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# *From the Managing Editor: Court Administration in Europe – Management in a Different Context*

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With this special Issue, IACA's International Journal for Court Administration – in cooperation with NACM's The Court Manager, wants to contribute to the NACM-IACA Joint Educational Conference, on Court excellence on a world wide scale July 9-13, 2017, Arlington, VA (Washington D.C.). We have four very interesting professional articles about a variety of subjects: Environmental Justice in Brazil (Mariana dos Freitas), Drug Courts in the USA (Caroline Cooper), the Introduction of an Integrated Electronic Case Management System in Rwanda (Adam Watson, Regis Rukundakuvuga and Khachatur Matevosyan) and Case Management Concerning Special Immigrant Juveniles in a Trial Court (Danielle Fox, Hisashi Yamagata, Lili Khozeimeh, Marianne Hendricks, Madeleine Jones, and Rick Dabbs). I recommend those articles to our readership.

While preparing my participation at our conference with NACM in the United States, I thought it might be fitting to add a few words on court management in Europe.

While working on a report for the Department for Justice of the European Commission, it struck me how different court administration settings are not only within Europe's diverse countries, but also compared to the United States. What European court administration has in common, is that it is always organized on a national scale. The European Union has hardly a say in court administration, apart from the arrangements for transnational cooperation in criminal matters, transnational insolvencies and transnational execution of civil judgments. Rules for those matters have to be implemented by national justice organizations, but are sometimes helped by European organizations that exchange information by means of IT. The European Commission organizes quite some evaluation studies in order to find out in how far these coordination efforts are effective.

Court administration on a national scale can be challenging. It is not only that courts can do many different things. Back offices in the courts may have hundreds of different procedural routines, to date automated, including filing and hearing cases on-line. Because courts are also decision-making organizations, play a role in law enforcement and in conflict resolution, their societal tasks are evident. Court administration and management are challenging, because they presuppose not only specialized legal knowledge at a technical level, but also other knowledge, essentially concerning the usual management issues: personnel, information dissemination, organization, finances, IT. communication, security and facilities. Each of those domains has local and national management issues, and local and national management issues are interrelated.

Even although our British colleagues established a ministry of justice in 2005 – a very continental way of organizing justice administration - judges in England and Wales, and in the United States are much more office holders than civil servants compared to the judges of continental Europe. Napoleon's legacy is still holding European court administration and European judiciaries in a civil service position, including hierarchical disciplinary supervision of the judges on a national scale. Local court organizations therefore are not very autonomous. They may have their own budget, and their own management, but for most of the management they are bound to sometimes quite detailed national rules, especially for budgeting and accounting, security, personnel policies and so on. In this respect it does not make a lot of a difference whether the national court administration is headed by a ministry of justice or by an administrative council for the judiciary.

With so much state power directly present in the administration of the courts, the art of court management is also the art of creating enough space for judges – who are considered civil servants, even although with an especially safeguarded position – to maintain their own professional domains. This is also about their production and their productivity. The latter two terms refer to economic approaches of judicial work. Creating judicial professional space however means also leaving enough time for, for example, law courses, individual peer review, review of case law, and interactions between stakeholders at the courts and the judges. If the economic approach becomes dominant, pressuring for higher productivity, professional space will be reduced, and risks are that judicial independence dissolves in routines. In practice this means that judges will have not enough time to differentiate between cases that can be dealt with routinely and cases

that need special attention – effectively no room for their consciences. Where the possibility to choose wisely between routinely and attentive approaches is diminished, judicial legitimacy is at risk in the long run. Managing courts in Europe therefore is also about enabling, facilitating, and maintaining judicial professional space, next to fulfilling all the other management duties.