The Court Administrator

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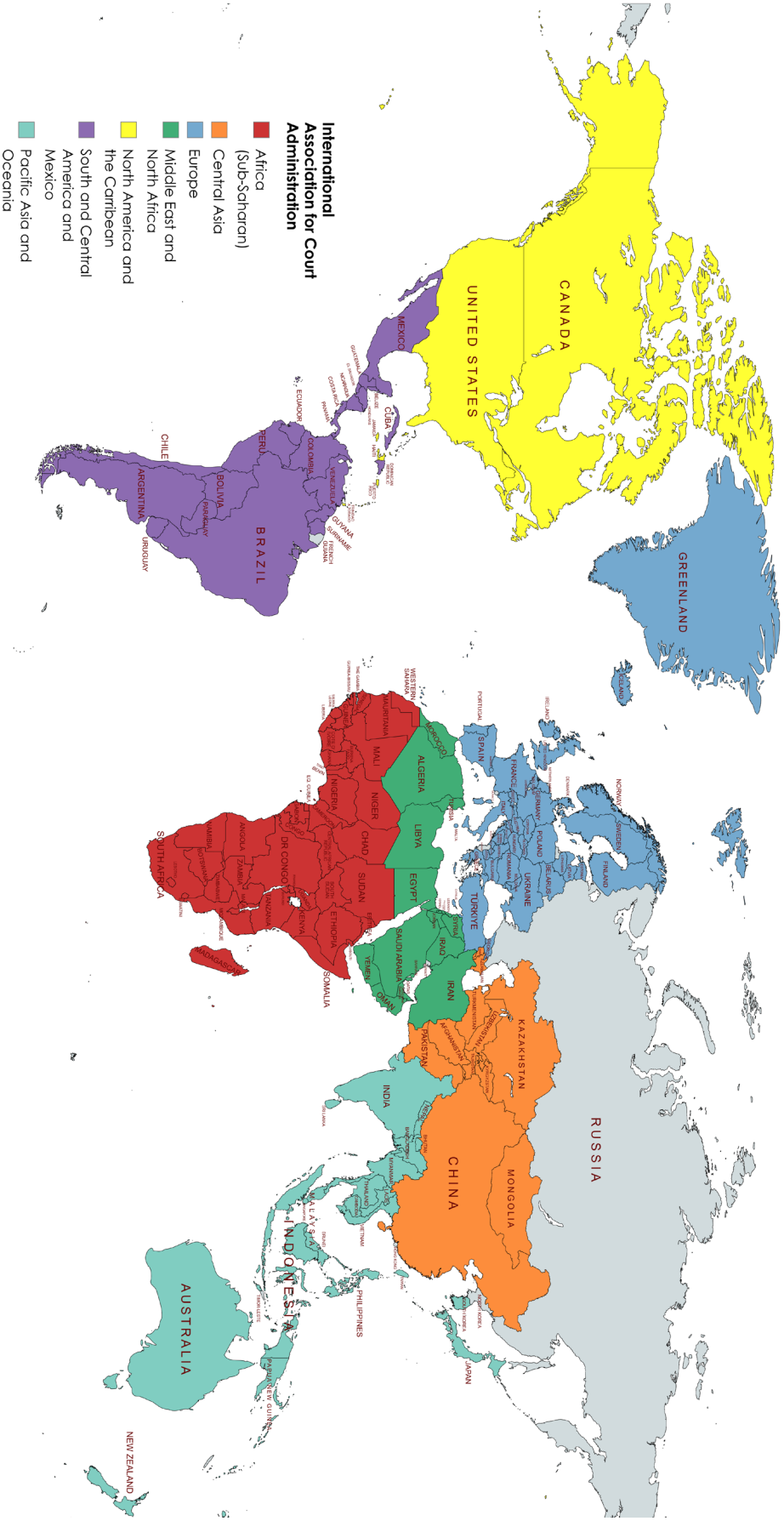
INTERNATIONAL ASSOCIATION FOR COURT ADMINISTRATION LEADERSHIP

PAMELA HARRIS
President • president@iaca.ws
EILEEN LEVINE
Managing Editor • Courtadministrator@iaca.ws


International Association for Court Administration
Africa (Sub-Saharan)
Central Asia
Europe
Middle East and North Africa
North America and the Caribbean
South and Central America and Mexico
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President's Message

Pamela Harris, IACA President

It is with great pleasure to address our membership once again in this 18th edition of *The Court Administrator* as we enter our 22nd year continuing to foster open, effective, efficient, and transparent judiciaries across the globe.

In this issue you will find these articles converging on a central proposition: **that the legitimacy and effectiveness of justice systems depend on their ability to remain human-centered while adapting to profound technological, procedural, and social change.**

Several article contributions emphasize that trust in justice is built not merely on outcomes, but on how decisions are reached and explained. Clear, reasoned, accessible judicial decisions that are grounded in consistent methodologies that are aligned with developed standards, are essential to fairness, predictability, and public confidence. This emphasis on reasoning is reinforced across certain jurisdictions, where inadequate communication can undermine legitimacy and, in some systems, trigger disciplinary consequences. Complementing this focus on reasoning, citizen-centered initiatives such as Québec's Collaborative Citizen Committee demonstrate a growing recognition that justice must be co-designed with court users, moving beyond consultation toward genuine collaboration that improves accessibility, transparency, and responsiveness.

Additionally, you will find articles that not only recognize, but concede, that courts are operating in an environment of accelerating complexity. Artificial intelligence is reshaping judicial work by automating routine tasks, enhancing research, and improving efficiency, yet the authors caution that AI must remain a tool under human control, governed by ethics, transparency, and judicial leadership. Thus far, international familiarity with AI confirms that AI can strengthen justice, but only when it supports, rather than replaces, human judgment. Furthermore, parallel innovations such as Judicial Dispute Resolution networks illustrate how initiative-taking case management and court-connected ADR can deliver earlier, fairer outcomes for litigants pursuing justice.

Finally, some looming social pressures, most notably the escalation of homelessness in the United States which is growing exponentially, signal a dramatic increase in court caseloads and administrative strain, underscoring the urgency of innovation, interdisciplinary collaboration, and user-focused justice design.

Collectively, these articles argue that the future of justice will be defined not by technology alone, but by how courts govern it, explain their decisions, engage citizens, and respond humanely to emerging societal challenges.

As we welcome the beginning of a new year, I extend my warmest wishes to you and your colleagues around the world. The start of the year offers a moment to reflect on the progress we have made together and to look ahead with renewed purpose. IACA is grateful for your continued engagement, collaboration, and shared commitment to strengthening justice, court administration, and the rule of law across jurisdictions and cultures. May the year ahead bring good health, professional fulfillment, and meaningful opportunities to advance our common goals. I look forward to continuing our work together in 2026 and to building upon the partnerships that unite us globally.

With best wishes for a successful and rewarding New Year and thank you for all that you do.

Pamela Harris,
President

EDITOR'S MESSAGE

Eileen Levine

Communication. What does this word mean to you? Personally, I mean. How do you communicate with others? How receptive are you to different forms of communication?

To "communicate effectively" has many connotations. Is your preferred communication by text, email, by using a favorite word, a look, a touch, a slight nod, a smile, or even a frown? A verbal or non-verbal direction can become misdirected if your intentions are not clear-cut. Even a simple "yes" or "no" can be misunderstood.

There are different forms of communication that can be interpreted in many directions; however, communications all have one thing in common. They need to be well-defined so the recipient can take away your message; what it is you are trying to communicate. Each of us has our own communication forte. And I believe, that as we strengthen and develop our communication skills, we become more effective in our own lives. We can express ourselves to truly let others know what it is that we want or need and then we impart this information to others. We can look at the world in a whole unique way once we know how to give, receive and appreciate different forms of communication.

The ability to communicate effectively is truly a gift-one that "The Court Administrator" hopes to give to members. A gift we all can give and receive.

Are your communication skills in need of a reboot or a total remix? Obviously, we all communicate in many different ways, and some of us are better at it than others. Some of us are more effective in different mediums and in using diverse types of media and by using different modes. One of the most effective means of oral communication is to actually be a good listener. Not only to hear what is being said but to actually listen, to absorb the words and the message. Written communications can be interpreted in many different ways. Written communications may be even harder to understand without oral inflections, i.e., facial expressions, and tone of the words as they are being said. What is the true message? If you give, receive, and understand messages-either as the conveyor or the recipient-you will travel along the path of life with a smile in your heart and hopefully on your face as well. Your messages, needs, wants and ideas are, hopefully, being received by others.

Life in the court system is a different world from other professions, as you all know. The legalese terms, decisions, interactions and how we communicate our decisions and messages are all a part of our journey. It is how we are perceived by those we work with and those we serve as to how effectively we are actually communicating. How we communicate is a huge part of our professions.

A typo, a misplaced word, a well-intentioned but misused word can change the meaning of what we are really trying to convey. We need to be absolutely clear, precise, and specific in oral as well as written communications.

IACA was born over two decades ago to begin to build communication bridges with our court worlds. The founders wanted to open lines of communication into courthouses and courtrooms all over this world. And, judging by the attendance and the presentations at the Dubai conference in November 2025, those lines have expanded and accelerated. IACA has truly connected bridges to so many countries, cultures and languages and continues to extend our hands and lessons to all.

It does not matter what language you speak, the size of your courthouse, courtroom, or chambers. Or the population of your country, municipality, or state. The bridges we build during our lifetimes extend further and further around the world and each bridge we build has is a goal attached. A solid foundation will hold up the bridge and that is what IACA tries to do, to be the foundation. IACA bridges have grown stronger with each passing year and reach all across the globe. IACA bridges bring us closer together and help our members reach their goals, by connecting all of you and one of the IACA goals is

to bring those bridges closer to home for each and every member. Of course, now you do not need to leave your desktop to approach or to cross the bridge. One of the goals of this publication, "The Court Administrator," is to help each of us build bridges and achieve our collective goals. We reach out to members no matter where you are.

In this publication, we communicate with members by passing along information, giving tips, sharing knowledge, expounding on ideas and, yes, even proposing and giving solutions that work for us. We also will share what didn't work or might have been waste of time for our individual court. Hopefully, our knowledge and suggestions will work for you or can be adapted to individual situations. We impart our studies, experiences and research. We share techniques, technology, and practices. I hope that you all continue to share your court lives with us and help build bridges. As new bridges are built and grow, so do we. And as we expand, our communications can be seen and heard worldwide by many different, new fresh eyes and ears.

As long as your eyes and ears are open to hearing and truly listening, we will be effective court administrators. And I believe, effective communicators. This publication hopes to communicate with you wherever you are and to continue to develop bridges with you. Including your knowledge and expertise helps make our bridges grow stronger and our reach, longer. Thank you for continuing to extend our bridges and bring our worlds closer together. Let's all help to make these connections really count in our world!

My sincerest thanks to **Frédéric Pérodeau**, j.c.s. Juge coordonnateur du district de Montréal Cour supérieure du Québec, **Boon Heng Tan**, Principal District Judge of the Court Dispute Resolution Cluster of the State Courts of Singapore, **Janet G. Cornell**, Retired Court Administrator and Consultant, **Marcela De Langhe**, Judge of the Superior Court of Justice of the Autonomous City of Buenos Aires, **Peter C. Kiefer,** career court veteran, **Natalita Creciun,** University Lecturer, Moldova State University and **Natalia Gavrilenco**, Vice Dean of Faculty of Law, Moldova State University and **Duman Omarov**, Head of the International Relations Department of the Court Administration of the Republic of Kazakhstan for contributing to The Court Administrator #18 and for collaborating with IACA to help us to cultivate our bridges of communication.

Eileen Levine, Managing Editor

Regional Boards

Regional Boards are made up of a Vice President and between 5-8 board members. Vice President and/or Board Member positions are available in Africa, Central Asia, Europe/Slovenia, Middle East, Central & South America, Pacific Asia and Oceania, and Associations.

IACA invites your active participation. Please take this opportunity to consider joining your regional board. You can contact the Vice President of your region as listed on the Leadership page in this edition of The Court Administrator or on the IACA website under the "About Us" heading, drop down Organizational Chart. If you are unsure of your region, please see the IACA Map in this edition or on the IACA website.

As we begin this new series, we are honored to introduce two of IACA's Regional Vice Presidents, Mr. Kenneth Isaac Komicho and Mr. Victor Yeo.

KENNETH ISAAC KOMICHO
Regional Vice President for Africa

Kenneth Isaac Komicho is a distinguished justice sector reform expert advising the United Nations and the Government of South Sudan on strengthening rule of law, justice system efficiency, and access to justice. With over 18 years of senior experience in judicial administration within the Malawi Judiciary, he has spearheaded structural and transformative reforms, including strategic planning, institutional modernization, and people-centered initiatives, that strengthened performance, reinforced judicial independence, and earned the Judiciary regional and global recognition, including the Chatham House Award.

In South Sudan, Mr. Komicho has been a key architect of justice sector transformation, providing strategic advisory support, shaping UN mission policies, and leading reforms that enhanced justice delivery, promoted human rights and gender equity, and expanded access to legal aid. He has successfully managed flagship European Union, World Bank, and Norwegian-funded programs that increased transparency, accelerated case resolution, and improved justice services for vulnerable populations, including refugees and displaced communities.

Mr. Komicho holds a Master of Science in Management from the Malawi School of Government and a bachelor's degree in social sciences from the University of Malawi, complemented by advanced professional training in public sector performance management. Mr. Komicho is widely recognized for his strategic leadership, deep reform expertise, and commitment to building accountable, responsive, and people-centered justice systems.

If you are interested in joining the Regional Board for Africa or have any questions, please reach out to Mr. Komicho directly at komicho85@gmail.com.

VICTOR YEO
Regional Vice President for Pacific Asia and Oceania

Mr. Victor Yeo is the Deputy Chief Policy Officer of the Judicial Policy Division, Supreme Court of Singapore. Appointed on January 1, 2025, he assists to drive the Judiciary's strategic direction and advances the Judiciary's position as a thought leader in court excellence. He provides strategic leadership for planning, policy and legal advisory matters to advance the vision, mission and core values of the Singapore Courts. He concurrently holds the appointment of Chief Risk Officer and assists to drive the Judiciary's Enterprise Risk Management Framework. He also serves in the Executive Committee of the International Consortium for Court Excellence.

Prior to his current appointment, Mr. Yeo held the appointment of Principal District Judge of the Court Dispute Resolution Cluster of the State Courts of Singapore. He manages civil cases at the pre-trial stages to ensure that cases are resolved fairly, timely and effectively through judge-led case management and court dispute resolution strategies, including judicial-mediation, early neutral evaluation and judge-directed negotiations.

Mr. Yeo also previously held the appointment of Principal District Judge of the Criminal Courts Cluster (Trial and Specialist Courts) of the State Courts of Singapore. He has presided over criminal cases in the Specialised and Mentions Courts, Community Courts, Criminal Trial Courts, and handled case management in the Centralised Pre-Trial Conference Court. His previous appointments include the State Coroner of Singapore, Principal Director in the Strategic Planning and Technology Division, where he concurrently served as the Chief Information Officer and Chief Data Officer of the State Courts of Singapore. Mr. Victor Yeo may be reached at Victor_YEO@judiciary.gov.sg

THE INTERNATIONAL JUDICIAL DISPUTE RESOLUTION NETWORK (JDRN)

Boon Heng Tan, Principal District Judge
Court Dispute Resolution Cluster, State Courts of Singapore

Boon Heng Tan was appointed as the Principal District Judge of the Court Dispute Resolution Cluster of the State Courts of Singapore on January 1, 2025. Besides his official duties, Boon Heng teaches Law of Evidence and Medical Law & Health Policy at the Yong Pung How School of Law at the Singapore Management University. He graduated with a LL.B. (Hons) from the National University of Singapore and LL.M from the University of California at Berkeley.

Boon Heng Tan may be reached at TAN_Boon_Heng@judiciary.gov.sg.

VISION STATEMENT

Advancing Justice Globally through JDR Excellence

MISSION STATEMENT

Promoting the early, amicable resolution of cases through judge-led case management and Court ADR modalities.

The JDRN comprises judiciaries from across the common law and civil law traditions to advance the adoption of the Judicial Dispute Resolution (JDR) process in judicial systems around the world to enhance the administration and delivery of justice by promoting the early, amicable, cost-effective and fair resolution of court disputes in full or in part through pro-active, judge-led management of cases, twinned with the employment of Court ADR modalities.

The JDRN strives to revolutionise the administration of justice worldwide by fostering the widespread adoption of Judicial Dispute Resolution ("JDR"). Our vision is to create a global community where judiciaries collaborate, exchange expertise, and embrace JDR to bring timely and cost-effective dispute resolution for court users. Through this network, we empower judiciaries to share experiences, exchange ideas, and learn from one another, facilitating the exploration of JDR's myriad benefits for jurisdictions new to this approach. We envision setting new standards of excellence through the development of best practices, thus becoming the recognised benchmark for the JDR process. Committed to supporting JDR efforts in each jurisdiction, we provide unparalleled access to knowhow and resources, fostering capacity building and the development of judicial competencies in JDR. By uniting global legal communities and inspiring continuous innovation, we strive to achieve justice that is efficient, equitable, and accessible to all. Together, we work towards a world where JDR transforms the way disputes are resolved, ultimately creating a fairer and more harmonious society for generations to come.

The objectives of the JDRN are as follows:

(a) Provide a platform for member judiciaries of the JDRN and other interested judiciaries to share experiences and exchange ideas and expertise on leveraging the JDR process to manage their cases effectively and achieve better outcomes for litigants.

(b) Develop and promote standards and best practices to serve as the benchmark for the development and practice of the JDR process in jurisdictions which are keen to institutionalise it in their judicial systems.

(c) Support efforts in judicial systems which are interested in adopting the JDR process by providing access to knowhow and resources for capacity building and the development of judicial competencies in the JDR process.

As of today, the JDRN has Member Judiciaries from jurisdictions including Australia, Brunei, Canada, China, Dubai, Germany, Hong Kong, India, Ireland, Jamaica,

continued

Kazakhstan, Malaysia, New Zealand, Northern Ireland, Philippines, Qatar, Rwanda, Singapore, UK, USA and Zimbabwe. To date, the JDRN has met three times; in 2022, 2023 and 2024.

Singapore hosted the inaugural meeting virtually over Zoom in 2022. In 2023, the Second JDRN Meeting was in New York hosted by the United States District Court for the Southern District of New York. In 2024, the Third JDRN meeting was in Kuala Lumpur, Malaysia, hosted by the Federal Court of Malaysia. he Fourth Meeting of the JDRN will be in Manila, the Philippines and will be hosted by the Supreme Court of the Philippines from 25 to 28 January 2026.

If your courthouse has implemented JDR or has the intention to do so, the JDRN will surely benefit from the participation of your courthouse. Membership is free. The application form is attached. Approval of the application for membership status is by consensus of all current members. To facilitate the application process, the Judiciary of Singapore will be pleased to nominate your courthouse if there is an application for membership to the JDRN.

The Court Dispute Resolution Cluster in the State Courts of Singapore provides secretariat support to the JDRN. More information on the JDRN is available in this link (https://www.int-jdrn.org/). If you have questions on the JDRN and/or membership application, kindly email (JDRN_Secretariat_statecourts.gov.sg).

To view the PowerPoint slides from this Dubai Conference presentation, log into the IACA website and go to Breakout #19 2025 Conference Dubai presentations.

Third meeting of the JDRN on 28 & 29 October 2024 in Kuala Lumpur

Hosted by the federal court of Malaysia

Second meeting of the JDRN on 22 & 23 may 2023 in New York

Hosted by the US District Court for the Southern District of New York

The inaugural JDRN meeting (online) on 18 & 19 May 2022

Hosted by the Singapore Judiciary

Creation of the Comité collaboratif citoyen of the Montréal District of the Superior Court of Québec: an initiative to better understand and respond to citizens' needs

By: The Honourable Frédéric Pérodeau, J.S.C.
Coordinating Judge for the Judicial District of Montréal
Superior Court of Québec

The Honourable Frédéric Pérodeau, j.s.c. is located in Canada, Province of Québec, Montréal. If you would like to follow up with Judge Pérodeau on his article or if you have any questions, Judge Pérodeau may be reached at frederic.perodeau@judex.qc.ca.

Synopsis:

The Superior Court of Québec has created the *Comité collaboratif citoyen* to engage citizens directly in shaping the delivery of civil and family justice. By prioritizing meaningful collaboration over traditional consultation, the Committee gathers diverse perspectives to develop practical proposals aimed at enhancing accessibility, efficiency, and public trust. This initiative reflects the Court's commitment to provide quality justice to citizens, as outlined in its 2024–2029 Strategic Plan.

Public confidence in the justice system is declining. In some jurisdictions, the level of confidence of people who have had experience with the justice system is significantly lower than that of those who have not.

Justice is a public service for citizens, but it is criticized for being designed by and for lawyers and judges and for being inward-looking. Access to justice is a primary concern for citizens, but they are generally absent from discussions, groups, and forums that focus on the issue.

The Superior Court of Québec recently announced the creation of the *Comité collaboratif citoyen.*

The *Comité collaboratif citoyen* is a working group that aims to better understand clientele's expectations, experiences, and challenges in civil and family matters in the Montreal district of the Superior Court of Québec. The Committee provides a forum for discussion and exchange to introduce simplified mechanisms to improve the accessibility, efficiency, and quality of services offered. Its main aim is to place citizens at the heart of all our reflections, decisions, and actions to gain, develop, and maintain their confidence in the justice system.

This Committee comprises citizens, groups representing or knowledgeable about the clientele served by the Court in civil and family matters, external experts, and judges of the Superior Court of Québec.

Members were recruited based on their experience, expertise, and approach and because they firmly believe that it is imperative to place citizens at the heart of all our reflections, decisions, and actions to gain, develop, and maintain their confidence in the justice system. They were also recruited to ensure representativeness.

The *Comité Collaboratif Citoyen* goes beyond simple consultation. Consultation is limited to gathering comments

from citizens without necessarily considering their contributions, which doesn't improve the trust relationship. Collaboration goes further and aims to involve citizens throughout the process and ensure their contributions are genuinely considered. In a collaborative process, citizens have the power to influence, even if not necessarily in decision-making. Collaboration also implies greater transparency as to how contributions are actually used.

A co-construction process will enable the Committee to formulate "proposals" for mechanisms to meet the needs and expectations identified during the information-gathering phase. These are not recommendations as such but concrete proposals that respond to those needs and expectations.

In all circumstances, the Committee promotes solutions that make justice more accessible by simplifying procedures and making them more comprehensible and accessible to all. It is also committed to seeking efficiency by proposing realistic, concrete measures directly aimed at resolving user concerns.

Proposals will be forwarded to the organizations that are best positioned to implement them. Ultimately, these organizations will make the final decision as to whether to implement these proposals. Still, the Committee will be able to assist them in implementing the selected proposals, providing support as required. The Committee's work will be respectful of participants' realities and constraints.

This initiative contributes directly to the realization of the Superior Court of Québec's 2024-2029 Strategic Plan and its fundamental objective of providing quality justice to citizens.

We hope this innovative initiative will encourage other courts and organizations to follow the path of citizen participation.

Court Leaders as Problem Solvers

By Janet G. Cornell, Retired Court Administrator and Consultant

Janet G. Cornell is a court consultant, educator, and author with expansive court experience. Recently, she served as a senior special projects' consultant with the Arizona Supreme Court Administrative Office of the Courts. During her court administration career in Arizona, Ms. Cornell held several senior judicial management positions.

Located in Phoenix, Arizona, Ms. Cornell can be reached at jcornellaz@cox.net, or linkedin.com/in/janet-g-cornell-consultant.

Abstract: This article reviews court leadership and related responsibilities, roles, and suggested problem-solving practices. It notes that problem solving is a best practice for court leaders, along with listed summaries of select problem solving techniques. It concludes with lessons learned about problem solving actions.

Introduction

The article is about leadership, and in particular, reviews problem solving techniques for court leaders. It establishes a linkage of problem-solving techniques that may be useful alongside the various roles and responsibilities of a court leader. "Super summaries" of select methods for problem solving are noted, along with conclusions and suggested lessons. The underlying premise is that problem solving is needed and normal for court leaders at any level in the organization. Problem solving underlies and supports the work that courts perform around the world.

Background

Within the context of problem solving are the most common court leader duties and areas of focus for courts to conduct business. Among the array of court leader responsibilities are the following examples, which are not all inclusive:

- Leadership, visioning, and planning
- Workforce and human resource management
- Caseflow and workflow oversight and management
- Public and community relations
- Operations governance and management
- Fiscal and facility operations
- Special programs implementation and oversight
- Court performance management

Each one of these operational areas can generate the need for solving problems.

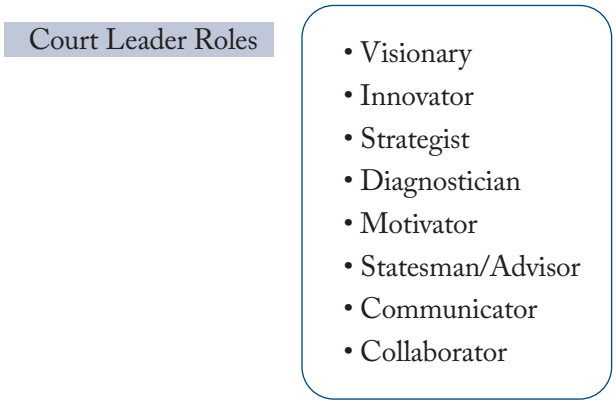
Court leaders - in any title and at all levels within the organization, whether in a judge or administrator role, in a large or small organization, in an urban or rural setting, and anywhere globally – need to be proficient in addressing problems. In other words, ample stimuli are present for court leaders to tackle problems. Often the impetus is one or more of these items: change and innovation, program creation or operation, and addressing operational challenges.

One summary of the different leader roles that a court leader may perform has been prepared by the National Association for Court Management (NACM) as illustrated

continued

in its CORE®[1] Competency on Leadership. The roles range from being a visionary or innovator to that of a communicator or collaborator. The chart below shows the various roles that court leaders may play. Each one of these roles may contribute to the use of techniques to solve problems. Each one of these roles may need to tap into problem solving tactics.

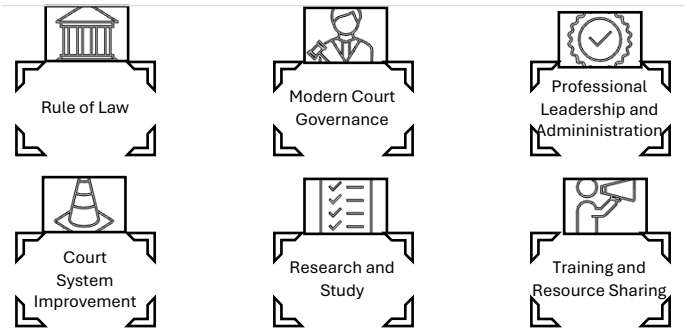
Figure 1 - Court Leadership Roles



Additionally, a quick review of the IACA objectives indicates several areas useful for problem solving:

1. Effective court administration and system improvements,
2. Court system management, administration, and governance,
3. Professional leadership and administration of courts,
4. Research, study, and application of court leadership techniques, and
5. Training, resource sharing, and fostering collaboration.

Figure 2 - IACA Objectives as Sources for Problem Solving



Problem Solving Strategies

Beyond the importance of leadership expectations and the roles and responsibilities, we turn attention to the activity of problem solving. Problem solving is indeed a best practice for any leader. Problem solving best practices are useful with leadership activities such as overall operations, program implementation, change management, overseeing court staff, collaborating with justice stakeholders, and seeking operational efficiency and transparency. Whether in a judicial or an executive role, and when practicing one of the roles noted above, these problem-solving ideas may be useful.

A quick inventory of some techniques includes these twelve items:

a. GROW: know the GOAL, assess the REALITY, consider OPTIONS, and identify the WAY forward.

b. Technical versus adaptive: determine the type of problem response needed, whether with existing technical skills (knowledge and practices) or with adaptive skills (creating new knowledge, skills, or even partnerships)

c. Mind-mapping: use creativity and brainstorming to chart or draw concepts and ideas for solving problems

d. High performance: identify the vision, goals, and necessity for improved performance

e. Transformation domains: view problem solving through domains such as service delivery, operational practices, policies, monitoring, and workforce impacts

f. WOOP: describe the WISH, define the OUTCOME, state the OBSTACLES, and note the PLAN for action

g. OODA: work to OBSERVE, ORIENT, DECIDE, and ACT to resolve the problem

h. PHASE: employ information about the PURPOSE, define the HOW, describe the ACTIONS, consider help and SUPPORT needed, and identify how to EVALUATE results and outcomes

i. Creative process: generate ideas and brainstorm, let it sit and gel, gain insights while reviewing ideas, consider alternatives, and verify actions to take

j. The Four F's: FEEL, FOCUS, FIND learning, and FRAME the way forward

k. Action planning: determine the parts, elements, goals, activities, and progress expected

l. Data science: use data and problem scoping coupled with shepherding of actions

The listing above has only briefly summarized each technique. Each of these problem solving methods has been

continued

1 For further information, read NACM ® CORE, Leadership, available at https://nacmnet.org/competency/leadership/

summarized in short briefing documents posted at www.courtleader.net.[2] Further study of these techniques will help court leaders consider and perhaps try and apply different protocols to resolve issues and problems effectively.

Conclusions and Lessons

Among the main themes or underlying lessons for court leaders to use problem solving actions are these items:

• Have a clear goal or vision – a leader should have, refine, or create a clear direction. Without a clear focus, effort may be misplaced or receive less than optimal results.

• Define the challenge, problem, or target to be addressed – being clear on the precise issue, will help the actions, information, and project begin the problem-solving process.

• Involve others – it is true that leaders rarely implement change and momentum alone. Inviting others such as experts, users, and stakeholders, for help, input, and knowledge will further progress and outcomes.

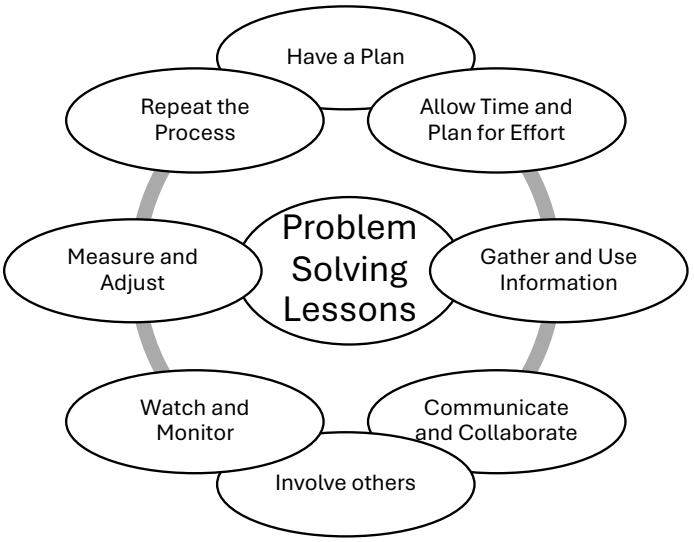
• Get information – ensure that data, metrics, and information is gathered and evaluated to guide decision making and actions.

• Determine actions – it helps if leaders identify and establish clear steps to take because that will guide the work and progress, and

• Monitor the outcomes – measuring and evaluating progress, impediments, and outcomes allows leaders to make course corrections and adjust as needed. Evaluating outcomes also implies repeating this process as needed.

Use of clear problem-solving practices is beneficial to court leaders. Among the lessons for leaders to remember are: to have a protocol or plan when problem solving; have a problem solving technique in mind to address operational or change management challenges; and try to practice with or employ techniques that may be different than ones usual tendency or habit (for example, try a technique that invites different creativity in solving challenges).

Figure 3 - Lessons for Problem Solving



The results will allow leaders to leverage the different roles, navigate the environment and particular challenge being faced, and include better analysis of challenges and barriers. Effective leaders also ensure that communication is transparent, that silos and gaps are minimized or eliminated, that people are involved, that addressing the problem starts with being open-minded and willing to consider different solutions, and that a strategy is utilized. [3]

In closing, as a court leader shepherding changes, the particular technique to be utilized is not important; having a technique is. As the old saying goes, "the journey of a thousand miles begins with a single step." [4] Effective court leaders should use problem solving as part of that first single step or action.

2 These problem solving techniques may be reviewed at www.courtleader.net. Postings were made from July 29, 2024, through March 17, 2025. Each issue includes a one-page briefing document with the concept in practice, tips, a mini worksheet or checklist, and resources. The first issue was https://courtleader.net/2024/07/29/court-leadership-and-problem-solving-issue-1/ and concludes with https://courtleader.net/2025/03/17/court-leadership-and-problem-solving-issue-12-action-planning-problem-solving/. Editor's tip: click on author's name at the bottom of the opening page, to review sequential postings.
3 Glenn Llopis, "The 4 Most Effective Ways Leaders Solve Problems," Forbes, November 4, 2013.
4 This quote originated from an old Chinese proverb.

Rethinking Ourselves in the Age of AI

By: Marcela De Langhe, Superior Court Judge, Argentina

Marcela De Langhe is a judge of the Superior Court of Justice of the Autonomous City of Buenos Aires and President of the Judicial Training Center (CFJ). She is a lawyer specializing in criminal law and public security policies. Judge De Langhe, graduated from the University of Buenos Aires, and she holds a Doctorate in Criminal Law and Criminal Sciences from Universidad del Salvador. She also teaches in the criminal law department at the University of Buenos Aires and has published books and articles on criminal law and criminal procedures.

Located in Buenos Aires, Judge De Langhe can be reached at MDeLanghe@tsjbaires.gob.ar

I. Efficiency and Automation as Pillars of the New Justice

Artificial Intelligence (AI) is bursting into the legal world with a power that forces us to rethink our practices, structures, and values. The challenge is not to speculate about replacements but to understand how judicial work is being reconfigured, what tasks can be automated without affecting guarantees, and how to preserve human judgment as the core of the decision.

Thanks to its ability to process and analyze vast volumes of information at a speed and scale unattainable for a human being, AI can extract patterns and identify relevant precedents much more quickly and accurately than a human. This superior analytical capacity allows legal professionals to access critical information expeditiously, using it to substantiate their strategies with an exhaustive database.

AI-driven automation can streamline tasks such as document review, management of procedural deadlines, transcription of hearings, among others, significantly reducing errors and operating costs. In document review, for example, AI algorithms can detect inconsistencies or flag potential risks in a matter of seconds —a task that would consume hours, even days, for a team of lawyers—. Similarly, the management of procedural deadlines becomes more precise and reliable thanks to AI systems that alert on due dates and automate expirations. In this context, legal professionals could make more informed decisions by using AI based predictive models that analyze historical case data to identify the arguments used by the Courts, thus avoiding inconsistencies or contradictory rulings.

Now, the inevitable impact of AI brings several questions: what activities will no longer be in the hands of human beings? Are we heading towards a future of structural unemployment, increased poverty, and inequality? There is no single answer, but the substitution of human labor is not new in the history of humanity.

In the 19th century, for example, 80% of people worked in food production, not because the agricultural sector was appealing, but because the lack of productivity required a high allocation of human resources to cover society's food needs. The agricultural revolution, although it took thousands of years to unfold, arrived in the 20th century with a technological advancement that drove significant changes: machinery, fertilizers, and seed modification were the pillars of this revolution that had a devastating impact on employment levels. Currently, only a quarter of humanity works in agriculture and food production globally, while in the most advanced economies, that figure reaches barely between

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1% and 2% of their population. What changed was not the need to produce, but the way we produce. Similarly, AI redefines how we make judicial decisions: not their essence, but their process.

Every technological advance has shown a tendency towards the automation of repetitive tasks in search of greater productivity, and this trend is not alien to the field of law. Indeed, just as the industrial revolutions demolished old productive structures, AI is destined to replace obsolete legal processes, ushering in a new era of efficiency and automation. The question, then, is not whether AI will transform the law, but how legal operators can lead this cultural and technological transformation to build a more intelligent, equitable, and human justice system. The real current challenge lies in learning to work *with* AI and not *against* it: understanding its probabilistic logic, its biases, and its limits.

II. Redefining the Role of the Justice System Professionals in the Age of AI: Towards a New Professional Paradigm and a New Skills Map

The arrival of AI in the legal system does not foretell the obsolescence of legal professionals, but rather the advent of an era of profound transformation, the essential reconfiguration of roles and skills that must be imperatively encouraged. In this new paradigmatic framework, interdisciplinary collaboration between legal experts and developers, together with the intrinsic capacity of lawyers to conceptualize and "shape" artificial intelligence, stand as fundamental pillars for building a more efficient justice system adapted to the demands of the digital society.

Indeed, the digital transition requires an integral revolution in legal education, transcending traditional pedagogical models to prepare future generations of lawyers for an intrinsically hybrid work environment, where effective collaboration with AI becomes a fundamental skill. The genesis of robust, ethically sound, and truly useful AI algorithms for our legal system demands an inescapable synergy between the specialized technical knowledge of software developers and the deep, nuanced understanding of substantive and procedural law, judicial processes, and the fundamental values that integrate the justice system.

At this point, the role of auxiliaries, dispatchers, and "*relators*" (reporting officials) becomes essential, as their daily functions are fundamental for the creation of the base algorithm. In effect, their permanent practice in the different stages of the process and their handling of case files make them indispensable architects and intellectual masterminds of the new system, to create an AI that operates with the precision, sensitivity, and contextual understanding required by the administration of justice.

The challenge, then, will be to convert AI —viewed as adversity— into an opportunity to develop skills that oblige legal operators to reflect and precisely define the legal problems that AI will have to address; to formulate strategic and insightful questions (the prompts) and to design the logical and coherent workflows that will articulate the internal functioning of the algorithms.

This paradigmatic transition is already a reality in other areas. Consider image editing: in the pre-digital age, the work of an editor or graphic designer demanded considerable manual technical mastery, an artisanal skill developed through practice, and an aesthetic sensitivity cultivated through education and visual experience. With the emergence and proliferation of sophisticated digital editing software, the primacy of manual technical skill shifted towards a deep and exhaustive knowledge of the software's internal workings and an acute understanding of the new "rules of the game" governing digital image manipulation.

Analogously, the legal professionals in the incipient era of AI needs to reorient and redistribute their traditional technical skills towards the idealization and creation of strategic and effective prompts, as well as towards the understanding of the underlying logical architecture of AI algorithms. This metamorphosis in the set of professional skills will allow them to enhance their distinctive human capacities—critical analysis, complex strategy formulation, and persuasive argumentation—using AI not as a substitute, but as a sophisticated and powerful tool at the service of their intellect and their expertise.

Furthermore, even in a future where AI systems reach seemingly unlimited levels of sophistication, informed human supervision and the critical judgment capacity of the legal operator will remain irreplaceable and inalienable elements. In this context, legal professionals must develop the capacity to evaluate with discernment the results generated by AI, identify possible errors, biases inherent in the training data, or erroneous interpretations of the legal context, and thus

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guarantee that the application of AI aligns unfailingly with the fundamental ethical principles that sustain the justice system and with society's democratic values. This work of active vigilance and ethical control will be essential to preserve the integrity of the legal system and to ensure that AI is used responsibly and for the benefit of justice and equity.

Ultimately, the incursion of AI into the legal field should not be interpreted as an existential threat to the legal profession, but as a momentous opportunity for the evolution and improvement of the system itself. Indeed, we are facing an inflection point in the history of the legal profession, transitioning from a traditional model based on manual labor towards a paradigm where strategic collaboration with technology and the development of new cognitive skills becomes essential. Far from being relegated, justice system professionals stand as central figures, taking on roles as architects of automated legal knowledge, designers of precise prompts, and ethical supervisors of intelligent systems.

The ability to fuse legal expertise with an understanding of AI logic will be the key to unlocking the full potential of this technology in the administration of justice. The success of this process will depend purely and exclusively on the adaptability, intellectual curiosity, and continuous commitment to learning on the part of legal professionals, who will be perpetual learners on this transformative journey towards the future of justice. In short, we must take responsibility for the fact that the future of law is written in code, and AI has come to challenge us to transcend our traditional roles and become architects of a new justice.

III. The Imperative of Cultural Change and Digital Literacy in Justice

Undoubtedly, the effective adoption of AI and digitalization in the justice system transcends the mere implementation of technological tools; in essence, it demands a profound and multidimensional cultural change that permeates all layers of the legal sector. The 21st-century judge needs to master not only the Law but also the fundamentals of data, algorithmic design criteria, and digital ethics. This reconversion does not imply technologizing legal knowledge but complementing it. Decisions must remain human but enriched by tools that expand available information and improve the quality of analysis.

The imperative is to promote a radical transformation in the mindset of judges, court employees, lawyers, solicitors, academics, and legislators, facilitating the knowledge and internalization of the importance of digitalization not only as an isolated technical advance but as a new cultural paradigm that will redefine the way justice is conceived, exercised, and administered. If digitalization is mistakenly perceived as a mere technological matter, alien to the daily work of legal operators, resistance to change, disengagement, and the persistence of obsolete practices will be inevitable, hindering the full harnessing of AI's transformative potential.

To this end, it is necessary to foster a digital corporate culture that encompasses different interrelated dimensions. Firstly, an active predisposition to digitalization, which implies an open and proactive attitude towards the adoption of new technologies, recognizing their potential to improve the efficiency, transparency, and accessibility of justice.

Systematic promotion of innovation is also necessary, encouraging experimentation, creativity, and the constant search for new technological solutions for the challenges of the legal system, and, in turn, allowing for the development of the flexibility and resilience needed for legal professionals to adapt quickly to technological transformations and the new demands of society. Furthermore, effective collaboration between legal operators and technology experts must be promoted, recognizing that a digital transformation of law requires the convergence of knowledge and skills not only legal but also from computer systems.

Thus, this profound cultural change demands understanding that digitalization is, in essence, a cultural phenomenon that will impact practices, values, and relationships within the legal system, making it necessary to demystify technology and embrace the opportunities that AI offers to build a more modern, efficient, transparent, and accessible justice system.

The experience of the Superior Court of Justice of the City of Buenos Aires and the Judicial Training Center (CFJ), which I preside, shows that judicial leadership is key to organizing innovation. Institutional guidance ensures that technology remains subordinated to the goal of guaranteeing rights, avoiding both improvisation and technology-driven fads.

Since 2024, the CFJ has promoted numerous training and research initiatives designed to address these challenges. For

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example, the 2024 Judicial Training Prize invited essays from judges and court officials across Argentina on AI applied to law; and in 2025 funding was approved for several applied research projects focused on AI in judicial work.

These actions reflect an institutional policy aimed at shaping the profiles that make up the Judiciary and at accompanying technological transformation with permanent, cross-cutting and ethical training. The creation of applied-research spaces, support for AI-related projects and the dissemination of good practices constitute a policy designed to give innovation a framework of legality and social legitimacy.

The Judiciary of the City of Buenos Aires is also developing protocols for the ethical and responsible use of AI, establishing criteria for transparency, traceability and human oversight. These guidelines seek to anticipate regulatory challenges already faced by other jurisdictions and to consolidate a judicial public policy on technological innovation. The goal is not to accelerate adoption without control, but to ensure that every tool complies with due process guarantees, judicial independence and personal-data protection.

IV. International Experiences of AI in Justice

International experiences show that the incorporation of AI in the judicial sphere is advancing with firm, albeit prudent, steps. In most observed systems, AI does not replace the jurisdictional function but assumes support tasks such as document classification, precedent searching, drafting of preliminary documents, or electronic case file management. Its role is instrumental, and its effectiveness ultimately depends on human control.

In the United States, the use of algorithms to review large volumes of documentation marked an inflection point. The adoption of technology-assisted review and predictive coding —recognized by judicial decisions such as the one adopted in the *Rio Tinto v. Vale* case— allowed for the establishment of standards for sampling, validation, and transparency. The value was not in technological "promises" but in verifiable protocols and the possibility of auditing the results obtained, demonstrating that when the tool is subjected to clear rules, efficiency does not erode guarantees.

In Europe and Asia, the trend has been similar. In France, jurisprudential analysis applications offer estimates on probabilities of success or amounts of compensation in limited matters, but they are expressly presented as guides and not as decisive instruments. In China, Internet courts operate entirely in digital environments and employ AI for routine processing tasks, preliminary drafting, and document verification, always under judicial supervision. Singapore, for its part, adopted a system of automatic summaries in small claims courts, accompanied by public guidelines that delineate its scope and reinforce the responsibility of the operators.

These cases reflect a shared orientation: leveraging AI where it improves the organization of work without substituting human deliberation. Even in often miscited experiences, such as the "robot judge" of Estonia—which was actually an experimental trial that has not yet been implemented—the true learning is the need to maintain institutional prudence and legal control over every step. The international panorama, in short, does not offer models to copy but criteria to adapt. The most advanced jurisdictions have understood that technological innovation requires clear regulation, usage protocols, supervision mechanisms, and continuous training. Where AI is applied with purpose and transparency, it strengthens confidence in justice and frees up time for the decisions that require, now more than ever, the human perspective.

V. Conclusion

AI will not replace the judge and their court staff, but it will transform the way we judge. Those who exercise the judicial function must be the protagonists of this change and not its spectators. Institutions that understand the scope of this technological revolution sooner will be better able to guarantee rights and strengthen social confidence in justice. Ultimately, the future of law will not depend on how many algorithms we incorporate, but on how we govern them.

The City of Buenos Aires has decided to do so based on training, ethics, and evidence: with protocols, applied research, and judicial leadership. This combination of prudence and anticipation is, perhaps, the greatest contribution our judicial system can offer to the global conversation on artificial intelligence and justice.

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Within the Next Ten Years: Will Homelessness in the United States Reaches Crisis Levels?

By: Peter C. Kiefer[i] and edited by Phillip Knox

Peter C. Kiefer is a career court veteran with over forty (40) years' experience working with trial courts in Oregon, Arizona, and California. He has consulted with the judicial systems in Liberia, Moldova, and Beirut, Lebanon and he has traveled to the People's Republic of China as a delegate with the National Association for Court Management (NACM). He currently hosts the monthly NACM podcast series – The Court Leader's Advantage. Located in Auburn, New York, Mr. Kiefer can be reached at courtfutures@gmail.com.

Abstract: The CourtFutures survey, which has tracked over 240 scenarios since 2012, now uses AI tools to provide deeper insight into emerging issues facing the courts, including the growing homelessness crisis. In its Winter 2024 survey, homelessness reaching crisis levels was rated "likely" or "highly likely" by both court professionals and AI tools, driven by factors like rising housing costs, economic instability, and strained support services. If this trend continues, courts are expected to face heavier caseloads related to evictions, minor criminal offenses, and civil disputes, alongside increasing administrative challenges. While targeted government, nonprofit, and housing initiatives may help mitigate the crisis, substantial coordinated action is needed to prevent long-term strain on the justice system.[ii]

The CourtFutures survey now tracks over 240 different scenarios since it began asking court professionals about the future and courts in 2012. Surveys to assess the likelihood of a particular scenario occurring within the next 10 years only scratches the surface of that scenario.

Each situation tells a unique story. Over the past 13 years, we have often wished for more time to explore them in greater depth. Until now, our efforts have been limited to publishing an annual CourtFutures Top Trends to Watch. However, with the rise of Artificial Intelligence, we believe we've overcome this challenge. We aim to publish regular analytical articles that provide deeper insights into timely and relevant scenarios.

We went to four of the more popular Artificial Intelligence tools and asked them what the likelihood of a particular scenario is, why it is occurring, and what effect it would have on courts. The four tools used were:

AI Tool	Developer
Chat GPT	Open AI
Copilot	Microsoft
Gemini	Google
Claude	Anthropic

Why Look for Trends?

Many courts adhere to the philosophy that they craft their own future. There is truth in that maxim, but it is just as important to know how the surrounding environment is trending and how such trends impact the work of the judicial branch. By monitoring trends in public perceptions, technology, and industry practices, courts can react to changes in current demands. Understanding trends helps courts make informed decisions, effectively allocate resources, and position themselves for long-term success in a dynamic social landscape.

Scenario

Homelessness Increases Reaching Crisis Levels

Although rates vary from region to region, homeless (or unsheltered) populations continue to increase. Homeless communities swell, stretching the limits of government services (including courts) that are focused on dealing with homelessness.

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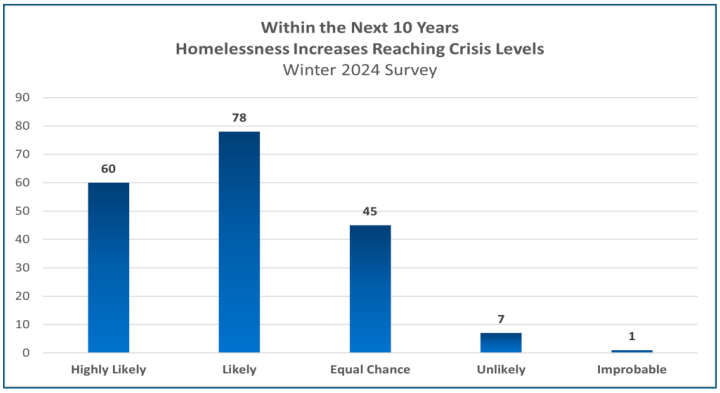
This scenario was included in the Winter 2024 survey and received 191 responses. The overall group's mean assessment was 2.0 (Likely).[iii]

The scenario is prescient as homelessness in the United States jumped 18.1% in 2024, hitting a record level. More than 770,000 people were counted as homeless in federally required tallies taken across the country during a single night in January 2024. [iv] The estimate likely undercounts the number of unhoused people given that it does not capture those individuals staying with friends or family. [v]



The CourtFutures Survey Group

Group Assessment	Probability
Overall Group	Likely - 2.0
NACM Members	Likely - 2.1
Non-NACM Members	Highly Likely – 1.9

The AI Tools' Assessment of the Probability

Chatbot Assessments	Probability
Chat GPT	Likely – 2
CoPilot	Likely – 2
Gemini	Likely – 2
Claude	Highly Likely - 1

Why the AI Tools Think This Scenario is Likely to Occur [vi]

- **Rising Homelessness Rates:** The number of people experiencing homelessness has been increasing and the trend is well-documented in many regions. While there are some local successes, the overall picture shows a continued upward trend or at best, plateauing rather than a decrease.[vi]
- **Affordable Housing Shortages:** There is a significant shortage of affordable housing in most, if not all locations with a need, with millions of units needed to meet demand. Housing affordability continues to worsen in most major cities. The wealth gap continues to widen, creating more economic vulnerability. [viii]
- **Economic Challenges:** High rental prices, inflation, and insufficient social safety nets are exacerbating the issue. Real wages have not kept pace with increased housing costs and inflation. Rising interest rates make homeownership less attainable. [ix]
- **Contributing Factors:** Mental health and addiction services remain underfunded in many regions. Many current homeless services are reactive rather than preventative. Staff burnout in homeless services leads to high turnover and reduced effectiveness. Often there is inadequate coordination between different social service agencies. There is increased investment in some areas, but the scale often does not match the problem.[x]
- **Strained Government Services:** Existing services struggle to keep up with the growing demand. Many local governments and courts are already overwhelmed by the challenges associated with homelessness, such as encampments, public health concerns, and legal disputes. Increased homeless populations will inevitably further stretch the capacity of government services, including courts. Housing-first programs, while effective, struggle to scale due to limited resources. NIMBY (Not in My Backyard) often blocks new shelters and affordable housing developments. The end of various pandemic-era housing protections has already led to an increased number of evictions. Many courts are already experiencing backlogs and challenges in providing adequate support.[xi]
- **Potential for Crisis:** Without significant intervention, the trajectory of homelessness suggests it could reach crisis levels in some regions, particularly in areas with high housing costs or an inadequate social safety net. Remedying these issues by building new shelters and support facilities takes years of planning and funding.[xii]
- **Regional Variation:** While the overall trend is concerning, it is important to acknowledge that the impact will vary regionally. Some areas may experience more dramatic increases than others. However, the scenario describes a general trend, not a localized one.[xiii]

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Why Homelessness Might Not Reach a Crisis Level Within the Next 10 Years

- **Government Interventions** – Federal, state, and local governments may continue to invest in housing assistance, mental health services, and social programs aimed at reducing homelessness. For example, the City of Los Angeles has invested hundreds of millions of dollars to house unsheltered people into motels and move them into permanent housing. Initiatives like Housing First and expanded funding for affordable housing can help prevent a large-scale crisis. However, the current political climate makes continued Federal funding to support these programs and initiatives uncertain.

  Conversely, increased enforcement of immigration laws could reduce homelessness as some believe the majority of the homeless in large cities are made up of undocumented immigrants. This influx has caused the homeless population to skyrocket.[xiv] This supposition is under debate, since surveys from Texas, California, and New York estimate the percentage homeless being undocumented immigrants as being between 5% and 10% of the overall homeless population.[xv]
- **Economic Growth & Job Opportunities** – If the economy remains stable or grows, employment opportunities and wage increases could help more people afford housing, reducing the risk of mass homelessness. In addition, remote work trends may continue to reduce pressure on urban housing markets as people move to more affordable areas, potentially helping to stabilize housing costs in high-demand cities.[xvi]
- **Private Sector & Nonprofit Efforts** – Many nonprofits, religious organizations, and private sector initiatives are actively working to provide housing, food, job training, mental health services, addiction recovery programs, and case management services to mitigate homelessness. Increased collaboration between government agencies, non-profit organizations, and the private sector could lead to even more effective and comprehensive solutions to homelessness.[xvii]
- **Housing Market Adjustments** – While housing affordability is a major issue, some cities and states are working on policy changes, such as rent control, eviction protection, zoning reform, and incentives for developers to build more affordable units, which could help stabilize the situation.[xviii]
- **Affordable Housing Initiatives:** Efforts to increase the inventory of affordable housing are ongoing. This includes innovative housing solutions and technological innovations such as the development of tiny homes, 3D printing, modular housing, and the expansion of multi-generationally house families. Nationally, the inventory of permanent housing has increased by over 16% since 2007.[xix]
- **Public Awareness & Policy Changes** – The growing visibility of homelessness has led to increased public pressure on policymakers to take action, which could result in more proactive strategies to address the issue. A focus on housing-first approaches have shown strong success rates in various American cities. These programs prioritize getting people into stable housing before addressing other challenges like employment or addiction.[xx]

How Will It Affect Courts?

- **Evictions and Foreclosures:** As housing insecurity grows, courts will likely see a rise in eviction and foreclosure cases. Tenants and homeowners will fight to stay housed.[xxi]
- **Criminal Cases:** Homeless individuals are often arrested for "quality of life" crimes like trespassing, loitering, or public camping, increasing the number of minor criminal cases. There will be an increase in drug possession and public intoxication cases, generating a greater need for court-appointed counsel.[xxii]
- **Civil Disputes:** Disputes over shelter policies, housing rights, and access to public services could become more frequent, leading to more civil litigation.
- **Case Management Issues:** There will likely be longer processing times due to increased caseloads. There will be more mental health holds and competency hearings and an increased demand for drug treatment court services.[xxiii]
- **Court Administration Issues:** There will be an increased strain on courthouse facilities (security, bathrooms, waiting areas). Additional administrative staff will be needed to handle paperwork. Scheduling will be more complex due to the added work of contacting defendants, maintaining current mailing addresses, and serving notices and summons. There will be more defendants failing to appear, and more difficulty establishing proof of identity once a defendant does come to court.[xxiv]

Homeless courts or community courts may expand, and there could be a growing demand for new diversion programs tailored to unhoused individuals. Mobile court services,

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where judicial proceedings take place in specially equipped vehicles within homeless encampments, might also become more common. Additionally, the need for social workers and case managers will likely rise, further increasing court system operating costs.[xxv]

Legal Challenges: There could be more constitutional challenges to anti-camping ordinances, increased litigation over property rights and public space use, and challenges to mental health commitment procedures. More cases involving the right to shelter and housing. There could be an increase in cases involving ADA accommodation.[xxvi]

Conclusion

The convergence of economic, social, and systemic challenges paints a sobering picture for the next decade regarding homelessness in the United States. Both the CourtFutures survey group and the leading AI tools consistently assess this scenario as "likely" or "highly likely," citing factors such as affordable housing shortages, economic pressures, and strained government services. The ripple effects on the judicial system—ranging from increased eviction, foreclosure, and criminal cases to administrative burdens and legal challenges—are expected to grow significantly unless comprehensive interventions are implemented.

i Our thanks to Joseph D'Amico and Jessica Humphries who supplied additional reviews and edits

ii Our thanks to Joseph D'Amico and Jessica Humphries who supplied additional reviews and edits

iii Respondents are asked to assess the likelihood of scenarios occurring within the next 10 years based on a 5-point Likert-type scale: 1 being Highly Likely, 2 being Likely, 3 being Maybe (50-50 Chance), 4 being Unlikely, and 5 being Improbable. The results are then averaged and classified: 1.0 to 1.9 being Highly Likely, 2.0 to 2.4 being Likely, 2.5 to 2.9 being 50-50 Chance, 3.0 to 3.4 being Unlikely, and 3.5 to 5.0 being Improbable.

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THE REASONING OF THE SOLUTION – PREMISE OF HUMAN-FRIENDLY JUSTICE

By: Natalia Creciun, University Lecturer, PhD, Law Faculty, Moldova State University

As a university lecturer at the Law Faculty of the Moldova State University, Dr. Creciun's main responsibilities are related to teaching and research activities. Dr. Creciun teaches many different types of law courses; General theory of law; Administrative law; Fundamental aspects of legal writing, research and reasoning; Communication of legal professions. Her areas of interest for research are self-governance of the judiciary; communication of legal professions; legal education. Currently, she is a practicing attorney in Moldova. To follow up with the author, you may contact Dr. Creciun at natalia.creciun@gmail.com.

Abstract. The orientation of the justice system to the court users has become an axiomatic requirement for the current organization and operation of the judiciary. The argumentation of the solutions in the legal acts drawn up by lawyers (not only judges) is an inherent element of a user-friendly justice and a premise for enhancing public confidence in the judiciary. Thus, the purpose of the paper is to argue that judges and any other legal professionals contributing to the exercise of the act of justice have the duty to bring reasons to the proposed or issued solutions, to support the journey to a human friendly justice, through a synergetic approach to methodologies of writing and reasoning of legal acts. Some of the objectives proposed to be attained refer to the validation of the importance of legal arguments for the litigants, in terms of trust in the judiciary and to the recommendation to accept, for this moment, at least in theory, to discuss about the need and usefulness of uniformization of the methodology of writing and reasoning of legal acts as a premise of a judiciary focused on the court users' human rights, and reasonable and legitimate interests and expectations. As a conclusion, we encourage a proper interprofessional and interinstitutional communication, as an engine for supporting the journey towards a justice focused on the court users.

The paper is developed in the context of the Subprogram 'Strengthening socio-economic and legal mechanisms to ensure the well-being and security of the citizens' within the Scientific Research Laboratory 'Comparative Public Law and e-Governance', Faculty of Law, State University of Moldova (CONSEJ 01.05.02).

Keywords: *human-friendly justice, legal writing and reasoning, methodology, judiciary, judges, legal professionals, synergetic approach.*

Introduction

The mission of the judiciary is not simple. Judges are the key actors of the judiciary on which the degree of progress of the journey towards human-friendly justice depends. At the same time, judges are not the only actors who must take care of ensuring the security of legal relationships. There are multiple categories of representatives of legal professions who contribute to the exercise of justice. Therefore, their role in strengthening the credibility of the judicial system is essential.

The purpose of the paper is to argue that judges and any other legal professionals contributing to the exercise of the act of justice have the duty to bring reasons to the proposed or issued solutions, to support the journey to a human friendly justice, through a synergetic approach to methodologies of writing and reasoning of legal acts.

The objectives of the paper are the following: to validate the importance of legal arguments for the litigants, in terms of trust in the judiciary; to argue that the quality of the judicial

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decision depends on the quality of the legal acts submitted to court by other legal professionals; to propose the acceptance, for this moment, at least in theory, to discuss about the need and usefulness of uniformization of the methodology of writing and reasoning of legal acts as a premise of a judiciary focused on the court users' human rights and reasonable and legitimate interests and expectations.

The litigant trusts a judiciary which brings reasons to the solution of his/her problem.

The orientation of the justice system to the court users has become an axiomatic requirement for the current organization an operation of the judiciary. It is assumed at the global and European levels, through standards and guidelines, that justice is a public service focused on the understanding and fair resolution of users' claims, complaints, reasonable needs, and expectations.

For instance, The International Framework for Court Excellence is supposed to be accepted as a guide 'for the journey to court excellence', which 'is primarily a journey built upon a strong respect for and adherence to shared court values' [1, p. 4, 7]. The infrastructure of the courts is not limited to buildings and procedures, which are often unclear to the court users; it is basically about a complex design, including workforce, fundamental values, formal communication, law, evidence, financial resources. Even if '[i]t is often assumed that winning and losing is what matters most to those who have encounters with courts', 'legitimacy and fairness of the court proceedings' [2, p. 22] could have a greater impact on the public trust in the act of justice.

The court is the ultimate instance approached by the justice seekers to solve their issues. That is why '[j]udicial decisions shall be drafted in an accessible, simple and clear language.' [3, para 16]. At present, supportive AI facilitates the access to legislative and case law data bases, as well as more sophisticated tools, with 'hypertext links' to other case law and legislation' [4, para 24]. This situation creates advantages to court users in terms of transparency of the judiciary, independence and impartiality of judges, predictability of the decision-making process and its consistency with pertinent jurisprudence. Being part of court hearings, court users have reasonable expectations to be treated like others in similar factual situations. The uniform application of the law is a prerequisite of a fair trial and the rule of law. However, even in the common law system, known for the stare decisis concept, the judge's independence in decision-making is a crucial operational principle. Likewise, 'analysis and argument based on rule application, and those based on analogy are separate and distinct […]' [5, p. 1]. A court decision fuels public confidence in the judiciary only if it is reasoned, meaning that the judge is not always obliged to follow an established case law interpretation and such a decision, which should be a diligent one, should not affect the judge's career; 'a judge acting in a good faith, who consciously departs from the settled case law and provides reasons for doing so, should not be discouraged from triggering a change in the case law. Such departure from the case law should not result in disciplinary sanctions or affect the evaluation of the judge's work […]' [6, para 39].

The conclusion should include 'the justification for the fact-finder decision. […] [A]ny conclusion should encapsulate not just the winner of a given argument, but the reasons why that party has won' [7, p. 43, 48]. Reasons, based on evidence and interpretation of the law, brought by the judge to sustain the solution, will support the litigant's confidence in the act of justice. Conversely, nonreasoned decisions may generate reluctance to the justice system, both in cases of following the case law or not, because every justice seeker has a need and an interest to see his/her own issues solved, examined, interpreted, and approached individually.

Any legal professional should argue the solution based on an appropriate methodology.

Legal reasoning is not mathematics. That is why representatives of different legal professions may shape different legal solutions, depending on their status, mission, competency. And this is not a benchmark of non-professionalis. Every lawyer has his/her own space for creativity, especially at interpreting evidence and law, within the limits of the law. Most of the lawyers attended the same law school, with the same curricular support. But all of them have different roles to play in real life when they operate in a specific field of law. The legal status of the profession dictates a way of acting, speaking, writing, reasoning. A simple glance on legal acts issued by representatives of different legal professions allows any reader to see specific approaches to legal issues, specific formats, and arguments. For instance, '[i]f you're writing as an advocate, you'll need to show clearly what the decision-maker should do and why' [8, p.57].

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However, in the context of current trends related to the orientation of the justice system towards the court users, there is a way to simplify the process of issuing of legal acts. An appropriate methodology of reasoning could be an option. At present, there are many scientific papers regarding the usefulness of the IRAC and CRAC methodologies and their applicability in different legal systems.

IRAC and CRAC are two, among many other variations, legal writing methodologies, based predominantly on the formal logic method. IRAC is an acronym in which *I is issue, R – rule, A – analysis and C – conclusion.* It is used in the writing of objective legal writing products, such as legal opinions. CRAC, on the other hand, stands for *C – conclusion, R – rule, A – analysis and C – conclusion.* This methodology is suitable for persuasive legal writing.

For instance, when a client addresses a lawyer with a legal problem, the lawyer will do an exercise by applying the IRAC method, as a way of thinking and reasoning. More precisely, starting from the legal problem, which can also be formulated in the form of a question (issue), he/she will identify the normative-legal regulations and the applicable jurisprudence (rule), will analyze the application of the rule to concrete factual circumstances (analysis) and, finally, will formulate the conclusion (conclusion), which can only generate the chances of winning in a potential legal process, as a result of an objective assessment.

If, however, the client opts to file a lawsuit, the lawyer will prepare a legal writing product (for example, a request for a summons) applying the CRAC method. That is, in drafting the request, the starting point is the conclusion formulated in response, as a solution to the client's problem (conclusion), the applicable rules are identified (rule), the applicability of the identified rules to the case is argued (apalysis) and the final conclusion is formulated, as a conclusion of the argumentation exercise. The conclusion is intended to subsume the entire analysis carried out by the lawyer and to help the judge adopt the decision.

In the case of drafting a lawsuit, unlike a legal opinion, the lawyer no longer makes an objective analysis of the case, but focuses on persuasive writing. The lawyer's goal is to convince the court that the client's claim is well-founded and the stakes are no longer the assessment of the chances of winning, but the full admission of the claim. The IRAC and CRAC methodologies help the lawyer structure legal writing products, both technically and substantively.

Even if the legal acts of one party or of both parties of the process are written using the CRAC methodology, in order to 'explain rules persuasively […], arguing to a court in support of a particular outcome' [9, p. 36], it does not mean that the judge, who has to issue the final solution, will not assess the legal problem arisen before the court through IRAC methodology including. In this last case, we speak about IRAC as a way of thinking. The judge is the same researcher, with an empirical background. 'When considering a problem, a researcher is required to ask himself a series of questions about it' [10, p. 27]. Similarly, the judge asks himself/herself questions, checks if the problem from which the party in the process started is properly formulated, divides the problem into sub-problems and makes an overall analysis of the case. Therefore, the judge does not limit himself/herself – he/she has no right to limit himself/herself - to the solution/conclusion proposed by the parties. The trial is adversarial, each party has the right or the obligation, as the case may be, to present evidence in support of his/her position. But the role of assessing the evidence and formulating the solution for the case belongs exclusively to the judge. Making in mind an IRAC exercise, the judge is ready to issue the judicial decision.

There is also a very important moment that could be emphasized related to the analysis of legal acts through IRAC or CRAC methodology. These methodologies allow the development of an organized, systemic way of thinking, which, in turn, facilitates the process of configuring the connection between the basic problem and the final solution. If there is no connection, something went wrong in the process of writing and reasoning. That is why, in terms of legal logic, it is recommended to be aware of the relevance of systemic thinking and reasoning for the quality of legal acts. Otherwise, the threads of the argument become disjointed, the legal act loses its outline, the author loses credibility, the judge is no longer willing to follow the course of other arguments.

Nobody likes clothes with frayed, unravelled threads. Similarly, but with more significant repercussions for a career in the justice system and for the rights of the litigants, no one is willing to read poorly prepared legal documents, in which the conclusion proposed by a party, or the solution adopted by the court deviates from the initial problem, from the facts of the case or from the formal sources of law invoked.

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The court user appeals to legal and judicial services in the hope of solving a problem. There is a widespread, albeit erroneous, perception that the lawyer's role is to fight for the defendant's acquittal. There are many cases when the defendant receives a punishment, through a court decision, and accepts it as being reasonable. The fact that the punishment was established and argued, in a clear, consistent, simple manner, contributes to the acceptance of such a solution, including by the defendant. The reasoning of the solution, by offering answers to each problem and sub-problem brought to the judgment, is part of the concept of human friendly justice.

The justice system can be human-friendly only if it opens to the public and offers the possibility to be understood, through clear procedures, ethical conduct of legal professionals and reasoned legal acts.

The quality of the judicial decision depends on the quality of the legal acts submitted to court by other legal professionals.

The credibility of justice as a public service is usually connected to the degree of openness of the courts to litigants and to the reasoning of court decisions. However, less attention is paid to the fact that the judge and the courts are not the only representatives of the justice system. Judges are the key actors of the judiciary; they exercise the act of justice. However, the quality of the judicial act depends, to a substantial extent, on the activity of representatives of the legal professions, who contribute to the exercise of justice: prosecutors, criminal prosecution officers, lawyers, notaries, bailiffs, judicial experts, probation counsellors, etc. In such circumstances, it is essential that all the representatives of legal professions should try to improve writing and reasoning skills. Writing is a form of the author's dialogue with himself/herself, a test of the validity of the ideas and conceptions he/she feels he/she holds [11, p. 32]. Accordingly, without imposing strict models of legal acts, in terms of structure, the uniformization of methodologies used in issuing legal acts may help in facilitating the communication between different legal professions, between the justice system as a whole and the court users, the society.

The advantages of IRAC and CRAC methodologies consist in the fact that they do not limit the creativity of the legal professional – author of the legal acts. In any case, the procedural legislation requires to do the analysis of facts, of legal norms and to argue the solution. Thus, the acceptance of specific methodologies, as a way of creative thinking, could become a kind of synergetic approach to legal writing and reasoning, a synergetic approach to legal acts. The role of higher legal education [12] and of the initial and continuous training of legal professionals is crucial in supporting this approach.

Conclusions and recommendations.

The legal profession is a bureaucratic one and it requires a formal communication. Even if most lawyers have a very similar background, in terms of higher education curricular competences and learning outcomes, each of them has a particular mission and shape of mind, due to the specifics of legal status of the profession. However, it would be difficult to contradict the idea regarding the close connection between the argumentation of the solutions in the legal acts drawn up by lawyers (not only judges), on the one hand, and the degree of trust of the litigant in the judiciary, on the other hand. No one likes clothes with frayed, unravelled threads. Similarly, no one is willing to read poorly prepared legal documents. As regards the litigant, who is going to bear the consequences of the legal act that concerns his/her life, the lack of arguments could have catastrophic effects in relation to confidence in the judiciary, the justice reform, compliance with the judicial act, voluntary execution of court decisions.

In order to support the journey to a human friendly justice, as part of sound governance strategies, we would recommend following a synergetic approach to methodologies of writing and reasoning of legal acts, the usefulness of the IRAC and CRAC methodologies being appropriate for discussions, analysis and evaluation. A proper interprofessional and interinstitutional communication, including the judiciary and all the professionals contributing to the exercise of the act of justice, the administrative authorities and institutions with competencies in managing the justice, education and research areas, the academic and scientific community, the civil society, could become the right engine for supporting the journey towards a justice focused on the court users.

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IMPORTANCE OF CORRECTLY DRAFTING JUDICIAL DECISIONS

Natalia Gavrilenco, PhD candidate, Assistant Lecturer, Department of Procedural Law,
Faculty of Law, Moldova State University

Natalia Gavrilenco is currently Vice-Dean of the Faculty of Law, Lecturer, Moldova State University. Her responsibilities include teaching couses such as Legal Professions and Organization of the Legal System and Legal Writing.

Ms. Gavrilenco is a PhD Candidate, conducting research on judicial disciplinary responsibility and procedural guarantees in the Moldovan justice system.

Located in Chișinău, Republic of Moldova, Ms. Gavrilenco can be reached at natalita.gavrilenco@gmail.com.

Synopsis: This article explores the preventive role of correctly drafted judicial decisions in avoiding disciplinary actions against judges, particularly in the context of the Republic of Moldova. It analyzes international standards and comparative legal frameworks to demonstrate how reasoning and clarity in judgments reinforce transparency, ensure fair trials, and enhance public trust in justice. The paper also underscores the need for Moldova to adopt more specific disciplinary provisions regarding the quality of judicial reasoning.

Summary

The article explores the importance of accurately drafting judicial decisions within the judicial system of the Republic of Moldova and the relevance of this aspect in preventing disciplinary proceedings against judges. While Moldovan legislation does not include specific disciplinary offenses for the lack of reasoning in judicial decisions, international standards and recommendations emphasize the necessity and importance of adequate reasoning in judicial decisions.

The author emphasizes that the correct drafting of judicial decisions is not only a preventive measure against disciplinary proceedings but also an essential element in ensuring public trust and coherence within the judicial system. By adhering to international standards, courts can promote transparency and the quality of judicial decisions, thereby contributing to strengthening trust in justice and respecting citizens' fundamental rights.

Keywords: *judicial decision, drafting, disciplinary offense, disciplinary responsibility, judge.*

Introduction

The drafting of clear and well-reasoned judgments is not only a cornerstone of procedural fairness, but also a key safeguard against potential disciplinary proceedings. By ensuring accessibility, legal coherence, and substantiation through relevant legal norms and precedents, such judgments reinforce public trust and institutional legitimacy. Moreover, they contribute to the consistency and predictability of the judicial system.

For instance, certain jurisdictions have instituted legislation imposing sanctions on judges for failing to provide adequate reasoning in their decisions. An illustrative example can be found in Spain, where the **egregious and manifest failure to provide reasons for judicial decisions is classified as disciplinary misconduct under existing legislation.** [1, p. 16]. Specifically, it is deemed disciplinary misconduct when a judge unjustifiably and repeatedly delays the initiation, processing, or resolution of cases, or when there is an absence of reasoning in judicial decisions. This provision is articulated in the section addressing "faltas muy graves" (very serious misconduct) within the regulatory framework governing the conduct of judges and magistrates. Furthermore, Spanish legislation underscores the necessity of sound reasoning

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in judicial decisions, mandating that such decisions be thoroughly justified and accompanied by a clear explanation of the legal basis and rationale behind them. [1, p. 23].

In contrast, Article III of the U.S. Constitution, pertaining to the judicial branch, articulates a more flexible standard: "The Judges, both of the supreme and inferior courts, shall exercise their Judgeships in good behavior." The interpretation of what constitutes "good behavior" is determined by the legislative bodies, namely the Chamber of Deputies and the Senate.

A judge who issues egregious rulings, regardless of personal sincerity, is in violation of the constitutional obligation of "good behavior," thus granting the public the right to seek their removal. [2].

Similarly, Romanian law stipulates that judgments must be well-reasoned and must adhere to legal provisions regarding the requirement of reasoning.

Prior to the amendments of October 18, 2018, [3]. Article 99, letter r) classified "the total failure to state the reasons for court decisions or judicial acts of the prosecutor, in accordance with the law," as a disciplinary offense. This provision underscored the significance of providing adequate reasoning for judicial decisions to ensure compliance with standards of transparency and fairness within the judicial system.

In its Decision No. 161 of March 27, 2018, the Constitutional Court of Romania affirmed that the complete absence of reasoning in a judicial decision constitutes a disciplinary misconduct, reflecting the judge's failure to fulfill a professional duty. This assertion is grounded in the principle that failing to provide reasons infringes upon the right to a fair trial, as it obstructs the examination of the factual and legal bases upon which the decision rests. The articulation of reasons is vital for the exercise of judicial review and serves as a safeguard for the fairness of the judicial process.

The existence of an appeal does not exclude a judge's potential disciplinary liability. Nonetheless, sanctioning the absence of reasoning requires examining the substance of the judgment, which may exceed the limits of disciplinary review. In Romania, prior to 2018, both legislation and Constitutional Court case law recognized the lack of reasoning as a disciplinary offense.

Following the amendments that took effect on October 18, 2018, Article 99, letter r) redefined disciplinary misconduct to encompass "the failure to write or sign court decisions or judicial acts of the prosecutor, for imputable reasons, within the time limits prescribed by law." [4]. This change emphasizes the necessity of adhering to legal deadlines and highlights the accountability of judges and prosecutors in the preparation and signing of judicial documents.

On September 9, 2020, the Superior Council of Magistracy expelled a judge from the judiciary for purportedly failing to draft judicial decisions within the legally prescribed time limits. Similarly, a female judge faced a 15% salary reduction for the same alleged disciplinary infraction. These instances underscore the critical importance of upholding magistrates' service obligations concerning the timely drafting and reasoning of judicial decisions. [5].

These legal provisions illustrate that Romania places significant emphasis on the proper reasoning and drafting of judgments and judicial acts, with breaches of these obligations potentially leading to disciplinary repercussions for judges and prosecutors. Consequently, the adherence to ethical and professional standards in judicial duties is paramount.

In contrast, the legislation of the Republic of Moldova [6] outlines a considerable number of disciplinary offenses for judges; however, none specifically address the quality of drafting court documents or decisions.

First and foremost, it is necessary to briefly present some international institutions relevant to this field. Below are explanations for each institution mentioned in this article.

The International Covenant on Civil and Political Rights (ICCPR) is a key UN human rights treaty legally obligating nations to protect fundamental freedoms like life, speech, religion, assembly, and fair trials, alongside rights to liberty, privacy, and non-discrimination, forming part of the International Bill of Human Rights.

The European Convention on Human Rights (ECHR) is a Council of Europe treaty protecting fundamental human rights and freedoms in Europe, establishing the European Court of Human Rights (ECtHR) as a safety net for individuals to seek justice against member states after exhausting national remedies.

CEPEJ (the European Commission for the Efficiency of Justice) is a specialized body of the Council of Europe, whose

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role is to assist member states in improving their judicial systems by enhancing the efficiency, quality, and accessibility of justice through performance evaluation and the development of practical tools and recommendations.

CCJE stands for the **Consultative Council of European Judges**—an advisory body of the Council of Europe composed exclusively of judges, which provides opinions on judicial independence, impartiality, and competence, thereby contributing to the strengthening of the rule of law in Europe through the development of opinions and standards.

The United Nations Commission on International Trade Law (UNCITRAL) **(UNCITRAL)** is the core legal body of the United Nations system in the field of international trade law, developing modern, fair, and harmonized legal frameworks and rules for cross-border commerce.

International Standards on the Drafting of Judgments

The obligation to provide clear and reasoned judgments is reinforced by multiple international instruments. The Consultative Council of European Judges, (CCJE), is an advisory body of the Council of Europe on issues relating to independence, impartiality and competence of judges. Opinion No. 11 of the CCJE, emphasizes the need for intelligible decisions, structured and written in accessible language. Article 14 of the ICCPR and Article 6 of the ECHR enshrine the right to a fair trial, with international and European jurisprudence affirming that this includes the duty to give sufficient reasoning to allow parties to understand and, if necessary, challenge judicial decisions.

Thus, a detailed insight into the obligation of the courts to give reasons for judgments in accordance with Article 6 § 1 of the European Convention on Human Rights can be found in the Guide to Article 6 of the European Convention on Human Rights [7]. The ECHR has established that the nature of the reasoning must be sufficiently detailed to enable the parties to understand the reasoning of the court and to be able to effectively challenge the decisions taken. While the courts have a certain margin of discretion in the choice of arguments and the admission of evidence, they must justify their activities in such a way that it is clear to all those involved in the proceedings what considerations have been adopted.

Courts are required to thoroughly address the parties' key arguments, particularly those invoking rights under the ECHR or other international instruments, and to provide sufficient reasoning—including at the appellate stage—to justify the outcome, as mandated not only by Article 6 but also by other provisions of the Convention and its protocols, especially where limitations on non-absolute rights are concerned.

The European Court of Human Rights has established that if national courts fail to adequately address significant issues or neglect relevant arguments impacting the case's outcome, it may determine that a violation of the ECHR has occurred due to these deficiencies. A pertinent example of this is the case of *Standard Verlags GmbH v. Austria*. In this case, the applicant, a publisher of "Newsmagazine," published an article detailing a scandal in the banking sector, identifying the bank's treasury manager by name. The article stated that he had authorized questionable actions and was subsequently asked to resign.

The European Court of Human Rights highlighted various criteria developed in its case law regarding the balance between the right to reputation and the freedom of expression. It noted that the Austrian courts had failed to adequately consider many of these criteria. Consequently, the Court concluded that the justifications provided by the Austrian courts for limiting the right to freedom of expression, while relevant, were insufficient. [8, p. 9].

• Recommendations of the European Commission for the Efficiency of Justice (CEPEJ) - The CEPEJ issues recommendations and guidelines for Council of Europe member states on improving the efficiency and quality of judicial systems, including aspects related to the drafting of judicial decisions.

• Council of Europe Standards for the Quality of Drafting of Judicial Decisions - this set of standards is developed by the Council of Europe and aims to promote clarity, consistency and accessibility in the drafting of judicial decisions in the member states.

A salient illustration of this concept is the provision of training programs for judges focused on written communication and the drafting of judgments, which are critical for fostering clear and accessible engagement with the public. These programs are typically organized at the national level by judicial academies or analogous institutions, emphasizing the commitment to enhancing the quality of judicial decision-making. [9].

• U.S. Standards for Drafting Judicial Judgments - Within the U.S. legal system, there are various federal and state standards

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and practices governing the drafting of judicial decisions to ensure clarity and proper application of the law.

In 2008, the Consultative Council of European Judges (CCJE) issued an opinion on the quality of judgments, in which it analyzed these elements in more detail [10].

The CCJE recommends that judgments be written clearly and coherently, in accessible language, allowing both parties and the public to understand the reasoning. Judges should ensure consistency, legal certainty, and rely on relevant case law—especially from higher courts—to maintain uniformity. Where deviations from precedent occur, they must be explicitly justified. Additionally, compiling examples of well-reasoned judgments is encouraged to support judicial writing quality. [11, p. 19].

Several international instruments provide guidance on judicial drafting to enhance transparency and quality. Notably, the UNCITRAL Guidelines promote accessible and understandable decisions, while the Venice Commission's Guidelines of Best Practices, under the Council of Europe, support consistency and alignment with international standards.

In the practical guide of the Council of Europe [10, p. 6], the right to a fair trial encompasses the adequate reasoning of judicial decisions to ensure the administration of justice and the application of law to facts. The responsibility to issue a reasoned judgment is a fundamental duty of the judge, for which they can be held accountable. However, judges are not the sole bearers of responsibility for the quality of the judicial system, as this outcome depends on the interaction of multiple actors, including prosecutors and lawyers. [10, p. 15]

International standards on judicial reasoning promote clarity, transparency, and fairness in court proceedings. By following these guidelines, courts enhance legal certainty, protect fundamental rights, and strengthen public trust in the justice system.

Conclusions:

Regulations regarding disciplinary accountability for inadequate reasoning within the judicial system are often subject to varying interpretations. Although norms and directives exist in this area, they are frequently articulated in general terms or possess a recommendatory nature, allowing for some flexibility in their application. Furthermore, the enforcement of disciplinary rules concerning legal reasoning may be influenced by factors such as judicial culture, local practices, and individual interpretations of norms by judicial or regulatory authorities.

This article underscores the significance of proper drafting and adequate reasoning of judicial decisions within judicial systems, highlighting their role in ensuring transparency, efficiency, and public confidence in justice. By adhering to professional standards and international guidelines, courts promote transparency and the quality of judicial decisions, ensuring the protection of citizens' fundamental rights and enhancing trust in justice.

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International Cooperation And Institutional Partnerships

By: Duman Omarov, Head of the International Relations Department
of the Court Administration of the Republic of Kazakhstan
Mr. Omarov can be reached at duman_24@inbox.ru

In 2025, the judicial system of the Republic of Kazakhstan continued the systematic expansion of cross-border engagement with foreign judicial bodies, international intergovernmental organizations, and international partners.

The primary focus was placed on harmonizing national judicial practice with generally recognized principles and standards of international law, introducing advanced foreign models of law enforcement, and strengthening the authority of the judiciary within the global legal space.

This process was given particular significance by the active involvement of the Chairman of the Supreme Court, Aslambek Mergaliyev, and the Head of the Court Administration, Nail Akhmetzakirov, whose strategic decisions and diplomatic initiatives ensured effective coordination of international activities and the sustainable strengthening of Kazakhstan's judicial system on the international stage.

Throughout the year, judges of the Supreme Court, cassation, and local courts, as well as staff of the Court Administration, participated in ninety international events, a significant proportion of which were implemented in cooperation with foreign partners. A total of thirty-six foreign visits were organized, involving eighty representatives of the judiciary and fifty-two protocol events were held with the participation of the leadership of the Supreme Court and the Court Administration.

The expansion of the geographical scope of international contacts contributed to the strengthening of cooperation with foreign courts, international judicial associations and specialized organizations, including the Shanghai Cooperation Organization, the Organization of Turkic States, the International Association for Court Administration (IACA), the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) and others.

Among the key outcomes of international engagement was the signing, during the official visit of Chairman Aslambek Mergaliyev to London, of memoranda of cooperation with Durham University and the international center Advocacy & Advisory International. These memoranda provide for specialized professional fellowships for judges and judicial staff of the Republic of Kazakhstan under the state "Bolashak" scholarship program.

The implementation of these agreements will enable program participants to gain in-depth knowledge of the legal system and judicial organization of England, including the application of judicial precedent within the common law system.

The conclusion of a Memorandum of Understanding between the Supreme Court of Kazakhstan and the European Court of Human Rights (ECHR) granted the Kazakhstan side access to analytical and methodological materials and created a foundation for cooperation in the field of professional training and continuing education of judges. To date, materials relating to more than one hundred cases have already been transmitted to the Supreme Court of Kazakhstan.

At the same time, cooperation between the highest judicial authorities of the Republic of Kazakhstan and the Republic of Korea has received a new impetus. During the visit of the delegation of the Supreme Court of Korea to Kazakhstan, a Memorandum of Understanding was signed aimed at sustainable exchange of legal resources and judicial practice materials. The document creates prerequisites for a systematic study of the Korean model of judicial administration, which combines elements of the continental legal tradition and common law, as well as for comparative analysis with national practice.

Of particular significance is the fact that this Memorandum became the first agreement of its kind concluded by the Korean side with countries of Central Asia. This allows the document to be viewed within a broader context of forming a transregional judicial dialogue and developing mechanisms

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of legal convergence between East Asia and the Central Asian region.

In order to strengthen Kazakhstan's position within international judicial structures, efforts were undertaken to expand the country's representation within the bodies of the Commonwealth of Independent States (CIS).

Upon the nomination of the Chairman of the Supreme Court of Kazakhstan, Aslambek Mergaliyev, Supreme Court Judge German Nurbayev was unanimously elected as the Chairman of the CIS Economic Court.

Kazakhstan's chairmanship of the CIS Economic Court is of substantial importance for the development of the national judicial system and underscores the growing role of the country in advancing the legal institutions of the Commonwealth.

Cooperation within the frameworks of international organizations was further strengthened.

During the May meeting of the High Courts of the member states of the Organization of Turkic States, work continued on the approval of the organization's constituent documents and an agreement was reached to hold the 2026 conference in Kazakhstan.

The primary objective of the Organization of Turkic States is to strengthen peace and stability, expand areas of cooperation and interaction, and enhance the potential of its member states. Moreover, given the rich historical heritage of Turkic-speaking countries, the organization serves as a bridge among its members in deepening international cooperation within the region.

Particular attention was devoted to cooperation with the International Association for Court Administration (IACA). The Association promotes the development of judicial administration, digitalization of judicial processes, improvement of the quality of justice and the exchange of international best practices. Since 2023, the Head of the Court Administration, Nail Akhmetzakirov, has served as IACA Vice President for the Central Asia region.

This fact reflects a high level of trust and international recognition of Kazakhstan.

The Vice Presidency within IACA opens new opportunities for Kazakhstan to participate in international initiatives, contributing to global efforts aimed at improving judicial administration and introducing innovative governance solutions.

Throughout the year, a series of joint meetings were held both on the margins of international conferences in Kazakhstan and at international venues, including the IACA Annual Conference held in November 2025 in Dubai (UAE). The Kazakhstani delegation was granted a dedicated session to present national experience in the application of Artificial Intelligence.

IACA President Pamela Harris repeatedly emphasized that the Kazakhstani model of judicial administration attracts international attention as an example of combining tradition and innovation to ensure fair and effective justice.

In addition, the IACA President was included in the International Council under the Supreme Court of the Republic of Kazakhstan and participated in its regular meeting held on 28 November 2025.

During the meeting, Council experts discussed topical issues concerning the transformation of the role of the Supreme Court in the context of establishing cassation courts, as well as international experience in adjudicating cases related to illicit cryptocurrency circulation.

For reference: The International Council is an advisory body under the Supreme Court, established in 2016 to introduce best international standards of justice in Kazakhstan. Its membership includes distinguished national and foreign judges, legal practitioners, and scholars. Meetings focus on the most pressing issues of justice and the study of advanced foreign experience.

The President-elect of IACA for the 2026–2028 term, Dr. Tim Bunjevac, was invited to participate in the meeting as an honorary guest.

In this regard, IACA acts not merely as an international platform for professional exchange, but as a strategic partner of the Court Administration of Kazakhstan — supporting the transfer of managerial expertise and advancing the development of a modern, effective, and human rights-based justice system.

Cooperation with the European Commission for the Efficiency of Justice of the Council of Europe (CEPEJ)

Despite not being a member of the Council of Europe, Kazakhstan is entitled to participate in the activities of its institutions and in partial and enlarged agreements providing

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for cooperation with Council of Europe member states on matters of mutual interest.

Since 2018, Kazakhstan has held observer status with the European Commission for the Efficiency of Justice (CEPEJ).

Due to the attention of the senior leadership of the judiciary, interaction with the Commission has been characterized by high dynamism and practical orientation.

On October 20-22 in Valletta (Malta), Kazakhstan's judicial system participated in a meeting of the CEPEJ-SATURN Working Group on judicial time management. Discussions focused on modern approaches to managing the length of judicial proceedings, the introduction of court performance indicators, digital technologies, and analytics. During bilateral meetings with CEPEJ leadership, priority areas for further cooperation were identified, aimed at the practical application of CEPEJ standards in the context of judicial reforms in Kazakhstan.

At the 45th Plenary Meeting of CEPEJ held in Strasbourg (France), the delegation of the Supreme Court of Kazakhstan presented national experience in digitalization and the ethical use of Artificial Intelligence.

In this context, the Kazakhstani judicial model is viewed by the international community as an example of combining institutional stability with managerial innovation.

Participation in international human rights protection mechanisms played a significant role in the international activities of judicial bodies in 2025. Representatives of the Court Administration took part in the defense of two reports of the Republic of Kazakhstan before the UN Human Rights Committee in Geneva, including the National Human Rights Report under the fourth cycle of the Universal Periodic Review and the report on the implementation of the International Covenant on Civil and Political Rights.

The effective presentation of these reports was the result of consistent and comprehensive efforts undertaken over the past five years to improve the national human rights protection system, as well as coordinated interaction between the judiciary and other relevant state bodies in the implementation of international human rights standards.

The past year clearly demonstrated a sustained positive dynamic in the development of cross-border engagement of the judicial system of Kazakhstan, as well as a significant strengthening of its practical relevance at the international level. The achievements of this period resulted from a comprehensive approach encompassing the introduction of advanced international legal practices, expansion of regional and global ties, digitalization, and increased efficiency of judicial administration.

A particularly strategic role in these processes was played by the Chairman of the Supreme Court, Aslambek Mergaliyev, who ensured coherence across all components of the judicial system, identified priority areas of international cooperation and strengthened Kazakhstan's position within the global legal space.

An additional factor contributing to the effectiveness of international engagement was the application of well-calibrated diplomatic approaches and strict adherence to high protocol standards in the preparation and implementation of international events, which enhanced trust among foreign partners and increased the effectiveness of institutional dialogue.

Taken together, the consistent development of international relations, expansion of partnerships and systematic integration of advanced foreign practices form a solid foundation for further improving the quality of justice, refining judicial administration, and strengthening the country's role within the international legal community.