The Court Administrator

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INTERNATIONAL ASSOCIATION FOR COURT ADMINISTRATION LEADERSHIP

Photographs on cover include

Top Row: Kari Kiesilainen: Ministry of Justice, Finland, HE Justice Ali Al Madhani: Chair IACA Middle East Board, Dubai, Hon. Vladimir Freitas: Immediate Past President and Advisory Council Chair, Brazil

Middle Row: Sheryl Loesch: IACA , President, Florida, USA, Luis Maria Palma: IACA President-Elect, Buenos Aires, Argentina, Catherine Hiuser: Chief Administrative Officer for IACA, Ontario, Canada

Bottom Row: Noora Aarnio: National Courts Administration, Finland, Eileen Levine: Executive Editor, New York, USA

SHERYL L. LOESCH
President • president@iaca.ws
EILEEN LEVINE
Executive Editor • courtadministrator@iaca.ws
DR. SUSAN MOXLEY
Associate Editor • Suemox3@aol.com
KERSTI FJØRSTAD
Associate Editor • kersti.fjorstad@domstol.no

PRESIDENT'S MESSAGE

I am so pleased to welcome you to the 10th edition of *The Court Administrator*. While we have all had a year of struggles, stress, and even accomplishments, IACA's two publications have remained a constant. That is due to the hard work of the editorial boards and article contributors for both publications.

I want to personally thank Eileen Levine, Executive Editor, and Dr. Susan Moxley and Kersti Fjorstad, Associate Editors, for their hard work in producing yet another informative and educational edition. Without the hard work and dedication of these individuals, this publication could not be possible.

Sheryl Loesch, IACA President

At the end of last year, IACA produced its inaugural podcast and a second podcast is being developed so please be on the watch for that later this summer.

And, we are finally planning an in-person conference! If you haven't heard already, the next IACA conference will be held in Helsinki, Finland on March 28-31, 2022. We have a premiere venue selected with a superb educational agenda planned. More information will be shared as details are finalized. It will be great to see everyone again in person!

I know you will enjoy this edition of *The Court Administrator*. Meanwhile, stay healthy and stay safe and I hope you will put the dates for the Helsinki conference on your schedule and plan to attend.

Sheryl

EDITOR'S MESSAGE

Eileen Levine
Court Administrator , Eastern and Southern Districts of New York

As we celebrate our 10th edition of "The Court Administrator" (TCA) and as we turn the corner on our fourth year of coordinating this "best practices" publication, we must all stop to take a collective, universal breath. Now exhale. Who would have believed that in July 2017, when TCA was born and we began to virtually unite and introduce court administrators around the globe to each other by sharing ideas, suggestions, best practices, and local policies, that online cyber courts and virtual proceedings would be our new norm? Who would have thought that we would be brought closer together even more so by this global pandemic? Would or could we even have imagined that online court proceedings, sentencings, hearings, trials, arraignments et al, would be something that is now globally accepted and practiced?

How have you all been juggling your lives the past year and a half? As court administrators, I know that you balance many balls in the air; and although it has been an unusually challenging time, we have all learned and grown from this experience on many levels. Your willingness to share your visions and solutions to help fellow court administrators around the globe during these demanding periods is a test of your powerful strengths and is a gift that will keep on giving through next generations of court administrators.

As we all slowly prepare to physically open our courtroom doors again, our court lives may never be the same. We have learned that our education in court administration has been reinforced with constant contact. Communication and sharing ideas with each other have never been more important and have inspired you all to become even more creative in your solutions. We all have different practices, laws, and customs; however, you have all shown your resiliency to battle this shared enemy. Your inventiveness and ingenuity have proven that the court world will go on despite the impediments. Court administrators all over the world have stepped up to these challenges. As scientists and officials have come together for solutions, we too have managed to reach out to our communities to assure them that their rights are still being protected in the courts. The public will still have their days in court, no matter the physical location. Participants of court proceedings are all in different spaces and places. Nothing is ever as simple as it seems, and the back stories will be around for generations. I applaud and salute you all in large and small courts, in countries, cities, towns, and in rural areas for keeping your court systems open, running, available, reachable, and manageable for the past year and a half.

For our milestone 10th edition, I would like to acknowledge and to personally thank all of authors who have contributed to make this publication grow beyond our wildest imaginations. You have reached out your helping hands to courts by opening up doors of opportunities and windows into your worlds. We have discovered and have (re)connected our members. In these ten editions, we have been educated on best court practices from over 100 authors and from over 80 countries. The authors have offered their expertise and their advice and follow up contact information to bring international court administrators around the world even closer together.

IACA is an amazing resource and association for everyone. We are all honored to be members of an international court administrators association that offers members so many connections and opportunities. As we eagerly wait for the next IACA conference in Helsinki, Finland in March 2022, we are reminded just how much IACA offers to members. Learning is earning; respect, trust, and the confidence of those we serve.

I humbly thank Sheryl Loesch, IACA President for her wisdom, support, balance and friendship. One positive outcome from this past year or so has been the opportunity to actually see and to (virtually) visit other courts. It is always a cool experience for me to get to "visit" Sheryl in her office at the courthouse where she has been holding down the proverbial "fort" for her judges and her staff during this entire

time. Thank you, Sheryl, for keeping the wheels of justice continually moving and keeping those judicial trains on the right tracks. You always make sure that each litigant, judge, and counsel has been online and never out of sight or mind no matter what is going on in the world.

A sincere grazie, gracias, merci beaucoup, paldies, takk, mahalo and thank you in every language to Dr. Susan Moxley for her assistance, friendship, intellect and her editing skills. You are the best, Dr. Sue!! I would like to thank Kersti Fjorstadt for reaching out to court administrators all over the world to remind them of the importance of sharing their practices and stories with IACA membership.

I thank our membership for continuing to share and to communicate with each other. I know this past time has not been easy on anyone, but you have and continue to persevere. I wish you all health and safety and I hope that you all stay strong. Please continue to keep those lights on in courtrooms all over the world, be it cyber or real time courtrooms.

Eileen

Save the Date!!

We are really excited that our world is opening up to travel again! The IACA Board and our Conference Planning Committee has been hard at work compiling an amazing agenda and working with local contacts to suggest excursions and sightseeing opportunities for your leisure time. We cannot wait to welcome you to Helsinki, Finland from March 28-31, 2022!

The theme for the 2022 IACA Conference is "People Centered Justice in the New Normal." To kick off the program, we will hear from the Minister of Justice and other distinguished guests during the opening of the conference. We will have many educational and networking opportunities for you to share and we are eager to be able to see you all in person at our long-awaited conference!!

Please check the IACA Conference website regularly as additional information will be shared with our members as soon as it becomes available.

Please stay tuned for details on conference registration, which we hope to open in September 2021!

User Focus As A Strategic Goal When Developing The Courts

By Merethe Eckhardt

Merethe Eckhardt is currently the Director of Development at the Danish Court Administration. The Danish Court Administration administers and develops the Danish Courts. Ms. Eckhardt is a national member of the Governing Board of the Academy of European Law (ERA), and she also sits on the Board of Governors in the International Organization of Judicial Training (IOJT). Representing Denmark on the Council of Europe European Commission for the efficiency of justice (CEPEJ), Ms. Eckhardt was appointed a member of the working group on quality of justice (CEPEJ-GT-QUAL). Among other goals, this working group develops means to analyse and evaluate work done inside the courts with a view to improving, in the member states, the quality of the public service delivered by the justice system.* The CEPEJ QUAL working group developed the European ethical Charter on the use of Artificial Intelligence in Justice Systems and their Environment. Ms. Eckhardt also represents the Council of Europe in the Ad-Hoc Committee on Artificial Intelligence (CAHAI). She participates at conferences as a speaker on various subjects including modern court administration, user-focus, communication, and Artificial Intelligence.*

Located in Copenhagen, Denmark, Ms. Eckhardt may be reached at meg@domstolsstyrelsen.dk

Abstract:

User-focus is a prerequisite to maintain and build trust in the judiciary. One of the ways of ensuring this important trust is to secure that the users will not be met by an outdated system or feel like they are entering an ivory tower – out of touch with the society and people that it is set in place to protect and serve. Without the trust of the users, the courts would ultimately lose grip of the power which has been given in the Constitution as well as in society. This article proposes ways of working with a strategic purpose of placing the user at the forefront of development. It describes a structured approach such as continuous user surveys, it outlines initiatives at a generic level such as learning platforms towards higher groundschool and quizzes directed towards the ordinary Dane, both aiming at maintaining and building informed citizens. This article describes specific initiatives directed towards improved court experience for the professional users of the court. Examples are check-in stands and new implementations on the website such as chat functions and a new contact form with an underlying mail handling system. Other examples include a language policy, which have been implemented throughout the Danish Court, and the creation of a tool for the courts to use with the purpose of understanding and subsequently meeting the needs of the users. Finally, it is argued that Artificial intelligence holds the potential to enhance and improve the trust in the judiciary system through user focus, but it has the opposite possibility embedded hence alienating and thus losing confidence in the system along the way.

The Courts as an institution protect democracy, the rule of law, and the legal rights of the individual. To fulfill these objectives, the Courts must continue to create value for its users and for society and also be seen and experienced as doing so. The speed with which new technologies are introduced requires that we continuously work to understand the changing needs and meet the demands and expectations of our users in a modern way. Therefore, there is a need to build processes that makes it possible to obtain and envisage the needs and wishes of the users in a continuously altered everyday with continued changing technical opportunities.

In essence, the courts have always had a keen interest in putting the user at the forefront of the proceedings. One could say that the physical settings in a courtroom aims to do just that: the place of the plaintiff and the defendant, the witnesses in the middle and the judges often a little higher looking at the actors thus securing that everyone is able to see everyone and hear what is happening at the same time. In doing that, transparency has been provided aiming to contribute to clear and open proceedings. Most

continued

of the penal cases where there is a possibility of the accused being sentenced to jailtime, the case is being heard by both legal judges and lay judges. That system is set in place by the constitution to secure that ordinary people are always a part of playing that very important yet crucial function, to place judgement over a fellow citizen. Fundamentally, the structures of the law and the settings of the court were meant to respect and honor its citizens and its users. During the recent years more work has been initiated to enhance the focus of the user. In Denmark we have worked with the language that is being used, the written words that are being produced in hearings and decisions and in the strategy for the Courts of Denmark 2019-2022 a new strategic goal of "user-focus" was set out.

This new strategic goal is among other things reflected in the way we look at the work of the courts. Where we previously tended to look at the work of the courts from an inside-out perspective (i.e. how may we change so that our work is easier / more effective), we have now begun to include the users' point of view, i.e. an outside-in perspective. Knowledge about the court-users perception of the courts gives us a chance to understand how the users of the system rely on the system.

In order to comprehend the extensiveness of the goal it is important to determine who the users of the courts are. The users of the Courts of Denmark are a broad merge of people. As already touched upon, the Courts need to have a systemic and generic perspective. Some of the initiatives are directed to obtain or sustain that. Most of the initiatives are however directed towards a more defined target group. This includes the parties to the case and their representatives. As to the parties of the case, this includes all kinds of cases brought before the courts. Consequently, this new strategic goal will be relevant for a large proportion of the population but on a different scale. Not everyone is a court visitor, and the intention are for obvious reasons not to seek that.

Digitalization plays a vital role building and maintaining trust in the judiciary and we are working continuously with changing our systems and enhancing digital work methods and accessibility. With that being said, digitalization of the case handling systems is not the topic of this paper and although it fills up much of the developing time in the courts and at the administration Council it shall not be discussed at length here.

User focus reflected outside of the Danish Courts

User-focus is not only a relevant topic in the Danish Court administration but is a focus these years in several international organizations. It is relevant to observe how these organizations work with user focus before we turn our attention to Denmark. Looking outwards will help us understand the comprehensive scale of the focus area.

The Council of Europe

The Council of Europe has set up a Commission for the Efficiency of Justice (CEPEJ). CEPEJ provided in 2016 a handbook [1] for conducting satisfaction surveys aimed at court users in the 47 Council of Europe member states. The handbook reflects the need for user surveys as they are a key element of policies aimed at introducing a culture of quality. The handbook reflects very well why there is a need for a user-focus. This handbook is meant to inspire countries in their future work with surveys aimed at court users.

1 https://rm.coe.int/european-commission-for-the-efficiency-of-justice-cepej-handbook-for-c/168074816f

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European Network of Councils for the Judiciary (ENCJ)

In addition to the work laid out by the CEPEJ, the European Network of Councils for the Judiciary (ENCJ) is also currently working with this exact topic. In 2019-2021 the ENCJ contributed among others with a report [2] concerning the independence of the judiciary system and how perceptions on the independence are of particular importance. ENCJ focuses on the general lack of available information on the experience of the court users' contrary to the internal views of the courts or the professional users of the courts. ENCJ has in compliance with the lack developed a questionnaire with a focus on the users' perception of the independence of the judge in particular. The questionnaire has been tested in a pilot survey. The intention of this project is to raise awareness of the benefits of court user surveys and to encourage the use of the questions in this questionnaire in national court user surveys across the judiciaries of Europe. The questions can be combined with traditional questions on the service of court, access to court etc. The ultimate goal of this survey is to fill in the gap in relation to the user's perception of the court and the independence of the courts.

Looking at these different international organizations it can be said that user-focus in general is a topic worth reminiscing on. It shows that there are different ways of working with the topic and the important factor is not how it is done, but that it is done.

Incorporation of User Focus in The Courts of Denmark

The Courts of Denmark have implemented numerous initiatives to ensure a modern way of meeting the demands and expectations of the users.

One of the ways this has been sought, is through a comprehensive court user survey carried out in September through December 2020. The purpose of the survey was to study and identify the Court users' needs and expectations and to observe how the courts met these. In addition, the surveys provide a baseline for the strategy work of the Courts of Denmark on the subject and identify potential improvements and changes in order to ensure that more value is created in the meeting between the users and the court system.

The survey showed a very good overall user satisfaction. Nonetheless, the survey also provided us with information on where to improve. The topics where there was identified room for improvement, is currently undergoing further examination to ensure that the users suggestions and criticism are considered and will improve before the next user-survey is to be carried out in 2022. Some of the insights include suggestions and observations concerning the small-claim settlement institution, Alternative Dispute Resolution (ADR), timeliness and above all, a wish for faster process and thus less time from the initiation until the closure of the case.

In August, 2016 the courts held a high-level conference focusing solely on the trust in the judicial system. This conference was completed with an interaction between 200 researchers, politicians, lawyers, interest groups and media people. It was debated why there is a high level of trust in the Danish judicial system, and whether the courts can actively do something to maintain it. It emerged from the debate that there is room for improvement to be made in relation to maintaining the trust. Especially case processing time and the ways of communication could be improved, which was also topics of improvement in the user survey from 2020.

In the light of these results, several recent initiatives have been taken by the courts of Denmark. Some of these have been selected for further explanation.

2 https://pgwrk-websitemedia.s3.eu-west-1.amazonaws.com/production/pwk-web-encj2017-p/Reports/ENCJ report IAQ_2019-2020 adopted GA 2020.pdf

continued

The work in the courts

One of the things that could be derived from the user-survey was the need for a common user-oriented culture. It cannot be stressed enough how important it is that users feel met and seen throughout all steps of their journey within the courts. On the basis of this, the Danish Court Administration created a tool for the courts to use in relation to the meeting between the users and the courts. The purpose of the tool is to identify the most central touch points between the user and the courts in order for the courts to change these for ensuring an optimization of the user journey. These touch points can be anything from where the users may wait before the hearing or place their packed lunch, to communication regarding the summoning for a trial. The hope for this specific project is that the courts going forward will think in more user-oriented ways and ensure that the interfaces between users and courts are thought through with the focus on the user´s needs rather than the needs of the court.

Another initiative arose from the district courts themselves in a desire to try new and more modern ways of meeting the users. This resulted in the Danish Court Administration embarking a pilot project in the District Court of Viborg in 2020. The users have through this pilot been able to meet the court through check-in stands and new implementations on the website such as chat functions and a new contact form with an underlying mail handling system. All three initiatives are expected to have the potential to improve the meeting between the users and the courts. The increased digital support is expected to be able to reduce some of the errors, inappropriate work-flows and the long response times that occur today as a result of the current manual workflows.

The outcome of this pilot has not been evaluated yet. If the trial proves to be successful, the idea is that the measures can be extended to all other courts, so that in the long run a uniform handling of the courts' users is ensured.

If we look at the administrative ways in which we have ensured user focus, several smaller initiatives have been taken.

3 www.domstolsdysten.dk

We have discovered that the demands and expectations of the users can be met through small initiatives that manages to create a more user-friendly platform. One of these initiatives is the language policy, which have been implemented throughout the Danish Courts. The language policy helps to ensure that our written communication appears uniform and accessible to our many different target groups. This requires that everyone can read and understand the texts of the Danish Courts, regardless of whether they are judgments, letters or instructions - even if the readers do not have special prerequisites or knowledge of the work of the courts.

Whilst it is important to work with issues in the court, we have also recognized that there is an important step to maintain informed citizens who understand value and appreciate the legal judicial system and structure and rest in peace that they will be treated fair and just should they ever come across the situation, where they had to appear in a trial. Communication is hence important. In that respect we have provided a learning platform that targeted high school and end of primary students. The platform invites the teachers to use as little as 2 hours or as much as 20 hours on the judicial system with texts, podcast, videos, explainers, small assignments and plays. www.kenddinret.dk

Likewise, we introduced an accessible quiz on the Danish legal system "Domstolsdysten" targeted the informed citizen. The quiz [3] gives everyone the opportunity to learn about the

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Danish courts in a fun way. An English quiz is also available with a more International focus. Feel free to try it out at www.domstolsdysten.dk

In close connection with the goal of making knowledge accessible to all, is another initiative - a cartoon on the official website of the Danish courts and on the YouTube channel of the Danish Courts, which provides an easy way of understanding how the Danish legal system is designed. The video is targeted all citizens and can be seen here .

It is expected that these selected initiatives will contribute to improve the value of the court users meeting with the courts, enabling the courts to continue to work for law and justice in a modern professional way.

Future prospects

In order to ensure the trust of users in the future, it will be necessary to adhere to the ever-changing development of time. This means further digitalization and the Danish courts will in the future develop and use more digital solutions. At the same time, the use of artificial intelligence should be considered as a tool of assistance to the courts. When doing so the use of artificial intelligence in the courts should be considered carefully and solutions should strike a balance between efficiency, quality and transparency. To obtain that important balance discussions on ethics and moral should be encouraged and there is a great task ahead of all to secure informed citizens also in a digital age. Lack of knowledge of how the algorithm behind the artificial intelligence works and lack of transparency are just examples that need to be addressed in that respect.

The Council of Europe has recently adopted a European Ethical Charter on the use of artificial intelligence in judicial systems[4]. It is expected that this framework of ethical principles will guide policy makers, legislators and judges when they deal with the rapid use of artificial intelligence. This is important for ensuring that the users rights will be secured throughout the comprehensive implementation of new legislature in relation to artificial intelligence. To maintain the relevance and the value given it is necessary to fulfill the role and the responsibility in new ways. Listening to the users is a valuable step to secure being able to do just that.

Artificial intelligence holds the potential to enhance and improve the trust in the judiciary system, but it has the opposite possibility embedded hence alienating and thus losing confidence in the system along the way. The charter is a good start for building trust in a digital age. But it cannot stand alone, and it would be good to encourage every judiciary, all national and international organizations to continue their work to maintain focus on the clear and transparent judicial systems that work efficiently and with a high quality putting the users in the center.

Link to the video with English subtitles:
https://www.bing.com/videos/

*For informational purposes from the CEPEJ Website: European Commission for the Efficiency of Justice (CEPEJ) was created at the end of 2002, at the initiative of the European ministers of Jus-tice who met in London (2000), the Committee of Ministers of the Council of Europe wanted to establish an innovative body for improving the quality and efficiency of the European judicial sys-tems and strengthening the court users' confidence in such systems. The CEPEJ develops concrete measures and tools aimed at policy makers and judicial practitioners in order to:

- *Analyse the functioning of judicial systems and orientate public policies of justice*
- *Have a better knowledge of judicial timeframes and optimize judicial time management*
- *Promote the quality of the public service of justice*
- *Facilitate the implementation of European standards in the field of justice*
- *Support member states in their reforms on court organizations*

4 https://www.bing.com/videos/search?q=youtube+the+courts+of+denmark&docid=608020829219656002&mid=7F3E9C-610F408E75AEAE7F3E9C610F408E75AEAE&view=detail&FORM=VIRE

4 Steps To Infuse INNOVATION In Courts

By: Hamad Thani Matar Mubarak

Hamad Thani Matar Mubarak currently holds the position of Director of Communication and Corporate Marketing Department for the Dubai Courts. He holds a Master's degree in Public Administration (MPA). Previously, Mr. Mubarak served as the Head of the Excellence section at the Strategy and Future Foresight Department in Dubai Courts.

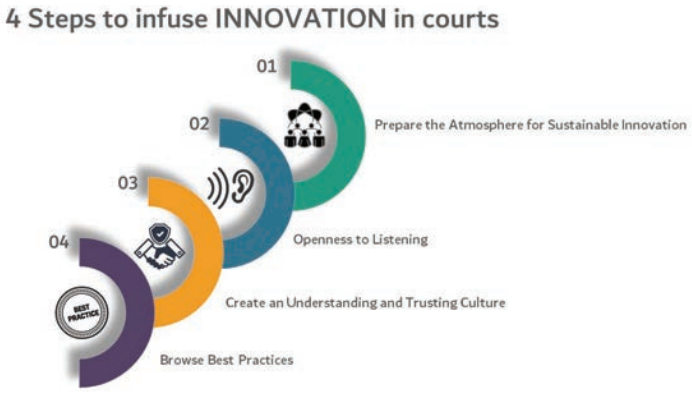
In his article, the author describes the "Importance of Innovation" and how thinking outside the box in organizations and courts increases the chances to react to changes, to discover new opportunities, and to meet increasing expectations of those who come in contact with the courts. In addition, he shows us how to create a sustainable innovation atmosphere that can help the employees to innovate a better court and justice experience for the public.

Located in the United Arab Emirates, Dubai, Mr. Mubarak, may be reached at h.mutar@dc.gov.ae

Innovation is an exciting word, and a vibrant concept, in fact it goes along with our human nature of the thinking process. As human beings, we are curious by nature, we ask questions, explore things, form ideas and opinions, and we like to live new experiences. Innovation, in its simplest form is not far from that, regardless of the tool or methodology that was used to facilitate. It is a process to encourage our minds to explore new angles, and to think out of the box. In this article, I will take you through number of practical steps, which I hope will help in infusing innovation in your organization, along with examples from Dubai Courts.

The application of innovation is not new to humanity, given the fact that "necessity is the mother of invention." We find that our ancestors throughout time, innovated by inventing tools that made their lives easier such as the invention of the wheels, writing, electricity, and a lot more. Nowadays, in our modern connected world, and due to swift flow of information, the expectations of the both the current and potential court users are growing very quickly. On the other hand, the resources available to organizations are limited and restricted. To cope with the expectations of accessible justice, organizations have no other option but to INNOVATE!

The implementation of Innovation is as challenging as the implementation of any new administrative system, it needs time! And I believe that the best way to get new systems up and running is by simplifying the process of change. Following simple, and streamlined practical steps, will allow court's administrators to introduce/reinstate innovation in their organizations and follow through with the implementation.



Step 1:

Prepare the atmosphere for sustainable innovation. Such an atmosphere can be achieved by creating an ecosystem in the organization that facilitates the staff's productive gatherings;

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where they can exchange views, pitch ideas, and master the skill of storytelling. We cannot expect from employees who are working full days with an occupied schedule, to be innovative (unless it is their job to do so). Organizations need to give employees space to breathe, and must encourage them to educate themselves, to network with peers and others from different walks of life, and to experience new things relevant to the jobs they perform.

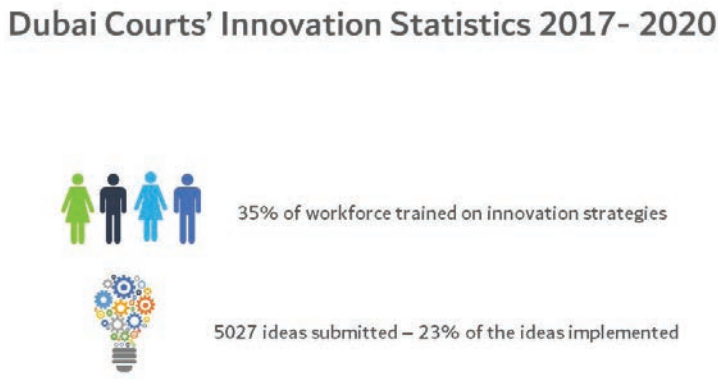
Step 2:

Openness to listening by setting the right atmosphere to innovate; it is expected that the innovative ideas will start flowing. Employees will be excited about presenting their ideas, and here is where the court must facilitate channels that are easy and convenient for the employees to share their ideas. At the same time, administrators must make sure to make the effort to listen to everybody, by preparing the ground that might help them to listen. For example, one good way is to organize a quiet brainstorming session by handing out post-it notes and asking everyone to just write down whatever ideas they have (each idea on a post-it) and to stick them on a designated board without assessing its rationale within a given timeframe. After that, start discussing the ideas by reading them aloud and sorting them into groups, where the collection of small ideas should form a rich innovative idea. Implementing such an ideation methodology will make sure that court administrator will:

1. **Listen** to everybody (Introverts and Extroverts).
2. **Create** a judgment free ideation process where the expression of ideas is seamless.
3. **Improve** the individual impression formation and produce a better decision as much as possible.

Step 3:

Create an understanding and trusting culture. A trusting space to express ideas and the willingness to understand the employees point of view are crucial to the innovation process. As per Maslow's Hierarchy of Needs*, Esteem comes at the 4th level of needs, and it includes the need to be recognized. Employees must trust that the organization will recognize them for whatever feasible ideas they give (individually or as a group). This line of trust will ensure the continuous flow of ideas. On the other end, employees must also understand that not all of their ideas will be accepted. There will be ideas that will be rejected, not for not being suitable, but simply because it is not the right time for them.



Step 4:

Browse Best Practices. There are dozens of stories on how organizations succeeded in infusing innovation and getting satisfying results. Dubai Courts for example conducted 72 innovation courses and managed to train 35% of the employees in the field of innovation, to raise awareness on the importance of innovation and on how to use the various tools and techniques to innovate during the period from 2017 to 2020. As a result, employees submitted 5027 ideas during the course of the last three years of which 23% were accepted and evaluated as feasible ideas. Dubai Courts launched the Creativity Club in year 2014, to create a space in which employees can gather, network, conduct brainstorming sessions, exchange ideas, and innovate, and get recognized for their contribution in the innovation scene. The club stimulated the ideation process and helped to introduce a new level of innovation called "Disruptive Innovation". Mixed groups of judges and administrators had the courage to disrupt and hack the same system they work within and managed to come up with revolutionary ideas such as the C^3 Court, which is a court that combines the 3 stages of litigations into one stage in order to expedite the issuing of verdicts within 30 days. Another creative idea was the "Illustrated Childs Right Law", which is considered the first illustrated electronic and interactive law. It facilitates the process of communicating and conveying information

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directed to children in a way that helps them discover and know their rights on their own.

Courts are organizations that symbolize stability in societies, and they are well known for their deep-rooted procedures, and operations. Moreover, these procedures are considered as a source of pride in some situations, nevertheless it is time to change this concept. The controlled media outlets pushed people toward consuming social media content, and the monopoly in the movies production sector made Netflix streaming service a good substitute to cinemas. Courts that are not ready to embrace innovation will be replaced by other means of justice.

* Maslow's Hierarchy of Needs is a theory of motivation which states that five categories of human needs dictate an individual's behavior. Those needs are physiological needs, safety needs, love and belonging needs, esteem needs, and self-actualization needs.

Auditing the Trial Record for Reliability and Integrity

By Pauline van Kersen-Thomas and Peter M. Koelling, J.D., Ph.D.

Pauline van Kersen-Thomas, LLM currently works in the Special Tribunal for Lebanon where she is the (Acting) Head Court Management Unit. Mrs. Van Kersen-Thomas is responsible for the operations and coordination of the Court Management Unit, to ensure the creation and preservation of a full and accurate record of all proceedings of all cases before the Tribunal in accordance with Rule 139 of the Tribunal's Rules of Procedure and Evidence, and in coordination with all participants to proceedings, Chambers, the Registry, and the Information Services Section.

In addition, she is responsible for the maintenance, preservation, retention, and disposal of the Tribunal's judicial and administrative digital, audio-visual and physical records.

Located in Netherlands, The Hague, Mrs. Van Kersen-Thomas may be reached at pvankersen@gmail.com.

Peter M. Koelling, J.D., Ph.D is the Former Chief of the Court Management Services Section, Special Tribunal for Lebanon, 2017 to 2021. Currently, Mr. Koelling is an Instructional Associate Professor and will be assuming the duties as Director of the Masters in Public Administration at the University of Houston, beginning in 2022.

Mr. Koelling is located in Houston, Texas and may be reached at pkoellin@CougarNet.UH.EDU

Abstract: *It is the duty of the clerk of any court to process, preserve and maintain a full and accurate record of all proceedings, and an audit of the records will verify the accuracy and completeness of the record. The audit tests were focused on the identification of possible errors that might have been made in the creation of any record, the potential for any record to be altered or removed by staff, parties or others, and errors that may have been found in other tribunals. Each record type had at least one test of completeness and one test of accuracy; however, some records were subject to multiple tests. The goal is to identify any critical errors that affect the integrity of the record, or errors in the recording of the records which affects the status of the records within the Trial Record.*

This paper describes the audit conducted in the main case of the Special Tribunal for Lebanon ("STL"), The Prosecutor v. Ayyash et al. case no. STL-11-01 that the Court Management Services Section undertook prior to the certification of the Trial Record to ensure that the certified Trial Record of the case was full and accurate. [1] For most of the internationally established tribunals in The Hague and elsewhere, the matters being tried involve large volumes of evidence, testimony, and filings. They handle few cases but with a substantial record. The STL is no different. It has handled only a handful of cases but the record in the main case has literally hundreds and hundreds of thousands of pages. For most national court systems, the situation

1 The views and opinions expressed herein are those of the authors and do not necessarily reflect the views of the Special Tribunal for Lebanon.

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is reversed; they have a high volume of cases, most with a modest record. In either situation however the result is the same, voluminous court records upon which the judges, parties and the public rely.

The National Center for State Courts in the U.S sets out 10 key measures of court performance called "CourTools". Measure 6 is the reliability and integrity of the case files. This is just one of 10 measures, but for those acting as the clerk of the court this measure goes to the essence of our mission. It is the duty of the clerk to process, preserve and maintain all the records of the proceedings. STL Rules of Procedure and Evidence, Rule 139 mandates the Registrar to preserve a "full and accurate record of all proceedings". Rule 179 requires the Registrar to certify the Trial Record as the Record on appeal. The Registrar delegated the obligations under Rules 139 and 179 to the Court Management Services Section ("CMSS"). CourTools measure 6 describes the methodology for a check of case files. While this is a best practice, for many courts, as with the STL, the Trial Record goes beyond the case file. We have therefore tried to map out the method we used to create and conduct a full audit of the records.

The case records making up the Trial Record under Rule 179 are the (1) filings, (2) transcripts, (3) exhibits, and (4) audio-visual recordings of proceedings. Although not considered a part of the Trial Record for the purpose of the Rule, CMSS further audited (5) the list of witness, (6) the list of participating victims, and (7) the decisions delivered in court ("Oral orders"). Oral Orders are in fact part of the transcripts and not a separate case record but have been extracted and placed in a separate module in the STL's electronic record management system to make access easier for the bench and participants. The STL operates in three official languages so most records types had three separate sets: English, French and Arabic. The STL is in the enviable position of having a nearly complete electronic record. The Legal Workflow system is a record management system used by all participants in the proceedings, as well as the Registry and Chambers. The system holds the filings in each case, exhibits, audio-visual recordings of each hearing and the official versions of the transcripts. It further records associated metadata for each record. Each record type is held in a separate module within Legal Workflow.

The audit was, for the most part, conducted after the completion of testimony and presentation of evidence, more than seven years after the case commenced. The results of the audit show that the recording keeping of the Tribunal is highly accurate and that there should be an extremely high level of confidence in the completeness and accuracy of the record. Detailed protocols aligned with best practices were developed for each audit test as a record of the process and as a guide to the auditors. A work plan established the reporting and consultation framework of the audit.

The audit was done through 23 different "Tests" of the seven record types indicated above. These tests could be categorized as either tests of completeness or accuracy. Each record type had at least one test of completeness and one test of accuracy; however, some records were subject to multiple tests. Tests of completeness always included the entire record set. With respect to the accuracy tests, the number of items audited varied depending on the required level of accuracy, which is determined by the level of errors which may be tolerated or not, and the number of records or size of the population. Where possible the entire record was reviewed for accuracy. In some cases where time constraints mitigated the opportunity to conduct an audit of all the records within a record set and where an acceptable error rate could be tolerated, a random sample of the record was used. While it was inevitable that some errors would be found in a record of this size, in each case the errors found in the sample allowed CMSS to determine with 99% probability that the entire record set was within the acceptable margin of error for that record.

The first step in the audit process was the identification of the case records, when and how they were created, and where they were stored, as well as the identification of the administrative records CMSS maintains during the process of creating the judicial or case records. The administrative records include items such as a filing log, evidence log, list of witnesses and minutes of proceedings. In addition, CMSS kept a record of issues or any correction of these records. These records were reviewed to determine if they would aid in determining the completeness or accuracy of the Trial Record.

It is a key principle of any audit that the individuals who are charged with creating a record should not be the individuals who audit the record. Notwithstanding that principle, those individuals who are recognized as having expertise with the production and preservation of any particular record were utilized to assist in the development of the Audit Protocols and the identification of the necessary administrative records

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under the supervision of the Project Leader.

The protocol development process began with a general discussion with all staff within CMSS who were charged with the processing or maintaining of the case records. This discussion focused on the identification of the possible errors that might be made in the creation of any record, the potential for any record to be altered or removed by staff, parties or others, and errors that may have been found in other tribunals. Next the team focused on how such errors might be identified and identified supplemental records or tools that may be used to verify the records being tested. Protocols from other courts and tribunals were also reviewed. Based on this information the necessary tests were developed and protocols drafted for each. These protocols were then reviewed by the team.

The experts on each record type contributed to the relevant protocol and prepared the documents used to record the auditor's findings, in so-called 'Scoring Sheets'. Auditors were solicited internally from within both CMSS and the Registry as a whole, and for each language which added an additional challenge to the process. While some had familiarity with the records, they required training to be able to identify and record potential errors in the items they were reviewing. All auditors were trained and supported by the Project Leader and the experts to correctly perform the tasks allocated. This ensured a level of harmonization and consistency of the audit throughout.

If errors were found either after a full record set audit or a sample audit that would make the completeness or accuracy of a record be outside the acceptable rate, CMSS determined any corrective action that could and should be taken. Where necessary, it gained the approval of the Trial Chamber to make the necessary corrections.

Where a sample was used for the audit, a calculation was made to determine the sample size that would be necessary to have a 99% confidence level with a confidence interval that would be in line with an acceptable error rate. For example, the transcripts were required to be 99.5% accurate based on vendor solicitations. If the confidence interval was found to be outside of the acceptable error rate, CMSS would determine a second, larger sample size based on the known error rate and standard deviation. If this was still outside the acceptable rate then the entire population would be audited; however, this fortunately proved to be unnecessary.

Anytime corrective action could be taken that did not alter the substance of the Trial Record, for example metadata errors connected to a filing, that action would be taken. Metadata errors may indicate an issue with a filing itself; however, when it is determined that the error is with the metadata or Registry stamps applied to it not with the record itself, corrective action is permissible.

In order to guarantee the quality of the audit, the Project Leader and record experts conducted spot checks of the audit results while the auditors were reviewing the study population. They provided support and assistance to auditors, and clarified, where necessary, the auditor's task or specific role throughout the audit. In the course of the audit and throughout its implementation, the Protocols created for each record type were reviewed and modified if and when necessary to improve the quality of the audit or to address unanticipated issues that arose in the process.

All findings were compiled by the Project Leader and Project Coordinator. They were reviewed and analysed by the experts for each record type. In instances such as the review of the accuracy of transcript, where in-depth knowledge of the case was needed for a final conclusion, a second analysis was conducted by the Project Leader. The error rate for each record type were calculated. The findings were then analysed and the statistics developed by the Project Leader and the Chief of CMSS. The analysis of the findings focused on whether the identified issue constituted an error, i.e. a discrepancy that cannot be explained, or whether it was a misinterpretation or misunderstanding on the part of the auditor or a minor matter of little consequence to the record. For example, during the creation of a filing in the case a sequential filing number, a unique identifier assigned to each filing, may be skipped. This could represent a missing file; however, where the CMSS log noted that a number had been inadvertently skipped, this would constitute an explained error.

The confirmed errors were divided into 'critical' and 'non-critical' errors. A critical error is an error affecting the integrity of the record, or an error in the recording of the record which affects the status of the record within the Trial Record. A critical error is significant or substantial and should be corrected or accounted for on the case record. When the error cannot be explained or justified it may cause an audit exception and potentially prevent certification of the Trial Record. Errors determined as being critical errors

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were corrected and where this was not possible, the CMSS identified these on the case record. Non-critical error are errors which do not affect the integrity or status of the record and for which corrective action can easily be undertaken. In the course of the audit some exceptions were noted, and the Trial Record could be certified.

The audit was a difficult and time-consuming process due to the size of the record after such a lengthy trial, but it was a worthwhile process. The audit helped to identify ways that the record keeping process could and should be improved. One key lesson was with regard to the audit itself. The audit of the record should not be delayed until the end of the trial. The record should be audited on a quarterly basis with spot checks done at the end of trial prior to certification. This will allow for corrective action when a problem is found with a record and or the amendment of recording procedures in case of re-occurring errors. For example, CMSS did not check the accuracy of the Arabic transcription until after the trial was over. Fortunately, it was accurate; however, if it had not been, it would have been difficult to correct the record at that point. If such a problem were identified early, CMSS could have changed transcription vendors and taken the time to correct the prior transcripts. More contemporaneous auditing is also an aid to the Chamber seized with conduct of proceedings. With a large volume of evidence, it is not unusual to find an exhibit which was offered into evidence for which the Trial Chamber made no ruling, if this is brought to the Trial Chamber's attention within a reasonable time and on an on-going basis, it is able to correct the record by ruling.

The auditing process protects the integrity of the Trial Record and creates an opportunity to review record keeping processes and improve them.

Employee Engagement: A New Model for Court Management

by Ingo Keilitz, Ph.D.

Ingo Keilitz is principal of CourtMetrics, a consultancy in Williamsburg, Virginia, U.S., focusing on justice system performance measurement, management, and governance. He is a Research Associate of the Global Research Institute and Visiting Scholar of Public Policy at the College of William and Mary, Williamsburg, and has served as Senior Justice Reform Specialist at the World Bank and Vice President of the National Center for State Courts. As a researcher, blogger, and consultant to public, nonprofit, and private-sector organizations throughout the world, Dr. Keilitz has helped shape the landscape of justice system measurement, management, and governance. Over the course of a long career, he has worked with over 100 justice institutions and legal organizations in Africa, the Balkans, Eastern Europe, Central Asia, East Asia and the Pacific, Canada, and the Caribbean, as well as all 50 U.S. states. This article is based on a decade of research and teaching court employee engagement as part of the Global Measures of Court Performance and its counterpart standards in the CourtTools.

Please send queries and comments to ikeilitz@courtmetrics.org.

The way we manage people has fallen woefully behind how people work, live, and want to experience their lives today. In the largest global study of the future of work by the Gallup corporation, *It's the Manager*, authors Jim Clifton, Chairman and CEO of Gallup, and Jim Harter, Chief Scientist, assert that while "the workplace has been going through extraordinary historic change, the practice of management has been stuck in time for more than 30 years" (Clifton and Harter, 2019, 5). We need to adapt.

The problem is that no matter how much today's workplace has changed, the trope of the "boss" as the successful manager has endured. He or she is seen as the inviolable authority yielding to no subordinate, who commands and controls, who is in charge of the organization or team, who has the final say about an organization's objectives and how to achieve them, and who decides who climbs the ranks of the organization and who does not. Over the last decade, however, a new and different model of the effective leader and manager is emerging, a model that rejects the "command and control" or "boss" model of the manager. Instead of command and control, the new model of the manager emphasizes a manager's role and responsibility as a trusted coach and mentor, an evangelist and cheerleader. He or she has empathy for the organization's employees and uses the tools of a coach and less the tools of a commander. Simon Sinek explained the difference between the old and the new model this way: "Leadership is not about being in charge. Leadership is about taking care of those in your charge" (Sinek, 2017).

Instead of command and control, the new model of management emphasizes a manager's role and responsibility as an empathetic trusted coach and mentor.

Gallup's ambitious analysis of the future of work was based on a decade of study of tens of millions of interviews of employees and managers across 160 countries. The results confirmed what was not surprising to Gallup and other management scholars: the quality of managers and their relationships with their employees are the biggest factors in an organization's productivity and long-term success. But what no one saw coming, and what Jim Clifton, Gallup's chief executive exclaimed was "the most profound, distinct, and clarifying finding" in Gallup's 80-year history. Managers did not merely influence the results of their teams – higher productivity, lower turnover, greater safety, profitability, and higher quality – they accounted for an astounding 70% of this success. No other factor even came close.

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Taking Care of and Engaging Employees

Gallup's findings suggest that courts should seek out and train court managers who take care and engage those in their charge, who infect their employees and co-workers with a sense of purpose, coaching and nurturing them, rather than commanding and controlling them like top-down bosses. The finding urges courts to make employee "engagement" central to their management practices, the employees' belief that they are doing important and meaningful work in a climate that promotes personal growth.

70% of employee engagement is determined solely by the manager and his or her relationship with the organization's employees. No other factor comes close.

Engaged employees have a direct positive impact on a court system's performance by their exemplary or discretionary effort beyond the strict requirements of their assigned duties in their job description. A measure of this asset -- the talent, energies, enthusiasm, and interest of employees -- is a proxy for an organization's overall success. Successful courts, like all successful public and private organizations, and nonprofits, have strong, vibrant workplaces in which judges, managers and court staff exhibit good working relationships. Employee engagement correlates with individual, group, and organizational performance in areas such as retention, turnover, productivity, customer service, and loyalty.

Satisfaction Versus Engagement

Gallup found that only 15% of employees worldwide are engaged at work. Important to the understanding of employee engagement is the difference between employee engagement and satisfaction. The latter only reflects how happy employees are, not necessarily their level of motivation, involvement, or emotional commitment to their work. Disengaged employees can be quite satisfied but not motivated and dedicated to their work. For some, being happy and satisfied simply means collecting a paycheck, while doing as little work as possible. Employee engagement is more complex and nuanced. It comes from a feeling of accomplishment, meaning, and achievement. While material benefits such as decent pay and reasonable work hours are thresholds for "satisfaction" with work, they do not capture employee motivation, loyalty, they do not connect personal interest and work, and they do not inspire an employee to exert discretionary effort in their service to the organization.

Measuring and Managing Employee Engagement

Gallup's central metric for rating organization's success is employee engagement. This metric has been introduced into court administration. Measure 9, Employee Engagement, is one of eleven core measures of the Global Measures of Court Performance (Keilitz, Glanfield, and Hall, 2020, 78-83), which is *an* integral part of the *International Framework for Court Excellence* of the International Consortium for Court Excellence. The measure is defined as: *The percent of the employees of a court who, as measured by a court–wide survey, are passionate about their job, committed to the mission of the court and, as a result, put discretionary effort into their work.* It uses a ten-minute survey with a 20-item self-administered anonymous questionnaire. The questionnaire asks respondents to rate their agreement with each of 20 simple statements on a five-point scale from "Strongly Disagree" to "Strongly Agree." In addition to the 20 substantive items, respondents are asked to identify the organizational divisions, unit or current work location, and demographic information about themselves like gender, race and/or national origin, length of court service, position grade level (e.g., management or line staff position), and experience.

Selected Items from the Court Employee Engagement Survey

- I am able to do my best everyday (Item 4)
- In the last month, I was recognized and praised for doing a good job (Item 6)
- Someone at work cares about me as a person (Item 7)
- The Judicial Branch is respected in the community (Item 9)
- I am encouraged to try new ways of doing things (Item 11)
- I feel free to speak my mind (Item 15)
- In the last month, someone at work has talked to me about my performance (Item 16)
- I am treated with respect (Item 19)

Source: Questionnaire adapted for the Kosovo courts by the National Center for State Courts in 2009

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The percentage of respondents who agree with each the 20 statements is calculated as an average across the entire court and all 20 statements (aggregate) as well as disaggregated by each of the 20 survey items, by division or unit of the court, by different locations of the court, and by demographic characteristics of the respondents. Breakouts of the data by court unit or division, or by court location, yield valuable insights and practical guidance for establishing baseline performance levels, setting goals and objectives, identifying trends and patterns, discovering "bright spots" that exceed norms (e.g., a unit or division of the court that stands out with exemplary responses to the survey or particular items), analyzing problems, seeing patterns and trends, discovering solutions, planning, and formulating strategy.

Endurance of the command-and-control model and the resistance to a new model of court management are deeply rooted in attitudes and beliefs in court cultures.

The power of *Court Employee Engagement* lies in its simplicity. It is intuitively appealing, easy to understand, and produces actionable data. It highlights the importance of a court's or court system's workforce and encourages leaders, managers, supervisors, and staff to find ways to energize and engage them. The organization and administration of the survey are relatively straightforward and can be accomplished by most courts without employment of an outside consultant with expertise in survey administration (e.g., by using a free online survey instrument such as SurveyMonkey).

When the measure is assessed at the level of a court department, division, unit, or different locations of a court or court system (e.g., the main and satellite courthouses or separate juvenile courts) managers can learn a lot about organizational performance. Simply by identifying other divisions or situations with superior results, (i.e., the "bright spots"), astute managers can identify possible solutions for "trouble spots." Different courts (of the same level) or different divisions of a single court might be compared, for example, on the percent of employees who agree that they are able to do their best everyday (Item 4) and that someone at work cares about them as a person (Item 7). Follow-up queries can then be made to probe the comparisons. For example, why are some locations more successful than others? What makes them the "bright spots"? What are they doing that the other locations are not? Simply asking staff in both the most successful and least successful locations, these simple questions can help to identify "evidenced based" good practices.

In Conclusion: Cautious Optimism

Clifton and Harter of Gallup posited in 2019 that the practice of management has been stuck in time for more than 30 years. Seven decades earlier, Peter F. Drucker, widely regarded as the top management thinker of our time, foreshadowed the imperative of employee engagement in *The New Society*, a book originally published in 1950. He wrote that the "management of people should be the first and foremost concern of operation managements, rather than the management of things and techniques, on which attention has been focused so far" (Drucker, 2004, 16). The takeaway from this long frame of history is that discredited old models of management tend to endure much longer than we might think.

In my teaching of court employee engagement for court administrators and judges around the world, most recently in Kosovo in 2019, I found that many judges and court administrators still cling to the "boss" model of management. They regard measurement and management of human resources, in general, and employee engagement, in particular, as "touchy feely," "soft," "subjective," "squishy, "and "not clear cut" (Keilitz, 2008), despite overwhelming evidence to the contrary from hard-nosed researchers and practitioners familiar with the measurement of *Employee Engagement of the Global Measures* and its counterpart in the *CourtTools* (National Center for State Courts, 2021). This endurance of the command-and-control model and the resistance to a new model of court management are, in my experience, deeply rooted in attitudes and beliefs in court cultures. One court administrator responding to Item 15 of the *Employee Engagement* (I feel free to speak my mind) commented: *I don't get rewarded for sticking my neck out at work. If I do, I know I will get my head chopped off.*

Everything new in management tends to get into trouble. The key action point for those of us motivated to root out the old model and institutionalize a new model of court management anchored in employee engagement is to test out the new model on a small scale. Such a pilot effort should be led by a champion, a fierce advocate, somebody who wants

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the project to succeed, and somebody who is respected in the court system where the project is piloted.

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Inclusive Court Management For Better Judicial Performance Latvian Case

By Anna Skrjabina

Anna Skrjabina is currently a Project Leader in the Court Administration of Latvia leading the team responsible for management of large-scale development initiatives, including different perspectives from training to technological solutions. Ms. Skrjabina has over 14-years' experience in the Ministry of Justice and Court Administration of Latvia with the strong focus on administration of judicial system. She has developed the framework and coordinated overall evaluation of Latvian judicial system in cooperation with OECD, CoE and IMF. The evaluation served as the basis for policy development and leaded to enhanced cooperation with OECD in the areas of technology and access to justice. From 2020 she leads the Working Group for the Efficiency of Latvian Judicial system, implementing innovative time management tools and case-weighting system in Latvian courts.*

She also coordinated Latvian enhanced cooperation with CoE, CEPEJ and worked as CEPEJ expert.*

Ms. Skrjabina is currently located in Riga, Latvia.

For follow up on her article, please contact Ms. Skrjabina at Anna.Skrjabina@ta.gov.lv

Abstract

This article is devoted to the work conducted by the Working Group for the Court Efficiency established in 2020 by Court Administration of Latvia. Under its mandate methodology for case-weighting in Latvian courts has been developed with the objective to provide criteria for planning judicial resources and establish the model to balance workload between judges and courts. The model is based on Council of Europe CEPEJ methodology and on the empirical study broadly engaging Latvian judiciary. The case-weighting model and potential of the study are described. Proactive and inclusive practices in engaging court presidents and judges in court managements, as well as case-weighting related activities in the agenda of the working group are also reflected.

Keywords: Court Management, Court Efficiency, Measurement, Indicators, Case-weighting, Court Data

"You can't manage what you can't measure."

Peter Drucker

Latvian judicial system to 2021 is represented by 544 judges, 1579 court clerks, mixed model of Judicial Council[1] and fully centralized court management subordinated to the Minister of Justice [2]. There are number of fundamental and important reforms implemented recently. In 2018 the judicial map reform has been completed, merging courts according to the jurisdiction, but keeping the physical locations[3]. In 2019 Land Registry Offices and Land Registers were integrated in general jurisdiction. In March 2021 specialized jurisdiction in civil and criminal matters related to economic interest established creating the Economic Court of Latvia.

There are two dimensions of the concept of fair trial in the Constitution of the Republic of Latvia (*Satversme*):

1 The Judicial Council comprises of 15 members: 8 ex officio members (Chief Justice of the Supreme Court, President of the Constitutional Court, Minister of Justice, Chairperson of the Saeima's Legal Affairs Committee, Prosecutor General, Chairpersons of the Board of Sworn Advocates, Board of Sworn Notaries and Board of Sworn Court Bailiffs); 6 judges elected by the Conference of Judges, representing district courts and regional courts; one judge elected by the Plenum of the Supreme.

2 Court Administration of Latvia is responsible for the management of the courts of first and second instances, work of the Supreme Court is administrated by the Supreme Court.

3 To 2021 there are 10 courts of first instance in Latvia (8 court of general jurisdiction, the specialized Economic Court and Administrative court), 6 court of second instance and Supreme Court.

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institutional, that foresee the strengthening independence of the judiciary and procedural that in other turn foresee appropriate, timely and qualitative procedure. Constitutional Court of the Republic of Latvia has provided explanation in relation to elements providing balance between the reasonable time of proceeding and just result[4]. To ensure this balance the good governance in court management is essential and is impossible without integrated approach, ensuring the transparent judicial timeframes and reasonable workload between court and judges.

According to the Evaluation report presented by the European Commission for the efficiency of justice (CEPEJ)[5] in 2020 Latvian judicial system in overall showed good and stable performance, *inter alia*, was awarded with the highest ICT index (9.79) among Council of Europe Member States. At the same time aspects related to equal workload between judges and courts, appropriate judicial timeframes, rational approach in planning of court resources (number and distribution of judicial vacancies), transfer of cases from the overloaded courts in capital to regions[6] are in the "judicial policy agenda" for a period. The several steps made to find complex solutions and case-weighting as central element in this regard are described below.

In 2018 comprehensive report "Evaluation of Latvia Judicial System based on methodology and tools developed by CEPEJ"[7] has been presented. After two-year enhanced cooperation between CEPEJ and Latvian authorities more than 50 recommendations provided as regards judicial system, court organization, judges and judicial staff, budget, court management and efficiency of courts, including quality aspects.

It has been admitted that even though situation in Latvia about the caseload and the length of judicial proceedings is good, several policies could be considered with the focus on balancing the workload, especially pro-active case management approach.

To implement recommended and strengthen court management in 2019 Court Administration continued cooperation with CEPEJ in the framework of the project "Strengthening the access to justice in Latvia through fostering mediation and legal aid services, as well as support to the development of judicial policies and to increased quality of court management" (September 2019 – June 2021). Especially nominated pilot courts as well as whole judiciary were actively engaged in the project.

In-depth discussion related to judicial workload was organized at the beginning of 2020 between CEPEJ experts, representatives of all instance courts, including Supreme Court, Ministry of Justice and Court Administration. The number of aspects highlighted as especially important were the following: development of "case weighting" elements, in-depth understating in relation to judicial time devoted "in fact", link with CEPEJ key performance indicators and central role of judges in taking the strategical decisions in court management. Judges stressed that statistical data does not reflect the real judicial workload, also the transfer of cases to another courts based on temporary regulation does not provide the fair solution for the equal distribution of cases as it is based on the statistical data.

Considering this debate, the Court Administration has been requested by the Judicial Council to propose clear criteria for planning and taking the decisions in relation to the judicial vacancies and to develop the model with the objective to balance workload between judges and courts.

In this regard the Court Administration prepared Action Plan "Strengthening the Court Efficiency, improving the court administration methods in Latvia". The Action Plan is presented to the Judicial Council in May 2020 and in June 2020 the Working Group for the Efficiency has been established to implement it. In the framework of the working group the judges from all regions of Latvia are represented, from the district courts and courts of appeal, inter alia CEPEJ pilot courts, number of the representatives are the Court Presidents, as well as representatives of Court Administration, Supreme Court and Ministry of Justice (27 members).

The objectives of the activities foreseen were the following: introduce case-weighting methodology, enhance quality of

4 Case No 2012-06-01, No 2003-03-01, No 2004-19-01 and other

5 https://www.coe.int/en/web/cepej/eval-tools

6 Most of the population and economic activity in Latvia is located around the capital.

7 https://www.coe.int/en/web/cepej/cooperation-programmes/evaluation-of-the-latvian-justice-system

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court information and data, discuss the necessity to improve further the judicial timeframes, improve Court Information System (CIS), ensure synergy with case-weighting solutions and other tools, *inter alia*, introduce the judicial *dashboards*. Cooperation with CEPEJ strongly supported working group in this context.

Considering priorities and link in between these activities from June 2020 working group primarily focused on case-weighting and hold up to 20 sessions, also in sub-formats devoted to civil and criminal cases. Preliminary results and proposed case-weighting model presented to the Judicial Council in June 2021 as the subject for further approval. The findings of CEPEJ study No.28 (CEPEJ (2020)9)[8] Case weighting in judicial systems adopted by CEPEJ on 2 July 2020 are used as the basis for the discussion. The experiences of Slovakia, Estonia, Lithuania, Finland, Austria, and Moldova in relation the case-weighting methodologies introduced in mentioned states were explored in line with consultations with CEPEJ experts (on November 2020 and April 2021).

Historically there were several attempts to balance the workload between judges and courts in Latvia through case-weighting. However, the solutions were fragmentated and not implemented by the judicial corpus and question in relation to balancing of workload remained in the agenda. Considering the previous experiences, working group targeted the objective to develop comprehensive model for case-weighting based on the approach that "decisions to be taken by the judiciary itself". The "point – based solution" was approved as the most appropriate model for the case-weighting to be introduced in Latvia. For this purpose, the *Delphi* method, engaging in the empirical study all the judges of the first instance courts, applied, conducting the estimated time study.

As the first step, the court cases were merged for case-weighting purposes in 42 groups. Secondly, it has been also discussed that there are complexity factors that could leave a substantial impact on judicial workload "in fact". For civil cases (family law, commercial law, contract law, labor law etc.), working group indicated the following factors: pre-defined number of claims and number of plaintiffs or defendants. For criminal cases as the complexing factors were discussed the following: pre-defined number of accused persons, criminal offences, witnesses, and victims. Other factors are related to both - such as amount of evidence (in paper or electronic form), cross-border elements and procedural requests.

To make the conclusion as regards the number of points to be introduced for the case groups and complexity factors the estimated time study has been carried out. For this purpose, meetings with judges organized in person, as well questionnaire distributed in all courts. There were two types of questions addressed to the judges: at first, time, that (according to own experience) judge spend to prepare, hear the case, and prepare the judgment. Secondly, the complexity factors named by the working group were asked to be assessed from 0 to 5 (0 – no impact on the case complexity, 5 – significant impact).

Majority of judges participated in the questionnaire. It has been identified that most of the reference cases[9] in average take up to 19.3 h (there are two exceptions – criminal cases with verification of evidence and competition law cases – according to the judge's opinion these two groups of cases take more than 30 h, however it has been discussed not to make the exception for these cases, but to treat them as most complex cases with other that takes up to 19.3h). The formula for case-weighing elaborated afterwards, namely, transferring the estimated time to points and ranking mentioned 42 groups of cases accordingly.

The discussion on the number of points and methodology to be applied in relation to complexing factors is still finalized, but it has been agreed that the cases will be weighted twice: once received by the court and after the procedure is completed. The appropriate technical solutions should be putted in place and CIS should be aligned with the methodology and case-weighting formula developed.

In general, the method will provide the possibility for the civil, criminal, administrative violation cases and decisions taken by the judge for the investigation purposes to be compared as in vertical as also in the horizontal manner (for example, the criminal cases are compared with the civil cases in the unified point bases system), that was not possible before and is highly demanded for court management purposes.

8 https://rm.coe.int/study-28-case-weighting-report-en/16809ede97

9 By reference case is understood case without complexing factors.

continued

The methodology to be implemented at the first stage, as formula to assess the real case load of courts verso statistical data as ex - post evaluation and business intelligence solutions used for this purpose. Once the synergy with CIS ensured the case-weighting formula will be implemented for case distribution.

Concluding remarks

The work conducted in the context to case-weighting engaging judiciary in discussion related to basic elements of efficient court work highlighted invaluable potential of judiciary to take strategical decisions as regards court management tools to be implemented further to balance the caseload in Latvian courts. Thus, building the strong fundament for inclusive, integrated, and engaging court management in Latvia. *Inter alia*, number of hidden problems were in lighted, for example, quality of court data and necessity to improve Court Information System functionalities, encouraging Court Administration to take prompt decisions and action.

The findings of the empirical study implemented for case-weighting purposes are interlinked and have the broad potential to be used for further improvement of judicial timeframes, development of information communication technologies and even introduction of artificial intelligence in court management.

Established working group has gathered an excellent expertise and experience to use the case-weighing model as the central element in the broader patchwork toward better judicial performance in Latvia.

*Notes: Wikipedia Definitions:

OECD: The Organisation for Economic Co-operation and Development is an intergovernmental economic organisation with 38 member countries, founded in 1961 to stimulate economic progress and world trade. It is a forum of countries describing themselves as committed to democracy and the market economy, providing a platform to compare policy experiences, seek answers to common problems, identify good practices and coordinate domestic and international policies of its members. Generally, OECD members are high-income economies with a very high Human Development Index (HDI) and are regarded as developed countries.

CoE: The Council of Europe is an international organisation founded in the wake of World War II to uphold human rights, democracy and the rule of law in Europe.[3] Founded in 1949, it has 47 member states.

IMF: The International Monetary Fund is an international financial institution, headquartered in Washington, D.C., consisting of 190 countries working to foster global monetary cooperation, secure financial stability, facilitate international trade, promote high employment and sustainable economic growth, and reduce poverty around the world while periodically depending on the World Bank for its resources. Formed in 1944, started in 27 November 1945, at the Bretton Woods Conference primarily by the ideas of Harry Dexter White and John Maynard Keynes, it came into formal existence in 1945 with 29 member countries and the goal of reconstructing the international monetary system. It now plays a central role in the management of balance of payments difficulties and international financial crises.

The European Commission for the Efficiency of Justice (CEPEJ) is made up of experts of the 47 member states of the Council of Europe and develops tools aimed at improving the efficiency and the functioning of justice in Europe.

The Path Towards The Implementation Of Justice In Consumer Relations Of City of Buenos Aires, Argentina (CABA) And The First Latin American Consumer Procedure Code

By: Francisco Quintana & Alberto Biglieri

Alberto Biglieri proudly forms part of the Council of the Magistracy of the City of Buenos Aires that integrates the Buenos Aires City Judicial Power as a permanent organ of selection of magistrates and administration. He earned his law degree at the National University of Lomas de Zamora (UNLZ). In addition to his law degree, Mr. Biglieri has earned the following degrees: Master of Administration, Law and Economics of Public Services (USAL / Carlos III) and Master of Business & Administration (MBA), Baltimore University.

At the present time, Mr. Biglieri works as a Professor teaching various subjects in both national and international universities: Professor of Administrative Law I (at Law School of the National University of Lomas de Zamora) and well as Professor of Integration Law at University of Buenos Aires (UBA). Above all he is a Postgraduate Professor at UBA, UCA, UNLZ, UCALP and UNMDP, as well as Director of the Administrative Law Institute of the City of Buenos Aires Public Bar Association (CPACF).*

Internationally, Alberto Biglieri is a Postgraduate Guest Professor in Spain (Castilla La Mancha University), Italy (UNITELMA SAPIENZA) and in Brazil (Sao Judas Tadeu University, São Paulo). In addition, Alberto Biglieri has written several books and numerous articles and has participated actively in national and international conferences around the world.

Alberto Biglieri is in the City of Buenos Aires, Argentina.

Francisco Quintana is currently the First Vice President of the Council of the Magistracy of the City of Buenos Aires. In this capacity, he presides over the Institutional Strengthening and Strategic Planning Commission. Francisco Quintana was appointed as Second Vice President before the Federal Forum of Judicial Councils and Prosecution Juries of the Argentine Republic. He has graduated with Honors as a lawyer from Universidad Católica Argentina (UCA) and completed postgraduate studies at the Foundation for Analysis and Social Studies (FAES) and at the Union of Latin American Parties (UPLA).

Francisco Quintana started his professional legal career in the private sector, specializing in labor law and social security in different law firms. Thereafter, he began his trajectory in the public sector where he had the opportunity to gain experience in the three Argentine state powers: executive, legislative, and judicial.

At the end of 2011, he was elected as Legislator of the City of Buenos Aires, serving for two terms until 2019. During that time, he was President of the Justice Commission, Head of the Propuesta Republicana Party (PRO) and of the inter-block Vamos Juntos. He then became First Vice President of the Legislature of the City of Buenos Aires. Meanwhile, he served as General Secretary of the governing party (PRO) during the administration of President Mauricio Macri (2015-2019).

In January 2020, Mr. Quintana became General Secretary of the Pensar Foundation. Since 2014, he has been a member of the Executive Committee of the Río de la Plata University Foundation (FURP). He also served as professor of the Human Rights and Public International Law chairs at the UCA and was Executive Director of the Buenos Aires delegation of the Argentine Youth Organization for the United Nations.

The approach of the article will focus on the implementation of the Consumer Relations jurisdiction in the Justice of the City of Buenos Aires. Furthermore, there will be a development on the perspective on the comprehensive work carried out by the Council of the Magistracy in collaboration with other bodies and on the implementation of the new Procedural Code of Justice in Consumer Relations of the City of Buenos Aires.

To follow up with the authors on this article, you may reach Alberto Biglieri at: albertobiglieri@yahoo.com.ar

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In Argentina, unlike other more legally advanced countries, consumer law emerged together with Law No. 24.240 (Consumer Defence Law) in 1993 and with the reform of the National Constitution in 1994. However, almost three decades after the enactment of the Consumer Defence Law, it is important to mention that the development of this particular right as an autonomous branch is still in an incipient stage. Even though, in recent years there has been a notable evolution in which the City of Buenos Aires (CABA) plays a substantial role, it is coherent to underline that there is still a lot of work to be done, mainly as regards the shortcomings and the obstacles that guarantee the effective protection of consumer rights.

Baring in mind what is stated in this article, our objective is focused on the structure of the genesis and development of the work carried out by the Council of the Magistracy of CABA and the collaboration with other bodies, regarding the design and implementation of the Jurisdiction of Relations of Consumption in the Justice of the Autonomous City of Buenos Aires and on the implementation of the new Procedural Code of Justice in Consumer Relations of CABA.

At first both discoveries imply progress in terms of consumer rights and access to justice in the CABA, as well as strength of consumer law and a wide range of human rights, which are closely linked-, both in our country and in the Latin American.

At the beginning as an introduction, we have reviewed the legal context of consumer law in CABA. The Constitution of the City of Buenos Aires, in the same way it appears in the national Carta Magna, guarantees in article number 42, the total defence of the rights and interests of consumers and urges their effective judicial protection. Law No. 757 "Administrative procedure for the defence of consumer and user rights", issued by the City Legislature (Regulatory Decree 714/2010), structures the administrative process of defence of consumers in the City of Buenos Aires. Anyway, it is important to highlight that for many years the CABA has carried out an impressive administrative management in relation to particular consumer disputes. To cut a long story short, in 2019 it received almost 16,000 complaints and held 23,276 conciliation hearings, reaching a conciliation rate of 57%.

In spite of all this, the administrative system for consumer protection is headed towards self-composition. This means that once the conciliation instance is reached without an agreement that entails an effective solution to the damage suffered by the user, only administrative sanctions are imposed on the suppliers. This blocks the protection established in the legal consumer batch so that the fundamental interest of consumer law, the repair of the damage, is likely to be forgotten.

The Guidelines for Consumer Protection, written by the United Nations (UN) and defined as a set of basic principles, establish the main characteristics that the laws that protect the human person in their capacity as consumer and user of goods, products/services and determine the unavoidable task for Member States to establish consumer protection policies that promote "fair, affordable, and rapid mechanisms for dispute resolution and compensation."

That is why in order to urge a change in the region, which implies an evolutionary action in the defence of user and consumer rights, it was essential to have an adequate, agile, transparent and effective judicial procedure in which this group can defend people's rights and find a positive answer to their claims. In short, it was essential to comply with the mandate of Article 52, Law No. 24,240, which establishes that every user has the right to go to trial when their interests are affected or threatened, and the State has to guarantee their access to justice.

Consequently, on December 5, 2019, the Legislature of the City of Buenos Aires passed Law No. 6,286, the principal one in consumer relations. This law refers to the fact that CABA assumes the jurisdiction of consumer disputes through 6 courts of the Administrative and Tax Litigation jurisdiction, renamed "Administrative, Tax and Consumer Relations (CATyRC)".

In order to obey the law, and until specific courts in consumer relations are implemented, the Council of the Magistracy of CABA, permanent body for the selection of magistrates and administration of the Judicial Power of the City of Buenos Aires (which we belong as Counselors representing the legislative establishment), passed Resolution No. 850/2020, that appointed 6 (six) judges with that power. It was also determined that the pairs of courts of first instance that will assume that power during the year 2021 with the

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aim of ensuring optimal functioning, will do so alternately and every six months.

At the beginning of 2020 and in order to accompany this evolution, focused on achieving a successful implementation in the CABA Justice of consumer processes from the Magistracy Council of CABA we are heading towards the elaboration of a "Management Protocol for Consumer Processes". As a consequence of the successful task carried out and presented to the competent authorities, in the middle of the 2020 pandemic, the idea of a specific procedural code for consumer disputes gained strength in the legal field.

Once the procedural code project has been presented in the Buenos Aires legislature and in the face of the manifest possibility that the City of Buenos Aires has the first special consumer jurisdiction that has a consumer protection regime, legislatively consolidated at the national level, again in our As Directors, we have decided to support the innovative project. In order to improve the articles, strengthen the defence of consumer rights and strengthen the autonomy of Buenos Aires, we have submitted a series of modifications to be evaluated by local legislators.

In relation to this, in that first instance, a document that proposed the jurisdiction of the Justice in Consumer Relations of CABA in cases involving consumer relations and refers to real estate trusts registered in the Public Registry of Trust Contracts of the Autonomous City of Buenos Aires was prepared. Later, the document included modifications regarding proceedings that prove the fulfilment of a previous instance. Those issued by the General Directorate of the Centre for Mediation and Alternative Methods of Approach and Conflict Resolution of the Council of the Magistracy of the Judicial Power of the City of Buenos Aires and by the General Directorate of Justice, Registry and Mediation of the Government of Buenos Aires were included within the framework of community mediation. Essential changes were also made in terms of measures of mere processing, appeal for reconsideration and complaint for appeal denied.

At the end of 2020, the document, "Modifications to the Draft Procedural Code for Justice in Consumer Relations of CABA" was presented again in the Buenos Aires Legislature, to correct small differences in denominations, complete omissions and ensure speed through successful orality. The modifications were positively received by both legislators and specialists in consumer matters.

March 11, 2021 is a day that will remain in the history of Argentine consumer law, of all the inhabitants of Buenos Aires, Argentina and the Latin American region. In compliance with its constitutional powers, the Buenos Aires Legislature approved the first Code of Procedure of Justice in Consumer Relations of the CABA. This normative plexus is not only the first of its kind in the country, but also the first in all of Latin America. Once it was put into practice on April 19, 2021, all consumers who want to assert their rights in the Justice of the City, have a procedure specifically designed based on the needs and guidelines of Consumer Law.

All this work carried out so far would not have been possible without the unconditional support and excellent performance of the Secretary of Administration and Budget of the Judicial Power of CABA, Dra. Genoveva Ferrero, who from the beginning, assumed a full and authentic commitment in the pursuit of the full development of the consumer jurisdiction, with the aim of optimizing the justice service of the City of Buenos Aires, and consequently generating a substantial benefit in the lives of all defendants.

As a conclusion it can be said that it is important to highlight that all the path taken so far with the work that proposed the progress and recognition of constitutional rights and access to justice in the area of CABA, whether with the design and implementation from scratch, from the jurisdiction in Consumer Relations or with the development of the new Procedural Code and its corresponding modifications, it is finally translated into full benefit for the City of Buenos Aires defendants, in respect for their consumer rights and effective judicial protection. In pursuit of this, we cite the first ruling that analyses the jurisdictional autonomy of the City and declares the jurisdiction of the jurisdiction to understand a consumer dispute in the tourism sector ("LM, DA and others against Tarjeta Naranja SA on precautionary measure incident - Other contracts", the Court of Room IV, made up of Dr. Marcelo López Alfonsín, Dr. Laura Perugini and Dr. Nieves Macchiavelli Agrelo)

As it was previously said, there are still debts to be settled in the matter of consumer law. Many institutes have not yet been fully developed, such as the elaboration of a specific procedure for the insolvency of users and consumers - in

continued

which we are moving forward and projecting solutions. However, the City of Buenos Aires made a valuable economic effort to begin to fully provide the consumer justice service to citizens. Therefore, we celebrate the implementation of the jurisdiction together with the sanction and entry into force of the new "Code Proceedings for Justice in Consumer Relations of CABA", with the commitment to continue working together with all sectors of society in the pursuit of strengthening current regulations, reinforcing protection and ensuring that each user and consumer finds legal support in the defence of their substantial rights.

*Universidad Católica Argentina (UCA), Catholic University of La Plata (Universidad Católica de La Plata (UCALP) and the National University of Mar del Plata (UNMDP).

THE MATERIALIZATION OF CONFLICTS AND THE IMPACTS OF MAJOR ELECTRICAL SECTOR PROJECTS ON THE JUDICIAL BRANCH

By Márcio Teixeira Bittencourt Peter Mann de Toledo Gilberto de Miranda Rocha

Márcio Teixeira Bittencourt is currently a Magistrate of the Court of Justice of the State of Pará, in Brasil. He was a Doctoral student and holds a master's in management of Natural Resources and Local Development of the Amazon (NUMA-UFPA). Judge Bittencourt is a Specialist in Energy Law ANAMAGES and Agro-environmental Law and Mining School Judicial - ICJ-UFPA (2013). Judge Bittencourt earned his law degree at Universidade Federal de Ouro Preto (UFOP). Judge Bittencourt is also a Voluntary Collaborating Professor - The Federal Institute of Pará IFPA - Post-Graduation in Recomposition of Degraded and Altered Areas. To follow up with the author, he may be reached at marcio.bittencourt@tjpa.jus.br or marciobitten@gmail.com

Peter Mann de Toledo Graduated in the Biological Sciences Degree Course The Federal University of Paraná located in Curitiba, Paraná, Brazil. UFPR is officially considered the oldest university in Brazil (UFPR). He holds a master's degree in Geosciences from the Federal University of Rio Grande do Sul (UFRS) and earned his PhD In Geology (University of Colorado). Dr. Toledo is a Full Researcher at the National Institute for Space Research-INPE / MC and an Advisor Professor of the Doctoral Course - NUMA-PPGEDAM. To follow up with the author, he may be reached at Email peter.toledo@hotmail.com.

Gilberto de Miranda Rocha Graduated in Geography (UFPA). Master in Geography from São Paulo State University (UNESP). PhD in Geography (Human Geography) The University of São Paulo, Brazil (USP). Post-Doctor (Università Degli Studi Roma Tre - Rome, Italy) and Post-Doctor (Universite Paris 13 Nord - Paris, France). Director of NUMA-PPGEDAM.

Abstract

In a research project developed in 2016, entitled Environmental Justice and Major Projects by the Electrical Sector in the Amazon in Pará a quantitative and qualitative survey was made of court cases in the Pará State Court of Justice, Federal Court and Labor Court related mainly to violation of human rights in the court districts where major electrical sector projects were carried out. In these cases, a considerable increase in conflicts was confirmed. The Institute for Applied Economic Research (IPEA,2017) has released a Violence Atlas for 2017, in which the Municipality of Altamira has the highest rate of homicides and violent deaths with undetermined causes among all Brazilian cities of over 100 thousand inhabitants. The period for this research coincides with the building of the Belo Monte Hydroelectric Dam. It was clearly shown that this activity considerably increased the number of conflicts. Given that the conflicts ended up in the courts, there is a direct relation between installation of the projects and the increase in court cases, which can be considered the materialization of socioenvironmental impacts.

Keywords: Socioenvironmental Conflicts, Judiciary Branch, Hydroelectric Dams; Homicides; Environmental Impact Study.

I. INTRODUCTION

At the start of my career, I had the privilege of having my first assignment at the Court District of Altamira - PA – Transamazon Region, arriving in the month of May 2010, together with contractors, workers and other adventurers seeking direct or indirect labor opportunities in building the Belo Monte Hydroelectric Dam. There were many transformations that were experienced every day. Shortly after a brief passage as Substitute Judge in the State Capital of Belém (July 2011 to February 2012), I received my credentials in the city of Almeirim – PA (February 2012). I also arrived at that court district with thousands of workers but there were several enterprises there: The Santo Antônio do Jarí Hydroelectric Dam, the Electrical Power Substation of the National Interconnected System and the Power Transmission Towers that cross the Amazon River and are some of the largest in the world.

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Working as a judge and living in the court districts that served some of the communities where the major electrical sector projects were and are being installed was crucial in encouraging me to quantitatively and qualitatively analyze court cases in relation to socioenvironmental conflicts.

Among projects being implemented in the Pará Amazon there is a predominance of Major Investment Projects (GPI in Portuguese), characterized by a great intensity of elements such as capital, labor, natural resources, energy, and territory. As a rule, they involve large productive units. (VAINER e ARAÚJO, 1992).

In the case of the State of Pará, many times the enterprises are set up in urban areas that are not appropriately equipped. Local authorities, even if they experience some type of growth in revenue collection – which does not always happen due to subsidies and tax benefits – see problems multiply at much larger rates and proportions.

The data presented in the Master's Thesis were contextualized with the major projects studied, in which works were still being implemented and also coincides with the peak in population surge that was precisely related to the number of persons directly or indirectly involved in the major project.

The research presented by the Institute for Applied Economic Research (IPEA,2017) in its Violence Atlas for 2017, showing the Municipality of Altamira as having the highest rate of homicides and violent deaths with undetermined causes among all Brazilian cities of over 100 thousand inhabitants ended up confirming one of the main hypotheses presented in the research.

II. MAJOR ENTERPRISES USING NATURAL RESOURCES AND THE INCREASE IN DEMAND ON THE JUDICIARY BRANCH

Tucuruí-Macapá-Manaus Power Line - One of the case studies involves the major electrical sector project of the Tucuruí-Macapá-Manaus System (Tucuruí Power Line), placed in the National Interconnected System (SIN) of the National Electricity System Operator, which will enable interconnection of the Hydroelectric Dams of the Amazon, especially the large ones such as the Tucuruí Hydroelectric Dam and Belo Monte Hydroelectric Dam.

Belo Monte Hydroelectric Dam - This is the second-largest hydroelectric dam in Brazil, behind only the Itaipu binational dam, and began its activities in the month of May 2016, with its complete motorization planned for January 2019. Expected expenses from 2011 to 2014 – R$19,738,100,000.00, after 2014 R$9,123,380,000.00 (PAC, 2014).

As a rule, the conflicts related directly and indirectly to large projects arrive at the Judiciary Branch through court cases. However, the Environmental Impact Studies do not take that information into account as indicators of socioenvironmental conflicts.

According to the data found in the court cases, during the implementation of the projects there was a major rise in the volume of proceedings and also a great increase in proceedings in matters related to human rights violations.

It must therefore be argued that the conflicts of interests submitted for the consideration of the Judiciary Branch that result from the practically instantaneous increase in the population of municipalities affected by the projects are not only the ones directly related to the projects and their constraints, but also to a cascade of effects derived directly and indirectly from the arrival of said undertakings.

III. THE VIOLENCE ATLAS 2017 AND THE STATISTICAL DATA FROM THE PARÁ STATE COURT OF JUSTIÇA

As the result of a partnership between the Institute for Applied Economic Research (IPEA) and the Brazilian Forum on Public Safety (FBSP), the http://ipea.gov.br/atlasviolencia/ electronic portal was inaugurated, with the objective of providing indicators and contents on public safety and presenting the characteristics of the Brazilian public safety system. Data from the VIOLENCE ATLAS are derived from data on the Mortality Information System (SIM), of the Ministry of Health, which provide information on incidents up to 2015, also considering VIOLENT DEATHS FROM UNDETERMINED CAUSES (MVCI).

Among the 30 most violent municipalities in 2015, with a population greater than 100 thousand inhabitants, according to the total homicide and MVCI rates, ALTAMIRA, in the State of Pará, was in first place with an indicator of 107.00.

The Violence Atlas 2017 presents the three main forms in which economic performance affects criminality.

continued

a) Access to the Labor Market – Reduction of the Unemployment Rate (1%) – Reduces the Homicide Rate (2.1%).
b) Income Generation – Increase in the Illegal Market; (Drug Trafficking).
c) Economic Performance with Social Disorganization – Migrations, Changes in the Urban Space, Crushing of Social Control by Crime.

Economic growth leads to an increase in the number of work positions; at the same time, the manner and speed in which economic growth affects the territory is another relevant aspect. For example, rapid and disorganized growth of cities (as happened Altamira, as a result of construction of the Belo Monte Dam) can have serious implications on the local crime level, which led Altamira to a first place ranking on the homicide number list.

Procedural statistical data from the Pará State Court of Appeal were requested from the Statistics Coordination of the Pará State Court of Justice exclusively for this research project, officially registered in SIGADOC Administrative Procedure no. PA-MEM-2017/26617.

To define the qualitative criterion the Unified Display of the National Council of Justice, version 07/10/2017 was used (Conselho Nacional de Justiça, 2017), with the numerical codes being used for the purpose of considering not only the legal proceedings, but also investigations and proceedings from childhood and youth courts (infractions, police reports, etc.). The objective for considering all of the possibilities was to cover the greatest number of possibilities related to the death of a human being. Finally, the type of attempt was also considered in the research.

Materially, the criminal offences were classified as follows:

a) All crimes against life.
b) Personal Injury followed by Death.
c) Armed Robbery and Extorsion through Kidnapping Followed by Death.

For consolidating the GRAPHS after studying the Unified Table, the period beginning in 2010 was established, because it was the year that the current LIBRA procedural control began, and going to the year 2016, the year in which the data were consolidated.

For comparative effects, the procedural statistical data from 08 (eight) District Courts of Justice were taken into consideration, with all the Court Districts considered as a District Cluster by the administrative Division of the Pará State Court of Justice, these being: ALTAMIRA, BRAGANÇA, BREVES, CASTANHAL, ITAITUBA, MARABÁ, PARAGOMINAS, PARAUPEBAS AND SANTAREM. The data obtained are presented in GRAPHS 01 and 02, next page.

The procedural statistical data are constantly being refined because of the continuing standardization of the systems at a national level by the National Justice Council, but it is safe to say that one can in fact confirm a considerable increase in the number of homicides for Altamira, especially due to criminal violations practiced by adolescents.

IV. CONCLUSION

On the other hand, mainly because of the disorganized growth of the local communities where the projects are installed, a number of negative impacts occur, and these as a rule end up being judicialized, meaning that they are submitted to the Judiciary Branch and become court cases.

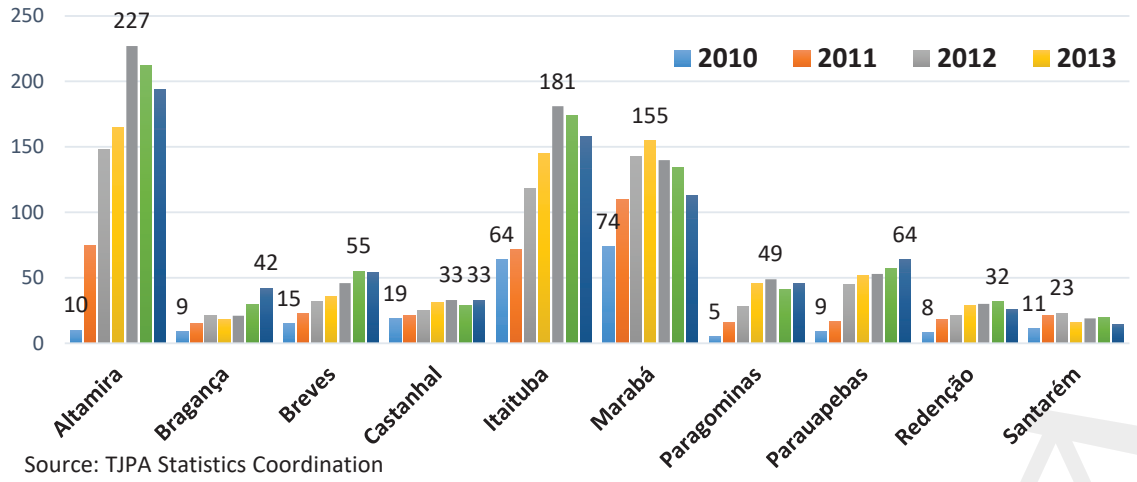
Employment of an analysis of the quantitative and qualitative projection of the procedural demands, as an indicator to be considered in the Environmental Impact Study may be of great importance for the purposes of defining the relation between economic development and the impacts of projects undertaken by the electrical sector.

Several complex court proceedings of both an individual or collective nature, but which, in the context of what is being proposed by this research, are related to the projects undertaken. These have in fact been judicialized in the Court Districts where the projects are being implemented, for which reason they should be considered socioenvironmental impacts. However, given the limited prevailing vision of the concept of socioenvironmental conflicts, they are not taken into consideration when the Environmental Impact Studies are being prepared. What happens is simply the judicialization of socioenvironmental conflicts with a major quantitative and qualitative increase in the proceedings and the Judiciary Branch is not able to provide jurisdictional services in an efficient manner, given that it cannot keep up with the growing demand.

Inclusion of the impacts on the Judiciary Branch, in the quantitative and qualitive procedural analysis of the

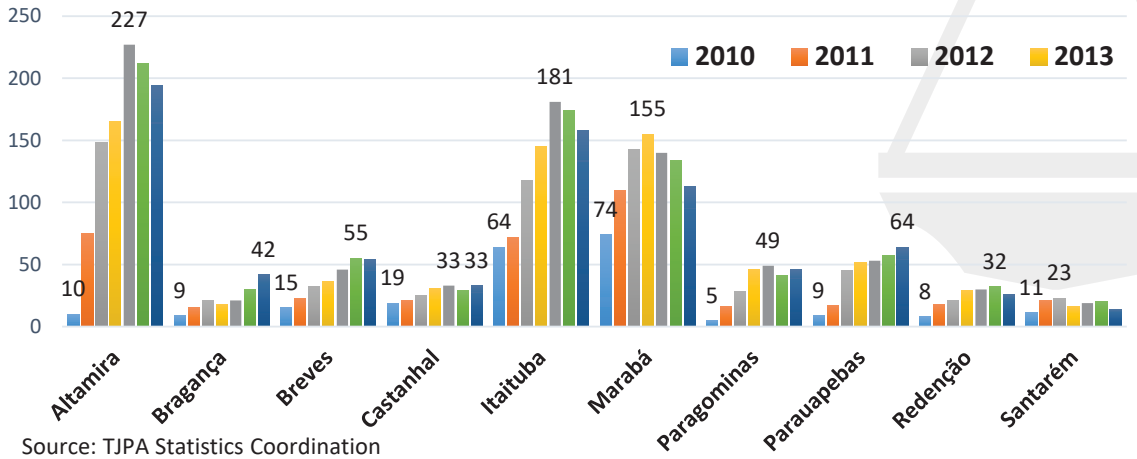
continued

GRAPH 01 – Actions that ascertain violation of the right to life by court district, over the last 7 years (highlighting the years with lowest and highest quantities)



Source: TJPA Statistics Coordination

GRAPH 02 – Infractions that indicate the violation of the right to life per court district, over the last seven years (highlighting the years with lowest and highest quantities)



Source: TJPA Statistics Coordination

Environmental Impact Studies and/or Environmental Impact Reports is essential for the Courts of Appeal in their Strategic Plans to be able to consider adjustment of the structure of those court districts that receive major projects. This is the case even more because in a large number of the judicialized proceedings, including criminal proceedings and childhood and juvenile proceedings, payment is not collected for costs, which is also the case with those who received free judicial assistance.

Beginning with fundamental assumptions of Environmental Justice is the need to defend the rights of communities where there is a negative transfer of environmental costs. One concludes that it is environmentally fair to consider the quantitative and qualitative increase in court proceedings in cities and regions where the major projects of the electrical sector are being installed in the Pará Amazon with accompanying socioenvironmental impacts.

According to the data presented by the Atlas of Violence 2017, at the moment when the construction of the large hydroelectric project ended, there was a large process of mass layoffs, and the possible migration of the unemployed to the illicit market. The Public Power was not able to structure itself to the point of enabling local development. Quite the contrary, the Municipality of Altamira was not structured to receive the large undertaking. During the execution of the works, even with a considerable movement of lawful financial

continued

resources, the violation of human rights also reached alarming levels. In the post-project phase, the worst occurred with Altamira having the highest homicide rate among Brazilian municipalities with more than 100 thousand inhabitants.

Another terrible finding is that as the large enterprise closes the works and decreases the movement of resources in a lawful manner, the Public Power fails to fulfil its institutional mission, especially with regard to Public Security. The workforce ends up being more easily captured for the practice of illicit.

Because the conflicts end up being judicialized, there is a direct relation between installing the projects and the quantitative and qualitative increase in proceedings that may be considered as a materialization of socioenvironmental impacts that directly involve human beings, the right to life and access to justice.

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Additional Information about Judge Bittencourt:

Titular Judge of the Pará State Court of Justice - Titular of the Maracanã County, Creator, Executor and Coordinator of Access to Justice Projects, served as Magistrate in the Altamira Counties, Brazil Novo, Belém, Ananindeua, Icoaracy, Almeirim, Monte Dourado, São Caetano de Odivelas, Judicial Term of Colares, Itupiranga and Marabá, PROFESSIONAL MASTER OF THE UNIVERSITY'S ENVIRONMENT CENTER FEDERAL DO PARÁ (2015), where currently pursuing the PROFESSIONAL DOCTORATE. Enabled as a STUDENT SPECIALIZATION of the Professional master's in law and Judiciary of ENFAM - NATIONAL SCHOOL OF TRAINING AND IMPROVEMENT OF THE MAGISTRATES (Structural Process). COLLABORATOR with the Study Group, Research, Development and Innovation - GPDI 06 - JUDICIAL ACTIVITY, JUSTICE SYSTEM AND MODELS OF CONFLICT RESOLUTION - NURS. RESEARCHER Urban Water Study Group -GEAU / UFPA.PROFESSOR Collaborator / Volunteer at the Federal Institute of Pará - IFPA - Rural Campus Marabá - ENVIRONMENTAL LEGISLATION DISCIPLINE - Postgraduate Program in Recomposition of Degraded Areas and Changed RADA.

NACM International Outreach Template for the Creation of Court Associations

Submitted by the NACM International Committee

The National Association for Court Management (NACM) has been working to develop partnerships, provide resources, and promote attention to the importance of the role and function of court administrators. NACM's International Committee has collaborated with the International Association for Court Administration (IACA) for connection and assistance to IACA members.

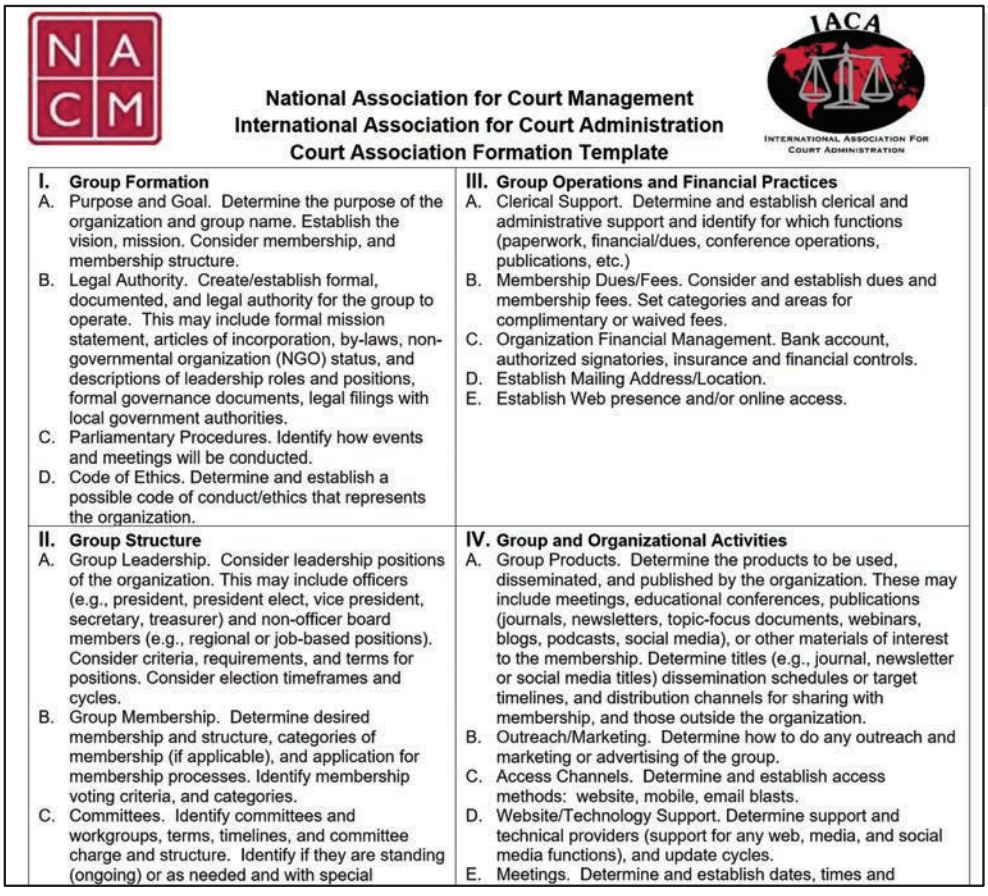
In recognition of the important role of a professional association, documents have been created that can serve as guides and resources, and, to assist court professionals. This includes IACA members, groups, or even countries, that may have interest in creating professional associations for court leaders.

Providing educational and professional development and support for and interactions with court leaders is important. Formal associations can provide opportunities for training, mentoring, professional networking, and employment opportunities. Associations also provide a cadre of prepared court professionals while being a source of mentors for those new in the field and for those seeking continued personal growth. Improved skills lead to improved management of courts, regardless of the size or type of court organization. Support of this nature and assistance can best be offered by a professional court association.

Association template documents have been created to do the following:

- Indicate content and actions for group formation
- Illustrate group operations and financial practices
- Suggest ideas for group structure, and
- Share information about group and organizational activities.

The template content is provided in multiple formats: one summary in nature, and one with expanded descriptions of the responsibilities. These are intended to provide information, guidance, and ideas for the creation of an organization.



National Association for Court Management
International Association for Court Administration
Court Association Formation Template

I. Group Formation

A. Purpose and Goal. Determine the purpose of the organization and group name. Establish the vision, mission. Consider membership, and membership structure.

B. Legal Authority. Create/establish formal, documented, and legal authority for the group to operate. This may include formal mission statement, articles of incorporation, by-laws, non-governmental organization (NGO) status, and descriptions of leadership roles and positions, formal governance documents, legal filings with local government authorities.

C. Parliamentary Procedures. Identify how events and meetings will be conducted.

D. Code of Ethics. Determine and establish a possible code of conduct/ethics that represents the organization.

II. Group Structure

A. Group Leadership. Consider leadership positions of the organization. This may include officers (e.g., president, president elect, vice president, secretary, treasurer) and non-officer board members (e.g., regional or job-based positions). Consider criteria, requirements, and terms for positions. Consider election timeframes and cycles.

B. Group Membership. Determine desired membership and structure, categories of membership (if applicable), and application for membership processes. Identify membership voting criteria, and categories.

C. Committees. Identify committees and workgroups, terms, timelines, and committee charge and structure. Identify if they are standing (ongoing) or as needed and with special

III. Group Operations and Financial Practices

A. Clerical Support. Determine and establish clerical and administrative support and identify for which functions (paperwork, financial/dues, conference operations, publications, etc.)

B. Membership Dues/Fees. Consider and establish dues and membership fees. Set categories and areas for complimentary or waived fees.

C. Organization Financial Management. Bank account, authorized signatories, insurance and financial controls.

D. Establish Mailing Address/Location.

E. Establish Web presence and/or online access.

IV. Group and Organizational Activities

A. Group Products. Determine the products to be used, disseminated, and published by the organization. These may include meetings, educational conferences, publications (journals, newsletters, topic-focus documents, webinars, blogs, podcasts, social media), or other materials of interest to the membership. Determine titles (e.g., journal, newsletter or social media titles) dissemination schedules or target timelines, and distribution channels for sharing with membership, and those outside the organization.

B. Outreach/Marketing. Determine how to do any outreach and marketing or advertising of the group.

C. Access Channels. Determine and establish access methods: website, mobile, email blasts.

D. Website/Technology Support. Determine support and technical providers (support for any web, media, and social media functions), and update cycles.

E. Meetings. Determine and establish dates, times and

continued

Two different documents are provided for use in the formation of associations: a Court Association Formation Template and a Court Association Formation Template, Summary Version. Both documents may be found at the following:

https://nacmnet.org/who-we-are/initiatives/international-outreach/

Examples of organizational models and documents (governance and by laws), and good source documents can also be accessed and viewed for:

- the NACM by-laws: https://nacmnet.org/wp-content/uploads/NACM-Bylaws-draft-04072019withchangesincorporated.pdf and strategic plan: https://nacmnet.org/who-we-are/initiatives/strategic-plan/
- the NACM National Agenda: https://nacmnet.org/who-we-are/initiatives/agenda/
- the NACM publication: "Court Administration: A Guide to the Profession, available at https://nacmnet.org/resources/publications/
- the IACA articles of incorporation: https://www.iaca.ws/articles-of-incorporation- and by-laws: https://www.iaca.ws/assets/docs/IACA%20Bylaws%20FINAL%201.8.20.pdf
- the Federal Court Clerks' Association mission statement: https://www.fcca.ws/content.aspx?page_id=22&club_id=329997&module_id=245385 and background: https://fcca.clubexpress.com/content.aspx?page_id=22&club_id=329997&module_id=242704
- the National Conference of Bankruptcy Clerks by-laws: http://www.ncbcweb.com/by-laws

It is important to note that any formation of an organization should be considered, evaluated, and structured within the laws and regulations of a country or locality. Those laws and conventions will inform on how by-laws and articles of incorporation should be structured.

The NACM International Committee welcomes interaction that can assist and support association formation and operation. Comments, questions, and requests for further information may be made to the NACM International Committee at:

- https://nacmnet.org/committees/standing-committees/membership-committee/international-subcommittee/
- via nacm@ncsc.org
- via NACM International Committee Chair, Michele Oken at email: mokencsr@gmail.com