

**TRAINING CHIEF JUSTICES AND
JUDICIAL ADMINISTRATORS IN THEIR ADMINISTRATIVE DUTIES**

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At the 2005 Conference of Chief Justices of Asia and the Pacific held here in Australia, part of the conference focused on Chief Justices' administrative duties. The discussion was based on data collected from the Chief Justices. Our analysis of that data is a good background for our discussion today. This is because that conference hosts 34 countries representing two-thirds of the world's population.

Each of the Chief Justices surveyed spends a considerable portion of his or her time tending to administrative duties. Nineteen stated that court administration claims at least a quarter of their time; ten placed the percentage at 50% or above. Most of the respondents hold regular meetings to discuss ongoing administrative issues and engage in strategic planning, but the frequency of such meetings varies significantly. For example, while Chief Justices in Indonesia, Nepal, and the Northern Mariana Islands hold meetings on administrative issues as frequently as twice a month, Singapore's Chief Justice conducts only one or two meetings each year.

All but two of the countries surveyed at that time (Cambodia and Samoa) employ a full-time judicial administrator, and most also maintain standing committees, which oversee various aspects of judicial administration. Keeping abreast of these committees' activities can be a major undertaking in itself—particularly in South Korea, which maintains thirty-four separate committees under the Supreme Court. Some countries, including Australia, ease this burden on the Chief Justice by distributing the responsibility for judicial administration among all of its seven justices. Nearly all of the Chief Justices are responsible for the composition of an annual statistical report, which is delivered to the other branches of government and to media outlets.

In fiscal matters, some Chief Justices wield more authority than others. Chief Justices in New Zealand and the Solomon Islands play no role in fiscal matters. More commonly, however, Chief Justices supervise drafting of the proposed budgets and submit them to the government. Chief Justices in Nauru and the Northern Mariana Islands also negotiate with and lobby government officials to ensure that the judiciary will receive adequate funding to cover its budget projections. Once budget money enters the judiciary's accounts, most Chief Justices play a supervisory role in ensuring that the funds are spent prudently.

Other administrative functions assumed by some Chief Justices in the survey sample include case distribution and scheduling; procedural rule-making; judicial appointments and promotions; admission ceremonies for new attorneys; managing the judiciary's personnel, transportation, security, and physical facilities; enhancing technological capabilities; supervising court registries; developing national judicial training and education programs; supervising judicial publications; handling disciplinary requests and media inquiries; and attending to general correspondence.

With all these duties and responsibilities, how can the burden on the Chief Justice be lessened, and in doing so, not increase the burdens on other justices? This too is important because a judge's time is a finite asset, whether Chief Justice, justice, or judge. So the question is how can administrative help be given to a Chief Justice without adding a burden on other judges?

In order to lessen the administrative burden for all judges, judicial administration training has two parts: (1) training of Chief Justices and presiding judges, and (2) training of non-judge administrators who function under the presiding justice or judge. Thus, training for judicial administration should cover both administrative positions: Chief Justice/presiding judge and non-judge administrator.

Then how should a country begin? The Chief Justice should analyze all tasks that can be delegated and identify all which do not mandatorily require a judge. From this list of tasks, the Chief Justice can begin or improve the delegation of tasks to a non-judge administrator. By analyzing these tasks, it will show where training would be beneficial for both.

In my latest survey, 15 jurisdictions participated. The survey was developed to determine which countries are proactive in delegating responsibilities to non-judges, how the chief administrators are used, and how this important asset can be improved to provide more support for the Chief Justices.

Some countries have a chief administrator to the Supreme Court while in others, he/she works with the entire judiciary. All who responded to the survey reported that each has a chief judicial administrator. However, I know of three in the Asia-Pacific region which do not.

Most refer to this chief administrator as an administrator or a registrar. The titles appear to be based on local practice, but all seem to have similar responsibilities.

The average time of service of the administrators is three years; in four jurisdictions the service time is between 7 and 11 years.

As to chief administrators' education, two-thirds have law degrees, while some others have other graduate work. Six have had specific administrative training.

There was a unanimous belief that added training for the chief administrator would be helpful. Grading usefulness from 1 to 10 (with 10 being most useful), four Chief Justices voted 10, and the average of all responses was 8. This indicates a consensus that providing training for a chief administrator is a high priority in having this person be of more assistance to the Chief Justice.

The Chief Justices were unanimous that their chief administrators would benefit from meeting with other chief administrators in the region. If your country agrees, you will need to identify how this can be accomplished. Various models can be considered. How training is organized will depend on the result to be achieved. For example, the chief clerks of the Pacific Judicial Council (Palau, Marshall Islands, Federated States of Micronesia, Guam, Northern Mariana Islands, and American Samoa) have met together for training and interaction. In addition to skills and administrative training, they were taught how to teach the subjects. In turn, they were required to provide training to their staff on the subjects covered. This resulted in a second wave of training by the chief clerks, reaching more than ten times the number of people initially exposed.

This type of training would be useful to assist the chief administrator in training his/her staff. It would be even more important for the two-thirds of the chief administrators who train subordinate court administrators.

The survey asked Chief Justices for recommendations for chief administrator curriculum and they responded:

- Accounting
- Organizational Management
- Budget and Finance
- Personnel Management
- Docket Organization
- Issue Identification and Case Grouping
- Human Resource Development
- Administration and Operation of the Court

This provides a fertile ground for courses which will meet actual needs identified by the Chief Justices.

Curriculum can also be developed based on extensive research in the United States defined as “the 10 Core Competency” courses for court administrators:

1. The purposes and responsibilities of courts
2. Case flow management
3. Leadership
4. Visioning and strategic planning
5. Essential components
6. Court-community communications
7. Resources, budget and finance
8. Human resource management
9. Education, training and development
10. Information technology management

It should not be surprising that most Chief Justices look for administrative and management experience when selecting an administrator. Where can prospective candidates or recently appointed chief administrators secure this education? In the United States, there is an Institute for Court Management which offers courses leading to a certification. Nearly all U.S. chief administrators earn this certification. The courses teach administrative skills as they apply to a court system. Its Court Executive Development Program is divided into four parts:

management course work, a three-week leadership and management program, a project for court improvement, and a final seminar. Graduates earn the title of “Fellow of the Institute for Court Management.”

It also has shorter part-time programs to accommodate working administrators with shorter seminars and workshops, and courses available electronically. Is it feasible to develop such an institute for your chief administrators? Twenty years ago, I proposed a regional program to be located in Asia. Perhaps that program might be reconsidered now in your region.

Finally, the data shows the interaction between the chief administrator and the Chief Justice. It varies among the countries which may be due to the number of problems, the personality and leadership style of Chief Justice, etc.

The majority of Chief Justices meet with the chief administrator daily. Most of the rest meet one to three times a week. The majority of these meetings are private, with a few adding other judicial leaders. All have some method to follow up on assignments given to the chief administrator. Two-thirds have the chief administrators work on long-range or strategic plans to overcome judicial problems. This data should be useful for teaching Chief Justices how to work with their chief administrators.

This is merely background information. For improvement in the chief administrators, we need another vital step, that is, for each Chief Justice to determine how the chief administrator’s identified needs could be met.

First, it is clear that added education for chief administrators would be useful. This could be accomplished in several ways.

1. Group meetings of chief administrators could be held. The question is how can they be organized to be of most benefit?
 - a. Interaction by administrators on specific subjects without outside assistance?
 - b. Experts making presentations followed by discussion?
 - c. Required training of subordinates on return?

If group meetings are to be held, how often and where? How would meetings be financed? Who would organize them?

2. Distance Education

Conferences with participants coming from a wide area are expensive. This is true even within some countries. Thus, many are experimenting with distance education. This can be for one person or a group of chief administrators. I recently observed an excellent program in Guatemala, which provides education to all magistrates.

Distance education can be conducted from any part of the world. Let me provide two examples.

- a. Zenger Folkman is a company located in the U.S. in Utah, specializing in distance education for administrators. A plan for administration goals is developed, and educational courses are provided online with examinations. There is individual assessment and feedback to the administrator and his/her supervisor (here, the Chief Justices). This education is tailored to the needs and present ability of the administrator. It requires individual study and effort, but it has proven effective.
- b. A different Internet approach is providing generic leadership courses for administrators. This is provided in the United States by Judicial Education Reference, Information, and Technical Transfer (JERITT). This would be the more traditional course work where Zenger Folkman individualizes to specific desired goals with personalized follow-up. The good news is that they both rely on the Internet – the administrator does not leave home.

3. Develop a Regional Institute of Judicial Management in connection with a judicial training institute or university. This could provide a permanent administrator education facility. In addition to interactive education among chief administrators, courses on specific areas could be provided as the need arises. If agreed upon, it could provide training for subordinate court administrators. Indeed, it is feasible to provide specialty courses such as accounting, human resource management, financial control, etc., as they relate to the judicial system.

But will this solve the administrative problem? Obviously not. The other half of the problem deals with the Chief Justice or presiding judge. As members of

the judiciary, we are trained to judge. But the role of the Chief Justice or presiding judge is one that requires administrative skills. Frequently, a good teacher is elevated to the position of principle and fails. That a person is a good judge does not mean he or she is automatically a good administrator. Therefore, training is necessary.

For example, when a judge becomes a presiding judge in Thailand, he or she attends the Judicial Training Institute where a course has been designed to teach the new administrative responsibility.

The question is where do you secure the curriculum and the instructors for this new training program. One successful project was developed in the Northern Pacific area consisting of six jurisdictions. The Chief Justices met annually for a two or three day training program. The training manual was one to which I referred earlier which developed the core competency curriculum guidelines to teach administrators. The Chief Justices found that this is precisely the type of training they needed. These ten core competencies were developed by a team of outstanding judicial administrators as the most important basic skills which administrators need to learn. The Chief Justices found they were exactly what they needed for their own responsibilities. Each year a specialist who teaches in these areas went to the Islands for the presentation. Two core competencies were covered so that over a period of five years the training could occur. More information about the core competencies can be secured from the National Association for Court Management.¹

The survey data indicates a general realization of the need for training judicial administrators and, by extrapolation, training Chief Justices and presiding judges in the skills of judicial administration. It is also true that both need to be trained to make the court system function more efficiently and effectively. Each court will have to decide the best way to accomplish the task, but I think all will agree that it will be worth the effort and that it is necessary for courts to carry out their mission.

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