solely on established models. Indeed, due to the principle of separation of powers and a limited understanding of the judiciary's distinct role, we have overlooked certain opportunities.

This is precisely what we aim to transform. Judicial Transformational Leaders, as argued by Stedham⁵¹, have an important part in judicial leadership and behavior. This concept is further examined within the framework of strategic leadership and political change from the Canadian Supreme Court. It has been observed that justices who are promoted to the chief position strategically modify their patterns of judicial behavior⁵². An emphasis is placed on the significance of holding the judiciary accountable and implementing institutional changes in societies undergoing transition. The importance of court leadership in promoting high-quality performance, productivity, and effectiveness is highlighted, with an emphasis on the necessity of a leadership approach rooted in a judicial system that fosters the fundamental principles of constitutional⁵³ democracy⁵⁴. The impact of organizational justice on perceptions of transformational leadership is specifically focusing on the importance of interactional justice⁵⁵.

Many authors have emphasized the crucial role of judicial leadership in driving reform. Wice⁵⁶ and Cannon⁵⁷ both highlight the significance of strong leadership in achieving successful court reform, with the latter specifically highlighting the Chief Justice's role in leading change. Hunter⁵⁸ provides a comprehensive analysis of different types of judicial leadership, such as administrative, jurisprudential, and community leadership, emphasizing the importance of having a diverse and skilled leadership. Finkel⁵⁹ emphasizes the political aspect, indicating that judicial reform can act

⁵¹ Stedham, Y., & Skaar, T. B. (2019). Mindfulness, Trust, and Leader Effectiveness: A Conceptual Framework. *Frontiers in Psychology*, 10. <https://doi.org/10.3389/fpsyg.2019.01588>

⁵² Wetstein, M.E., & Ostberg, C.L. (2005). Strategic Leadership and Political Change on the Canadian Supreme Court: Analyzing the Transition to Chief Justice. *Canadian Journal of Political Science*, 38, 653 - 673.

⁵³ See also; Vorpsi, A. (2021). Global Review on Constitutional Law. *SSRN Electronic Journal*.

⁵⁴ Stupak, R.J. (1991). Court Leadership in Transition: Fast Forward Toward the Year 2000. *Justice System Journal*, 15, 617-627.

⁵⁵ Cremer, D.D., Dijke, M., & Bos, A.E. (2007). When leaders are seen as transformational: the effects of organizational justice. *Journal of Applied Social Psychology*, 37, 1797-1816.

⁵⁶ Wice, P.B. (1995). Court Reform and Judicial Leadership: A Theoretical Discussion. *Justice System Journal*, 17, 309-321.

⁵⁷ Cannon, M.W. (2005). INNOVATION IN THE ADMINISTRATION OF JUSTICE, 1969-1981: AN OVERVIEW. *Policy Studies Journal*, 10, 668-679.

⁵⁸ Hunter, R.C., & Rackley, E. (2018). Judicial leadership on the UK Supreme Court. *Legal Studies*, 38, 191 - 220.

⁵⁹ Finkel, J.S. (2008). Judicial Reform as Political Insurance: Argentina, Peru, and Mexico in the 1990s.

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as a means of political protection for governing parties, highlighting the importance of strong judicial leadership in promoting reform.

There are various models to frame the role of Court leadership in Europe. The legal and institutional background of the country also affects the selection and recruitment process, as well as their length of term. In certain jurisdictions, Court Presidents play a crucial role in various aspects of the judicial system. They are responsible for deciding regarding the judicial budget, overseeing the recruitment of court staff, handling disciplinary proceedings, assigning cases to judges, and establishing rules of practice for the judicial timeframes at either the national or local level.

In Germany the role of the Court President is determined by the *Länder*. While they may be involved in budget preparation and oversee IT technology in their courts, it is important to note that technical decisions have to be made by the Ministries of Justice. It is not within their authority to establish rules of practice at the national or local level for monitoring judges' caseloads and court performance. **In France**, the presidents of the court play a crucial role in overseeing the management of the court space. While they do not have any influence on the establishment of national rules of practice or ensuring consistent interpretation of the law within the court. **In Italy**, the Court President does not have authority over the court budget, the recruitment of court employees, or IT national strategies. It is important to note that while they lack the authority to establish local rules of practice, these rules can be discussed and agreed upon by judges and lawyers, always adhering to the codes of civil and criminal procedure. In addition, they may arrange meetings to discuss current trends in jurisprudence as a part of their office management style, although this practice is not obligatory.

In Denmark, the Court Presidents, along with Court managers, have the authority to regulate the salaries of court employees, oversee IT technology in the courts, and exercise disciplinary power over non-judge personnel to some extent. They possess the authority to establish regulations for procedures, allocate cases to judges in cooperation with them, determine the composition of trial panels, and play a broader role in hearing cases. This includes establishing priorities for case management by judges and ensuring a consistent interpretation of the law and judicial procedures. **In Finland**, Court Presidents play a crucial role in overseeing the court budget and the hiring process of court personnel. In addition, they have a significant impact on the assignment of cases to judges, the formation of judge panels, the retrieval of cases from judges, and the establishment of local rules of practice to monitor court performance. **In the Netherlands**, Court Presidents play a crucial role as members of the management board. They are actively involved in tasks such as budget preparation and recruitment of court employees. As a general practice, priorities can be

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established without focusing on the specific judge's roster. They can facilitate the establishment of local rules of practice and ensure a uniform interpretation of the law.⁶⁰

According to above mention examples the role of the Court presidents is rather passive. The role of a president should evolve from being a passive overseer of judicial processes to an active participant who must demonstrate interest and assume responsibility for the development of a superior justice system⁶¹. Leadership goes beyond simply managing and addressing issues. It necessitates a willingness to take risks, acknowledging that not every endeavor will culminate in success (Burke, 2016).

Comprehensive justice reform in Albania

In 2014, Albania initiated a comprehensive justice reform. The aim was to create a justice system that is reliable, impartial, competent, and service-oriented. This system would be transparent, accountable, and effective, fostering public trust, promoting sustainable socio-economic development, and advancing Albania's European integration perspective. The question arises, why was there a need for a comprehensive reform⁶² after a social and political transition and 25 years after the fall of the totalitarian communist regime? Why not opt for an internal transformation? Studies in the field have shown that changes that stem from within are more likely to be sustainable and long-lasting. Upon reviewing the initial research, it is clear that a considerable number of people are familiar with the notions of corruption, inappropriate influences and ties to crime, and a lack of professionalism, among other things. However, what is most concerning are the attitudes of indifference, a lack of interest in the overall progress of the legal system, and a resistance to change. Despite changes in the laws, people's perceptions of justice remain unchanged. It is evident that an internal transformation was not a viable option

Since 2016⁶³, Albania has made significant progress in improving its justice system, including the implementation of new laws and the establishment of specialized courts to address corruption and organized crime. But a decision was made towards an ad hoc process. Implementing these reforms

⁶⁰ Fabri, M. (2013, September 18). Exploratory study on the position of: Court President, Court Manager, Judicial Assistant, and Media Spokespersons in Selected Council of Europe Member States (Report No. JP COMASYT). Joint Project on "Strengthening the Court Management System in Turkey." Retrieved from: <https://rm.coe.int/joint-project-on-strengthening-the-court-management-system-in-turkey-j/16807895a0>

⁶¹ Shepard, L. A. (2009). The Role of Assessment in a Learning Culture. *Journal of Education*, 189(1-2), 95-106. <https://doi.org/10.1177/0022057409189001-207>

⁶² Anastasi, A., & Vorpsi, A. (2023). The 2020 International Review of Constitutional Reform. Albania. *SSRN Electronic Journal*.

⁶³ Vorpsi, A., Anastasi, A., Ibrahimimi, G., Berberi, S., & Sadushi, S. (2016). Commentary on the constitutional reform in the justice system. Institute for Public and Legal Studies.

not only comes at a significant financial cost but is also a crucial obligation to ensure a fair and effective justice system for all citizens. This statement underscores the contrast between traditional concepts of justice and contemporary ones on transformation and change. Recent research has emphasized the crucial significance of integrity in the efficiency of judges and court administration. Idrus⁶⁴ highlights the necessity of a comprehensive oversight policy to tackle moral and ethical concerns among judges, while Kurochkin⁶⁵ emphasizes the beneficial effects of digitizing judicial decisions on the commitment and effectiveness of judges. Smejkalová⁶⁶ explores deeper into the notion of relevance in judicial decision-making, proposing that the judge's subjective decision plays a role in determining the perceived importance of prior case-law⁶⁷. Aripov⁶⁸ highlights the close relationship between the integrity of judges and legislation, emphasizing their crucial role in guaranteeing the enforcement of law and the administration of justice. These studies emphasize the significance of judges' integrity and its relevance to leadership and efficient court management. In that regards, the justice reform provided valuable insights, especially by pushing all judicial actors beyond their comfort or passive zones.

The implementation of the reform package of laws in 2016 led to a significant restructuring of the justice system. The years following the launch of the reform were particularly crucial, not only for institutions, systems, and courts, but also for citizens. Our initial assumptions about the problems within the justice system were overly optimistic.

Since 2016, the judicial system has witnessed a substantial reduction in human resources. A large number of judges have vacated their positions, either voluntarily or due to the ongoing transitional re-evaluation process, where most of the re-evaluated subjects failed to meet the set standards. The High Court and the Court of Appeal, which are the highest courts in the justice system, are significantly understaffed.

Although vetting of the judicial staff was based on three criteria, namely professionalism, legitimacy of assets and integrity, a significant number of judges fell short in the financial assessment criterion rather than their professional skills. In respect to leadership, only a limited

⁶⁴ Idrus, A.M., Hisbullah, H., Sofyan, S., & Asti, M.J. (2022). Constructive ethics of judges in Indonesia; problems and strategic strengthening. *UNTAG Law Review*.

⁶⁵ Kurochkin, S.A. (2022). Digital Technologies and Justice Efficiency. *Lex Russica*.

⁶⁶ Smejkalová, T. (2020). Importance of judicial decisions as a perceived level of relevance. *Utrecht law review*, 16, 39-56.

⁶⁷ See also: Shao, Y., Wu, Y., Liu, Y., Mao, J., & Ma, S. (2022). Understanding Relevance Judgments in Legal Case Retrieval. *ACM Transactions on Information Systems*, 41, 1 - 32.

⁶⁸ Aripov, D. (2022). Ensuring the independence and impartiality of judges in assessing the effectiveness of their activities: International standards and national experience. *The American Journal of Political Science Law and Criminology*.

number of the required judges are available to perform their duties in these courts. Moreover, many court presidents have been replaced, leaving deputy chairpersons in charge of most courts.

However, tangible data allows us to quantify the knowledge gained from this experience. It is unfortunate that this information comes to light after dedicating numerous years to training our judges and having faith in their continuous growth of knowledge. However, this experience has taught us that professionalism alone is insufficient.

Leadership in the judiciary in Albania

The reform has brought about significant positive changes and as a result a new leadership within the justice system and the courts. First and most importantly, the structure and purpose of the High Judicial Council reflect a thorough analysis of the systemic challenges and obstacles to real transformation, including the removal of corporatism and the issue of limited access to justice. The HJC's composition has been restructured to ensure wide participation and representation from various stakeholders, including judges, civil society, academia, and legal practitioners. The Council's leadership is evenly divided between non-judge members and judge members. This represents a significant shift from the previous model, where the President, the Minister of Justice, and the judiciary held most of the leadership roles. However, complete independence is crucial. Without a clear separation of powers, independence becomes obsolete. As a result, the position of the court's leader has transformed from being a solitary "administrator/manager" with significant authority. The court's decision-making structures have undergone a significant change, with the responsibility for various court activities, including hiring, disciplinary matters, and budgeting, now being shared among the collective rather than being solely in the hands of the court's president. In the new legal framework, his role seems to be less clearly defined compared to the previous one, in line with the best practices observed in EU countries.

It is worth mentioning that, the growing implementation of managerial techniques in court management, such as the imposition of time and cost constraints on judges, could potentially undermine the quality of justice⁶⁹. This issue becomes more severe by the subjective nature of performance evaluation, which can lower the perception of fairness in how people are treated and, as a result, decrease the perception of fairness in the procedures and outcomes⁷⁰.

The implementation of demand management mechanisms in the courts, which is influenced by public sector managerialism, also gives rise to concerns regarding the availability of justice,

⁶⁹ Colaux, É., Schiffino, N., & Moyson, S. (2023). Neither the Magic Bullet Nor the Big Bad Wolf: A Systematic Review of Frontline Judges' Attitudes and Coping Regarding Managerialization. *Administration & Society*, 55, 921 - 952.

⁷⁰ Tran, T., Lepistö, S., & Järvinen, J. (2021). The relationship between subjectivity in managerial performance evaluation and the three dimensions of justice perception. *Journal of Management Control*, 32, 369 - 399.

equitable procedures, and public confidence⁷¹. Keilitz's⁷² work underscores the importance of judicial leadership in achieving exceptional organizational performance by effectively translating values, vision, and goals. This includes inspiring and empowering employees and stakeholders to exceed expectations for the betterment of their organizations. This complex perspective on leadership begins with a fundamental truth regarding the role of every candidate for magistrate. Being a judge involves additional responsibilities beyond their regular duties, such as ensuring the fair and impartial administration of justice.

In addition, the reform brought about two distinct challenges: the imperative to address systemic issues and the opportunity to promote the most qualified judges to career and leadership roles. Transferring judges with the aim of promoting them is a common practice in the justice system. This can involve moving them from a general jurisdiction position to a specialized court that handles corruption and organized crime cases, or to the Special Prosecutor's Office. Additionally, judges may be promoted from magistrate to head of a court or prosecutor's office. Another way judges can advance is by transitioning from a position where they are given specific orders or responsibilities to a higher-level role.

After gaining valuable insights from 25 years of experience, the legal field is now aiming to establish a new balance that prioritizes professionalism. Currently, our legal system has set two main criteria as the minimum requirements for promotion: integrity and professionalism⁷³. The first criterion divides professionalism into two primary components: experience and ethical-professional performance. These two aspects represent the quantitative and qualitative aspects of professionalism, respectively. It is conducted according to the rules, criteria, and procedures established by the Council. During the promotion evaluation process, candidates are qualitatively assessed based on factors such as their diverse experiences, professional journey, and level of seniority in the judicial system.

Professional experience plays a crucial role in the advancement of magistrates within the Albanian system. Applicants for the position of judge in the special court for corruption and organized crime must have at least 7 years of experience as first-degree judges and 10 years in appeals. Candidates must have at least 5 years of experience as a judge in the criminal justice field or as an inspector in the Office of the High Justice Inspector, including experience as a commanded magistrate, to meet these requirements. To be promoted to a magistrate position in a court of appeals, candidates need a minimum of 7 years of experience, including at least 5 years in the relevant field of law for the desired position. Candidates aspiring to be promoted to a magistrate position in the High Court

⁷¹ Opeskin, B.R. (2022). Rationing Justice: Tempering Demand for Courts in the Managerialist State. *SSRN Electronic Journal*.

⁷² Keilitz, I. (1995). The Development of Tomorrow's Leaders in Judicial Administration. *The Justice System Journal*, 17(3), 323–337. <http://www.jstor.org/stable/27976871>

⁷³ Law No. 96/2016 on the Status of Judges and Prosecutors in the Republic of Albania.

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must have at least 13 years of work experience at a lower level. A minimum of five out of these 13 years should be in the relevant field of law that corresponds to the open position. Distinguished jurists eligible for promotion to the High Court must hold a scientific degree in law and possess a minimum of 15 years of experience as lawyers, professors, or lecturers of law, or as high-level jurists in public administration or other legal fields.

Regarding the election of the chairperson of the courts in Albanian, there is a distinguish between the election procedure of the chairperson of the High Court with others courts. In the High Court the chairperson shall be elected by peers for a three-year period without the right to re-election. In the other courts the chairperson shall be elected by HJC with a mandate of three years, with the right to re-election only once. The law foreseen that, the chairperson must be a candidate that possess a good knowledge of the court, as it requires a minimum of 3 years' professional experience in that court.

To be a chairperson of the High Court, the judge should have at least two "very good" evaluations and not any disciplinary measure in force, for the rest, everything remains in the "will" of his colleagues. Meanwhile, to be chairperson on other courts there is a complex procedure. The candidate should have firstly, two previous evaluations. In cases of more candidates with the same evaluation grades, shall be elected the one within the group of candidates with the highest evaluation grades ranked. In case that there is more than one candidate with the same highest scores of evaluation, shall be ranked rank first the candidate referring to the specific professional experience required for the vacant position; and if after the above mention evaluation made, there is more than one candidate with the highest scores, shall be consider first the candidate with the highest seniority as magistrates.

Assessing integrity, the second aspect of professionalism, presents the most significant challenge in the evaluation process. It includes two equally important components: the declaration of asset and background control. This comprehensive approach ensures that only the most qualified and upright individuals ascend to higher positions within the judicial system⁷⁴.

Due to ongoing legal challenges, the need for further implementation guidelines, and the time required for development and adaptation, it is premature to evaluate the progress in implementing justice reform. It should be noted that not all normative acts are currently in effect due to ongoing legal challenges and the need for further implementation guidelines.

Time is necessary for development and consolidation of a distinct leadership model. This is a challenge from an institutional and architectural point of view. In that regards the councils are

⁷⁴ Law No. 96/2016 on the Status of Judges and Prosecutors in the Republic of Albania.

faced with balancing of priorities equally important in making decision on how they could be pursued at the same time, pace and often lacking adequate experience and resources. These goals are at times competing, such as advancing judicial reforms, addressing case backlogs, and optimizing resource allocation, along with addressing urgent matters like high-profile cases and legal amendments. The rivalry between professionalism and leadership exists in every country, thus one would argue that achieving an optimal balance and accepting an approach that encourages transformation is crucial. Leadership in judiciary is not build in a vacuum but in the sein of the societal, cultural, and institutional norms. Therefore, the development of leadership skills closely linked to civic education should ideally start at an earlier stage, well before law school or the School of Magistrates. We should adopt a more inclusive perspective when it comes to leadership within the judicial system.

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