



IACA Newsletter

Volume 1 Issue 6

December, 2014

Important Dates to Remember

- IACA/NACM
Joint Conference
July 9-13, 2017
Washington, DC
USA

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From the President

It is an honor to bring greetings as the 4th President of IACA. I have just commenced this two-year term following the end of Richard Foster's term as President in Sydney. We are very grateful to Richard for his remarkable leadership over the past two years.

Last month I returned from another successful IACA conference in beautiful Sydney, Australia. I want to thank Richard Foster and Leisha Lister for their outstanding work that resulted in IACA's 7th international conference being an incredible success. Some 240 attendees from 43 countries participated in an exceptional professional program. It was a testament to those from around the globe who came together to share concerns and ideas aimed at strengthening the provision of effective justice systems to those they serve.

There are a number of recent changes to the Executive Committee that I would like to share:

Congratulations to **Vladimir Freitas** of Brazil, who was appointed President Elect of IACA at the IACA Board Meeting in Sydney. Vladimir will commence his term as president in 2016.

Mark Beer, Dubai, was also appointed President Elect in Sydney and he will commence his term as president following Vladimir in 2018. Congratulations Mark.

Additional changes are as follows:

Luis Maria Palma, Argentina, is now Vice President of the Latin and South America board.

Carline Ameeralli, The Hague, is now Vice President of the Europe board.

Andrew Phelan, Australia, is now Vice President of the South Asia & Australia board.

Syed Riaz Haider, The Hague, has taken on the role of Membership Chair.

I extend a warm thanks and congratulations to Carline, Luis Maria, Andrew and Riaz for taking on these new positions. You can find bios. and photos



Cathy Hiuser, IACA President

for Vladimir, Mark, Carline, Luis Maria, Andrew and Riaz on IACA's website.
<http://www.iaca.ws/organizational-chart.html>.

On behalf of IACA, I would also like to sincerely thank Ian Gray, Kersti Fjorstad and Suzanne Stinson for their dedication to IACA over the past few years and wish them all the very best in their future endeavours.

2014 marks an important milestone for IACA. Under the leadership of founding President Dr. Markus Zimmer and past-president and current CEO Jeffrey Apperson, the dream of an association became a reality some 10 years ago. Their vision and dedication to this organization was recognized in Sydney where Richard Foster presented both Markus and Jeff with honorary life-time memberships to IACA.

With the support and dedication of the IACA Executive Board, committees and members, IACA has hosted 7 international conferences and 3 regional conference events over the past 10 years. In addition, we have published 12 issues of the International Journal for Court Administration - <http://www.iacajournal.org/index.php/ijca/index> and 8 IACA newsletters. That is an incredible accomplishment considering that the delivery of international and regional conference and the publishing of a world class international journal have been as a result of individuals who spend countless personal hours dedicated to this work.

Planning is underway for our next international conference which will be held in partnership with the National Association for Court Management (NACM). We are delighted to partner with NACM for the conference that will be held in Washington, DC in 2017. Visit IACA's website for future updates on the 2017 conference and other events over the next two years.

This organization relies on volunteers and I urge those of you who are IACA members to get involved and

those who are not members, to join IACA. If you would like to be more involved in IACA or have ideas and suggestions on how to grow the organization, we would like to hear from you. We welcome your suggestions and your involvement.

I look forward to the next two years serving this great organization of individuals who share a passion for fair, accessible and transparent justice.

A RETROSPECTIVE OF TEN YEARS OF IACA

Submitted by Markus Zimmer



By December 1991, the political and economic dissolution of the Soviet empire, created in the aftermath of World War II, was at its height as fissures and clefts presumed long dormant erupted into violent confrontations between suppressed citizenries and their largely incompetent handlers. The presumptive use of tactics based on fear

and intimidation by the corrupted and compromised Soviet power regime could no longer contain the enormous crescendo of energy, passion and determination that swept through the populations of the satellite states in the region. That month I was invited by the ABA with an AOUSC colleague to travel to Sophia, Bulgaria to conduct an assessment of the court system, a trip that started in late January 1992. Activists had deposed the Communist regime, and Zhelyu Zhelev, a Marxist philosophy professor and expelled Communist Party leader, had been installed as President. Our hosts, mostly higher-level Communist officials who had managed to hang on to their positions, clearly took little solace in our visit and tended initially to discount our analyses. We learned early that prospects for success depended on maintaining low profiles, on seeking first to understand in detail how their systems were organized and administered and how authority was distributed before issuing prescriptions.

Over the succeeding decade, assessments took me to nearly all of the states of the former Yugoslav federation in addition to Romania, Poland, Hungary, Slovakia and the Czech Republic. By 2004, I was starting a series of assessment and assistance missions with justice systems in the Middle or Near East and Rwanda in East Africa. Later in that decade, Jeff Apperson, also a federal Clerk of Court, commenced his own odyssey on the Central and East European circuit. In time we compared notes, struck up a lasting friendship, and colluded by e-mail and at

occasional conferences. For both of us, our justice-sector analyses in different emerging democracies bared more similarities than differences. It occurred to us they all might profit from a regional or international organization focused on introducing and elaborating modern court- and justice-sector management and administration via a cadre of professionals willing to make available their experience and expertise in an advisory capacity through diverse delivery models ranging from international conferences to onsite visits to publications, paper and electronic. Incubation was not a lengthy process; Jeff proposed an inaugural meeting in Ljubljana, Slovenia, where a local trial judge he had met was enthusiastic and offered assistance. By then we had brought Sheryl Loesch, another federal Clerk of Court, into our planning circle. Doing so was a stroke of genius; Sheryl and several of her employees have consistently been IACA's most devoted and committed supporters from the earliest days.

The core concept of IACA emerged at the conclusion of our inaugural 1994 conference in Ljubljana, clearly a learning experience. Our founding membership included delegates from a variety of countries, including among others Russia, Jordan, Macedonia, Finland, Serbia, India, Kosovo, Sweden, Montenegro, Rwanda, Italy, Estonia, Lithuania, Croatia, Slovenia and Ireland, in addition to the United States. Our delegates included court administrators; judicial officers from trial, intermediate appellate, and final appellate or supreme courts; academics with specialties in justice and court systems, and justice system officials, including a justice minister/attorney general. Jeff arranged a conference banquet after the first day at a restaurant perched high on a cliff overlooking Slovenia's famous Lake Bled where the wine sommelier misunderstood how many bottles our meager budget could absorb and poured long into the evening, nearly provoking cardiovascular shock when Jeff reviewed the bill. The second day we spent hammering out in a collective group discussion involving all delegates whether there should be an IACA and to what it should aspire. We ended up with unanimous support for three core resolutions:

- To establish the International Association for Court Administration
- To affirm the core values on whose basis the association would operate and pursue its goals
- To create an organizational framework for the association based on relatively detailed guidance from the collective direction of the delegates

At the conclusion of that historic meeting, IACA had been launched albeit on somewhat wobbly legs.

The past ten years stand as a witness to IACA's incremental and progressive growth. As the assortment of countries in which I have advised judicial and justice system leaders has further diversified, my experience confirms the similarities in problems faced and obstacles to be overcome. In those ten years we have established an association journal, the *International Journal for Court Administration*, and achieved recognition for it as a serious professional publication. We have conducted a series of successful regional and international conferences in diverse global locations. We have earned the respect of an increasingly

sophisticated clientele spanning both the practical and theoretical elements of court and justice administration. We have introduced a newsletter that is published on a recurring schedule.

The effective administration of justice is serious business and is obligated to deliver assistance to those, largely the poor and the deprived, who through no fault of their own, are consistently short-changed. It is this clientele on whom our efforts over the next decade must more directly focus. They subsist on all continents.

From this ten-year retrospective, we look to a future in which we expand further the benefits the association can and should offer its members and friends. We cordially invite all who are interested and motivated to join us in these efforts.



IACA's First Conference - Ljubljana, Slovenia, September 2004



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A SPECIAL LECTURE

Submitted by Vladimir Passos de Freitas

Last September, from 24 to 26, Sydney received hundreds of participants for the 7th IACA Conference. Like the previous ones, this conference was a great success. I could write about the many presentations made, but even being difficult to choose just one, I have to take this option to be more objective. I will comment one lecture that called my attention.

Janet Cornell and Peter C. Kiefer talked about “The Future of the Courts 2025 – “An Environmental Scan”. The method they used was totally innovative. Instead of sitting or standing still, as it is usual, they stayed among the public. They stayed one on each side of the room, taking turns to talk, and gradually involved the audience in their words, analyzing the principles that should govern the Judicial Power in 2025.

The topic itself arouses great interest. We live in a changing world and the Judicial Power can't be oblivious to this fact. On the other hand, it also needs to keep its practices, symbols and traditions, to allow society to feel confident about it.

The speakers invited and encouraged the audience to participate. And from different points of the room various opinions emerged about specific issues. Relevant topics, such as efficiency, flexibility, leadership, digital process were discussed, always keeping a perfect interaction between lecturers and audience.



The lecture was excellent both in content and form. The quality of the content didn't surprise anyone, given the experience and qualifications of their authors. Among other things, Janet was President of the National Association for Court Management and Peter is a Civil Court Administrator. But the technique and style used to explain surprised the audience. They managed to involve the audience and no one was indifferent to their provocations.

I think that an important lesson was learnt: the traditional lectures of the past, one person reading and the other ones just listening, have no place in today's world, where the dynamics, body language, visual aspect, and interaction between lecturer and audience demand a different technique.





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News from the Regions

E-FILING - SERBIA'S EXPERIENCE

Submitted by Dimitrije Sujeranovic, Milan Nikolic, Bojan Jelic, and Dragan Obrenovic

The large number of old pending cases is a major challenge facing Serbia's courts. Faster court proceedings and improved efficiency of the judicial system depend on several factors, most importantly good case management and communication between courts and parties. Serbian trials require extensive exchanges of documents at every stage of the proceeding, and unsuccessful postal delivery of court documents is one of the major causes of delays. Furthermore, overburdened court budgets cannot cover the increasing costs of postal services. Attorneys also expressed a desire to file documents electronically, as they do with so many other transactions in today's world. Responding to these issues, the USAID funded Separation of Powers Program (SPP) introduced electronic filing - a revolutionary service in Serbian judiciary allowing courts and parties to instantaneously and securely exchange documents via email.

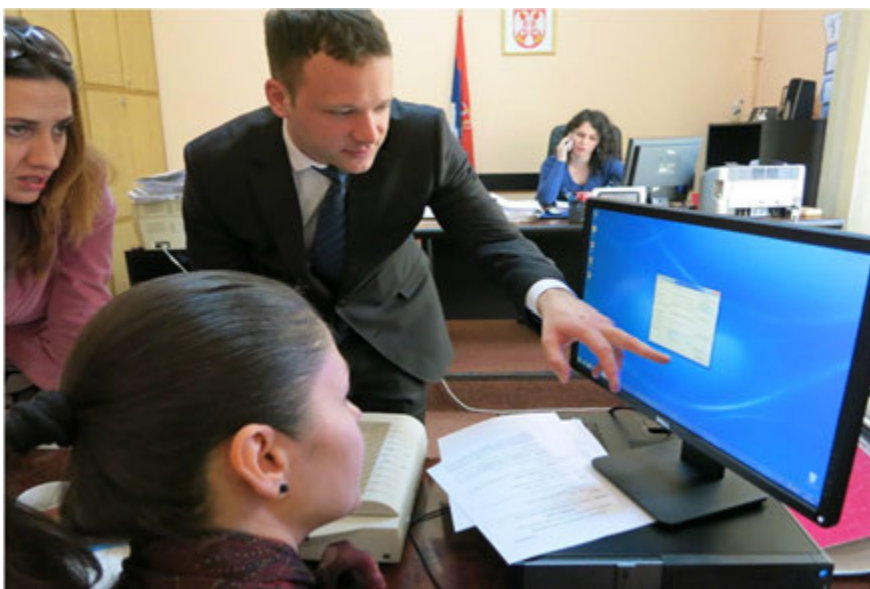
Previous USAID donor projects and increasingly pervasive technology laid the groundwork for this effort. The Commercial Court Administration Strengthening Activity (CCASA) project, successfully introduced a modern case management system (AVP) in commercial, basic and higher courts in Serbia. Based on information in AVP's database, CCASA also developed and implemented the on-line Portal of Serbian Courts (portal.sud.rs), which enables 24/7 review of case information for all citizens via the Internet, in accordance with relevant laws and regulations. Building on these efforts, SPP successfully piloted electronic exchanges among attorneys, bankruptcy administrators and selected courts. The methodology builds on the existing AVP case management system in the courts, and is envisaged as "closing the court circle", by allowing parties to electronically communicate with the courts, and for the courts to keep information about the cases in electronic form.

Due to limited resources, but also to minimize risk and build incrementally, SPP started piloting electronic communication in several medium sized courts without any investment in advanced technological tools. Regular e-mails with attached documents signed electronically with cards issued by the post office are used to exchange briefs and subpoenas. The electronic signatures secure the content of all motions

and petitions and provide proper identification of all participants in the court proceedings. The next step will be creation of an online platform where attorneys will be able to register and upload documents and metadata directly into the case management system which will further speed up court proceedings, reduce work in the Registry Office and decrease a need for court visits by attorneys and parties.

There are numerous benefits identified in the very early stages of the project. In the first place, electronic communication led to cheaper transaction costs and faster exchanges. In a court system that has reduced the number of courts over the last five years, electronic communication bring better access to justice - attorneys can file documents at any time from any place that has internet access. In the long run it is expected that e-filing will also lead to better transparency because all case documents will be accessible on line.

This pilot phase showed that there are no legal or technical obstacles for further development of this methodology in the Serbian judiciary. Procedural laws allow this type of communication and the laws on electronic signature and electronic documents fully support these possibilities. On the technical side the possibilities are unlimited, but the "bottom up" approach used in this project proves that the judiciary does not need the latest technological innovations, but can incrementally find solutions which work for court staff, fit into the judiciary budget and can be expanded as they are increasingly incorporated into the everyday business of the courts.



SPP Project Manager Milan Nikolic Trains Court Staff on Using Electronic Filing in Zajecar Commercial Court During April 2014

CHILE: FIRST AMERICAN ENVIRONMENTAL JUSTICE FORUM - ENVIRONMENTAL COURT of SANTIAGO

Submitted by Vladimir Freitas

In Santiago between the 8th - 9th of October, the Environmental Court of Santiago, Chile, held the First American Environmental Justice Forum. There were participants from 20 countries of North, Central and South Americas, from Canada to Patagonia. Justices of Supreme Courts, judges from Judicial Environmental Courts, Environmental Administrative Judges, prosecutors, lawyers and professors

discussed the best ways for Environmental Justice. The schedule was perfectly appropriate to the needs of American States. The organization by the Chairman, Minister Jose Ignacio Vazquez, Chief Judge of the Court of Environmental Santiago, was perfect, the staff gave support to all the questions and needs of participants. In the photo, Minister Vazquez is the second one, from left to right.



2017 IACA-NACM JOINT CONFERENCE

Submitted by Norman Meyer

Exciting news! IACA will be holding its next full international conference in Washington, DC, USA July 9-13, 2017. Over the past year we have negotiated an agreement with the National Association for Court Management (www.nacmnet.org) to conduct this as a joint conference. IACA and NACM's strong traditions of excellent educational conferences will be brought together to provide an exceptional experience to our members. Washington, DC will provide a wonderful setting as a world-class city, filled with great museums, monuments, and other cultural venues. Of course, we will be able to draw upon many government and private resources to support and participate in the educational program. A joint IACA-NACM Planning Committee has been established and has just begun work. IACA is represented on this committee by: Cathy Hiuser, Vladimir Freitas, Sheryl Loesch, and Norman Meyer (who is the IACA co-chair). The IACA North American



Regional Board of Directors will also be actively involved. Anyone with ideas for the education program should direct them to any of our committee members. Future newsletters will have periodic updates on planning for this premier event.



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A SPECIAL THANK YOU TO OUR SPONSORS

Submitted by Alice Rose Thatch



As Vice President of Corporate Sponsorship, let me take this opportunity to extend a sincere thanks to all the Sponsors and Exhibitors for their donations to the 7th International Conference in Sydney, Australia.

Many of our Sponsors have supported the work of IACA for the past decade. This year we welcomed new Sponsors; Sponsors we hope to have aboard for the next decade. Sponsorships provide IACA the opportunity to meet our goal to promote improved court management and administration in all countries and foster professionalism and collegiality among those who serve in the court systems throughout the world. To quote our Host and President at the Sydney Conference Richard Foster, *"For those of you who have attended IACA conferences in the past, you know firsthand the benefit of these conferences. In addition to the excellent educational programs, the networking and global friendship formed are priceless."* (see IACA Newsletter, September 2014). All IACA Sponsors and Exhibitors add to that atmosphere of collaboration and friendship and extend to our delegates a forum to ask questions and identify some of the various practices possible throughout the judicial world.

We were also fortunate to have VIQ Solutions Inc. sponsor *iPad Covers*. Each conference delegate was presented with a cover in one of four designs. The four presented with a cover in one of four designs. The four designs were created with artwork from the artists of the Aboriginal community of Yuendumu. Donation of these iPad Covers directly benefit the artists and their community. For the story of these artists and their community visit www.warlu.com.

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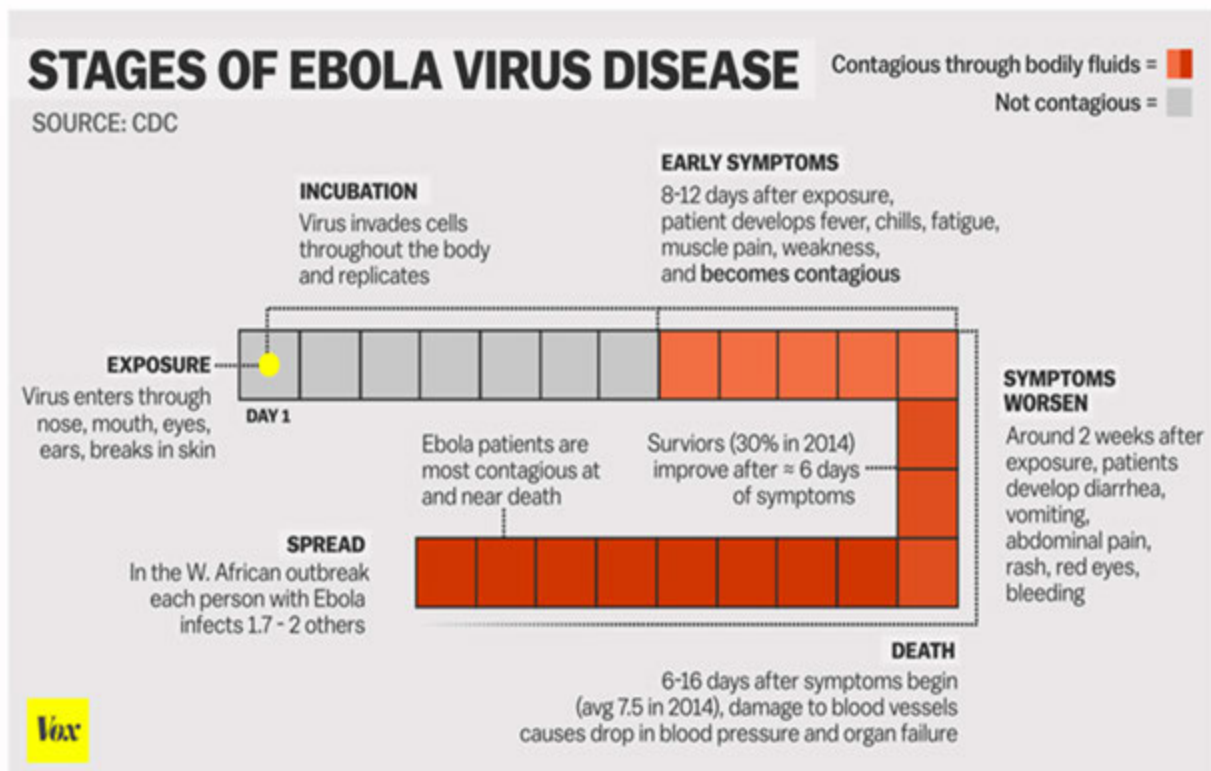
To QUARANTINE or NOT to QUARANTINE? THE EBOLA IMPACT QUESTION for the COURTS

Submitted by Collins E. Ijoma and Giuseppe M. Fazari

BACKGROUND

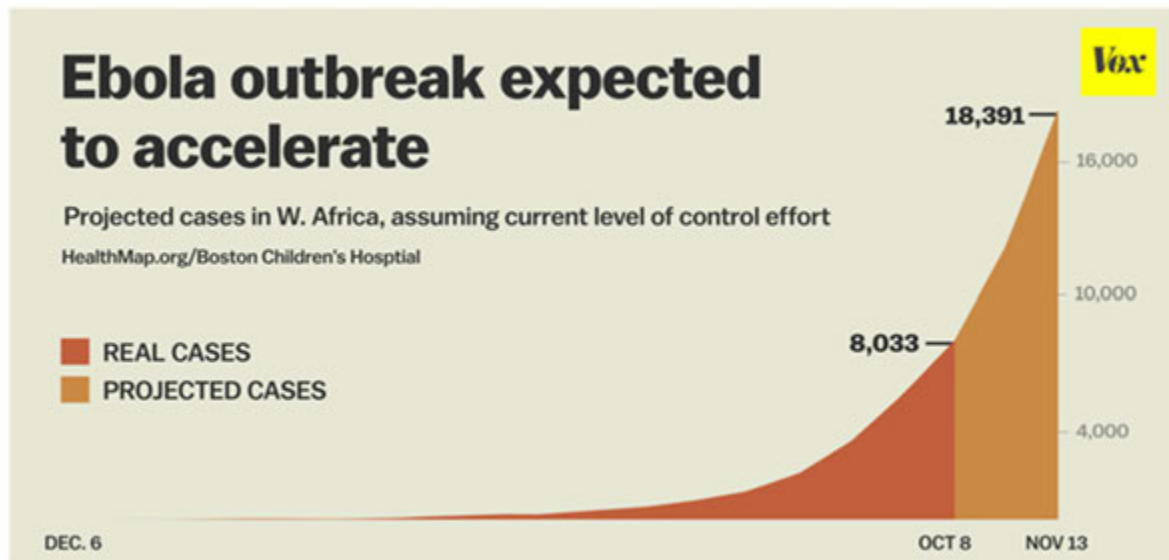
The Ebola Virus Disease (EVD) also known as Ebola Hemorrhagic Fever (EHF), is making international news because of the latest and most severe outbreak of the disease. United States (U.S.) President Obama called the epidemic “not just a threat to regional security...but a potential threat to global security.” EVD is a serious, often fatal, disease in humans and other primates caused by ebola viruses. Typically, infected individuals begin to show symptoms between 2 and 21 days and include fever, sore throat, muscle discomfort, and headaches. Vomiting, diarrhea,

and rashes usually follow as the virus progresses. At about the two-week mark, some patients will bleed from their orifices – ears, nose, and eyes – as well as, experience internal bleeding that impairs their liver and kidney function. Because patients can lose up to 2½ gallons of body fluids a day, they experience rapid weight loss and bruising. For those patients that do not survive, they often succumb to coma and shock before dying. The following figure depicts the stages of the EVD.



The current EVD outbreak is unprecedented affecting multiple countries. Since March 2014, there have been more than 8,000 known human cases with the Centers for Disease Control and Prevention (CDC) reporting a 54% mortality rate. There are five identified EVD species, four of which are known to cause disease in humans: Ebola virus (*Zaire ebolavirus*); Sudan virus (*Sudan ebolavirus*); Taï Forest virus (*Taï Forest ebolavirus*, formerly *Côte d'Ivoire ebolavirus*); and Bundibugyo virus (*Bundibugyo ebolavirus*). The fifth, Reston virus (*Reston ebolavirus*), has caused disease in non-human primates, but not in humans. The natural reservoir host of EVD remains unknown, however, evidence and the nature of similar viruses suggests that it is animal-borne and that bats are the most likely reservoir. Four of the five virus strains occur in an animal host native to Africa. Since it was first discovered in 1976 during the twin outbreaks in Zaire (now Democratic Republic of Congo) and South Sudan, there have been 20 outbreaks.

Prior outbreaks usually occurred in isolated rural areas and expired relatively quickly. The scale of the current outbreak has heightened people's attention about EVD's because of its movement through populations. It began in December when it first turned up in the body of a child in Guéckédou, a rainforest region in southeastern Guinea. Because Guéckédou shares a porous border with Sierra Leone and Liberia, where people migrate back and forth to go to the market and conduct business, the virus began spreading over a larger geographic area. The outbreak was worsened by the international community, which was slow to respond and bring aid to the region because EVD's symptoms are similar to the symptoms of other diseases. It took public health officials five months into the outbreak before a health emergency was declared. Consequently, the epidemic is currently outpacing efforts to contain it and the number of infected persons keeps growing exponentially. The following figure illustrates the trajectory of the outbreak.



QUARANTINING

Thus far, the main issue for the courts has been the question of isolation and quarantine of individuals suspected of having the disease or having been exposed to infected persons. In accordance with the CDC, quarantine is defined as the "separation of an individual or group reasonably believed to have been exposed to a quarantinable communicable disease, but who is not yet ill (not presenting signs or symptoms), from others who have not been so exposed, to prevent the possible spread of the quarantinable communicable disease." Quarantine is different from isolation, which the CDC defines as the "separation of an individual or group who is reasonably believed to be infected with a quarantinable communicable disease from those

who are not infected to prevent spread of the quarantinable communicable disease. An individual could be reasonably believed to be infected if he or she displays the signs and symptoms of the quarantinable communicable disease of concern and there is some reason to believe that an exposure had occurred." Historically, both levels of restrictions are used as preemptive methods to the spread of infectious disease. In both instances, the mobility of the individual or group is obviously severely limited and when depriving them of this liberty, the state, province, or country will use the least restrictive alternative that ensures public safety.

A current case involving a nurse who was a part of the Doctors Without Borders (DWB) organization and

returned to the U.S. after treating patients in West Africa is testing the delicate balance between individual civil rights and the general welfare of the public. Officials in her home state of Maine stated that they expect the nurse to isolate herself at her residence “until the incubation period for the potentially deadly disease is over, or the state will “pursue appropriate authority to ensure a quarantine.” Prior to this case, public anxiety was heightened in the U.S. after a DWB doctor returned to New York City from Guinea and tested positive for the virus. Prior to being admitted to an area hospital, he acknowledged that he had not self-quarantined and traveled using public transit, dined out, and went bowling in the city.

Ordinarily, in the U.S. the power to isolate or quarantine falls to the state and in most instances individuals will voluntarily restrict themselves in accordance with these procedures. In other instances when individuals are unwilling to comply or become non-compliant (as is the case with the nurse in Maine), the court's intervention will be required. The National Association of County and City Health Officials (NACCHO) notes that among other things, due process, the means that can be used to enforce restrictions, and the penalties for noncompliance are important questions that must be addressed. In accordance to NACCHO, a successful plan will include the use of legal orders on movement as well as designations on who can issue such orders. When issuing orders to protect the health and welfare of the public, case law cites several of the following factors that the court should consider and address:

- Scientific evidence in support of the issuance of an order
- Accessibility of the scientific evidence to the parties involved
- Appropriate medical facilities where the individual would be confined
- Period of confinement
- Provisions for food, medicine, and other necessities during the confinement period
- Care and support of the individual's dependents while in confinement
- Impact of confinement on the individual's employment and financial livelihood
- Costs associated with the individual's confinement and treatment
- Unique cultural or personal circumstances impacted by the confinement
- Instructions including the use of force in implementing and enforcing the confinement

Should the disease spread even further, there will be other, larger scale implications on the rule of law that the courts should partner on and address. Among the things the judiciary should consider in the event of an EVD epidemic is developing a program for handling all cases arising from the quarantine or restrictions on a “fast track” basis. Accordingly, a Differentiated Case Management program specific to health emergency cases should be developed so that decisions are

expedited in similar fashion to how election law matters are managed vis-à-vis their time sensitive nature. Critical functions including, but not limited to, bail review, detention hearings, initial appearance hearings, civil commitments, property stays and extensions, child support payments, and communications/notifications infrastructure and support should be reviewed, planned, and developed to be done remotely so that the judiciary (and by default, civilization) remains intact. Individuals central to each of the critical functions, who can later be confirmed as being healthy, should be identified and trained so that they can work to ensure that the judiciary maintains society's rule of law. Healthcare law is a specialized area of practice; therefore, it is important that judges are adequately prepared to issue judgment on these matters. Again, not unlike election law issues that come before them, preparation for an epidemic will include the planning and development of a bench handbook or manual to help guide and assist designated judges in deciding healthcare matters.

In preparation for the responsibilities that ensue a healthcare crisis and as a matter of course, the judiciary should be in regular communication via committee with affected stakeholders including, among others, the district health officer or official, judges assigned to 24/7 all-hazards and/or emergency duties, community care centers and hospitals, emergency medical services, human services, corrections, prosecutor's office, funeral director, and law enforcement. Collaborative meetings provide the courts and their partners the ability to operationalize the planning and coordination involved in public health emergencies. Apart from strengthening the partnership, collaborations address some of the key issues involving personnel, communications, overlapping protocols, policies and procedures, and legal issues that must be brought to bear during unique emergencies such as EVD, which can potentially affect the entire world's population.

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IACA was created in 2004 by court system executives and managers. Its founding principles envision a global association of professionals collectively engaged in promoting the effective administration of justice. We do so by endeavoring to build and sustain well-managed, independently governed, effectively administered, and publicly accessible court systems.

We welcome your interest in IACA and urge you to consider joining us through one of our categories of membership and participating in our conferences. We also encourage all current and future members to actively involve themselves in IACA's future development and expansion through taking on leadership roles at the regional and national levels. We are a dynamic organization and perpetually interested in ideas and suggestions as to how we might improve and expand the services we provide.

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