



The Influence of Judges' Managerial Competences on Judicial Performance: A Statistical Analysis

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ABSTRACT

Planning, monitoring, and control, activities typical of managerial function, occupy a portion of the judicial role, yet this subject remains underexplored. Aiming to fill this gap, this study aims to identify relevant managerial competencies of judges and discuss the correlation between these competencies and judicial performance. The theoretical framework encompasses court administration and the competency-based management approach. Research data were gathered through a questionnaire. A sample of 60 judges and 199 clerks from first-degree judicial units of the Court of Justice of Minas Gerais, Brazil, responded a five-point Likert scale of agreement containing 22 items related to managerial competencies of judges. The data were subjected to exploratory factor and regression analysis. The findings reveal that, according to judges, their most significant managerial skills encompass: i) Resolvability, ii) Outcomes-based Management, iii) Communication, and iv) Judicial Process Management. Conversely, from the perspective of court clerks, the most relevant judges' managerial competencies are: i) Leadership and Team Management, ii) Judicial Process Management, and iii) Performance Monitoring. The paper discusses these results and tests their relationships with judicial performance.

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Public administration has undergone significant theoretical evolution, particularly since the latter half of the 20th century, marked by the advent of movements such as New Public Management and the Post-Weberian State.^{1,2} These paradigms advocate for the adoption of private-sector management models and methods within public administration, for example, by emphasizing outcomes and performance assessments. This shift towards a performance-oriented approach has laid the groundwork for modernizing court administration, a domain that, despite its importance, remains underexplored and faces unique challenges in data sourcing and methodological approaches.³ Lienhard and Kettiger, when commenting on court management as an aid in judges' work, suggest that 'the prevailing opinion is that court management should primarily or exclusively serve to ensure (i) the effective protection of legal rights (in particular the right to a timely and objective decision based on a fair procedure) and (ii) the efficient expenditure of public funds'.⁴

In this context, the court management goes beyond safeguarding due process, in its encompassing of efficiency, characterized by optimizing outcomes with minimal resource expenditure.⁵ Also, efficiency is intrinsically linked to access to justice, which entails not only the ability to approach the judiciary but also the assurance of receiving a just and prompt resolution.⁶ Indeed, an inefficient and sluggish judiciary undermines justice itself.⁷

From a managerial standpoint, the judge is pivotal in setting the court's operational pace and quality, operating in both a judicial and managerial capacity.⁸ Hence, this professional effectively manages the judicial process. Although administrative operations are delegated to court staff, the judge bears the responsibility for coordinating and supervising the planning and control activities concerning work outcomes. Along these lines, the judge assumes a dual role, in adjudication and administration.⁹

1 Ewan Ferlie, Lynn Ashburner, Louise Fitzgerald, and Andrew Pettigrew, *The new public management in action*. (Oxford: Oxford University Press, 1996).

2 Christopher Pollit, and Geert Bouckaert, *Public Management Reform: A comparative analysis – into the age of austerity*, 4th ed. (Oxford: Oxford University Press, 2017).

3 Andreas Lienhard, and Daniel Kettiger, "Between Management and the Rule of Law: Results of the Research Project 'Basic Research into Court Management in Switzerland.'" *International Journal for Court Administration* 8, no. 2 (2017).

4 Ibid., 12.

5 Philip L. Dubois and Keith O. Boyum, "Part III – Court Reform: The Politics of Institutional Change," in *Handbook of court administration and management*, ed. Steven W. Hays and Cole Bleasdale Graham Jr. (New York: Marcel Dekker, 1993), 27–51.

6 Eloisa Torlig, Adalmir de Oliveira Gomes, Fabrício Castagna Lunardi, "Access to Justice: An Epistemological Guide for Future Research," *Lex Humana* 15, no. 3 (2023): 205–244. Lunardi, F. C., Moraes, B. F. 2025. "Access to Justice for quilombola communities, sustainability, and digital inclusion: a case study". *Veredas do Direito*, no. 22: 1–22.

7 Ivo Teixeira Gico Jr, "The Tragedy of the Judiciary: an inquiry into the economic nature of law and courts," *German Law Journal* 20 (2020): 644–673.

8 Adalmir de Oliveira Gomes, "Desempenho no Judiciário. Conceituação, estado da arte e agenda pesquisa," *Revista de Administração Pública* 47, no. 2 (2013): 379–401.

9 Sandra P. M. Pereira, Pedro M. A. R. Correia, Fabrício C. Lunardi, "Administração e governança pós-burocrática em Portugal: o caso do Plano Justiça Mais Próxima 20|23," *Humanidades & Inovação* 9, no. 19 (2022c): 135–143.

However, this dual role has been scarcely researched in scholarly literature, with only the studies by Borba et al.¹⁰ addressing it. More specifically, the first study discusses alternative approaches to evaluating judges' performance from a systemic perspective, beyond mere numbers, while the second study explores the perception of key stakeholders in the judiciary regarding judges' managerial competencies. The managerial role of judges introduces potential conflicts and ambiguities, particularly regarding the extent of their administrative responsibilities and the criteria for evaluating their performance.¹¹ Therefore, with the aim of contributing to this field, this article seeks to bridge the gap by identifying relevant managerial competencies for judges and the relationship between these competencies and judicial performance.

Considering that judges in Brazil, where this research was conducted, also serve as managers of the judicial units in which they work, they play a crucial role in evaluating the performance of these units, particularly as assessors. In fact, judges in Brazil, have many management tasks, such as managing people (the judge appoints employees to occupy positions of trust in the judicial unit, grants vacations, organizes the clerk's activities), managing processes (the judge organizes the tasks that will be carried out in the judicial process, with the possibility of concentrating procedural phases), establishing performance goals for the judicial unit and for staff, monitoring the achievement of goals established by the National Council of Justice, and carrying out corrections in the judicial unit.

Furthermore, research suggests that the judge dictates the pace of productivity and performance of judicial units.¹² Consequently, the judge's managerial position requires possessing the necessary managerial competencies to effectively fulfill this responsibility. In this context, it is pertinent to analyze how managerial competencies are demonstrated in the judge's work, and the correlation between these competencies and the performance of the judicial unit in which this professional operates.

2 COMPETENCY MANAGEMENT IN THE JUDICIARY, THE STRUCTURE OF THE BRAZILIAN JUDICIAL SYSTEM AND THE MANAGEMENT TASKS OF JUDGES

Since the late 1990s, a movement for enhancing efficiency within judicial institutions has gained momentum across various countries, driven by the understanding that these bodies are accountable for their outcomes, both in terms of organizational efficiency and adherence to the rule of law.¹³ Amidst this shift, competency-based management has been recognized as a viable framework for the judiciary. This model encompasses planning, monitoring, and evaluating performance, alongside feedback

10 Livia L. O. Borba, Fabrício C. Lunardi, Tomás de Aquino Guimaraes, "Avaliação de Desempenho de Juizes: Críticas e Propostas," *Lex Humana* 15, no. 1 (2023): 415–435; Livia L. O. Borba, Fabrício C. Lunardi, Tomás de Aquino Guimaraes, "Judge's Managerial Competencies: A Case Study of a High-Performance Court," *Revista Direito GV* 20 (2024): 1–22.

11 Tomas Aquino Guimaraes et al., "Role conflict and role ambiguity in the work of judges: the perceptions of Portuguese judges," *Revista de Administração Pública* 51, no. 6(2017): 927–946, <https://doi.org/10.1590/0034-7612156373>.

12 Adalmir de Oliveira Gomes, and Tomás de Aquino Guimaraes, "Desempenho no Judiciário. Conceituação, estado da arte e agenda pesquisa," *Revista de Administração Pública* 47, no. 2(2013): 379–401.

13 Gar Yein Ng, "Discipline of judicial governance?" *Utrecht Law Review* 7, no. 1(2011): 102–116.

mechanisms and the exchange of experiences, and has been incorporated into the daily operations of court clerks within the Brazilian judiciary.¹⁴ Specifically for Brazilian judges, performance evaluations, a core component of competency management, emphasize the alignment of outcome-oriented assessments with objectives defined by the National Council of Justice.

This section presents approaches to competency management and its application to the judiciary. It then explains the structure of the Brazilian judicial system in order to show how, in Brazil, judges have to carry out several important management tasks.¹⁵ These concern especially the management of people (their units entire teams) and cases,¹⁶ within their judicial units.

2.1 COMPETENCY-BASED MANAGEMENT APPROACH AND ITS APPLICATION TO THE JUDICIARY

The concept of competence as a key determinant of work performance in businesses was initially proposed by McClelland.¹⁷ The appreciation of its effects/outcomes in the private sphere led to the widespread adoption of competency management models in public administration. The challenge of competency management applied to public administration lies in ‘transforming bureaucratic and hierarchical structures, prone to insulation, into dynamic, entrepreneurial organizations.’¹⁸

The competency-based management approach, both in business management and in public administration is dissected into three major theoretical perspectives: the French, the American, and the integrative approaches. The French tradition conceptualizes competence as the capacity to act – both in expected and unexpected scenarios – efficiently and promptly by integrating tacit and explicit knowledge, social and professional experiences, behaviors, values, aspirations, and motivations accumulated over an individual’s life span within increasingly complex contexts.¹⁹ From this viewpoint, competence encompasses three dimensions: ‘know-how,’ ‘knowing how to learn,’ and ‘knowing how to be.’ ‘Know-how’ pertains to practical skills derived from tacit and explicit knowledge. ‘Knowing how to learn’ refers to advanced cognitive abilities, seen as the product of social and professional experiences. Lastly, ‘knowing how to be’ concerns behavioral competencies encapsulated by one’s behaviors, values, desires, and motivations.

14 Conselho Nacional de Justiça, *Resolução CNJ nº 240, de 9 de setembro de 2016*. <https://atos.cnj.jus.br/atos/detalhar/2342>.

15 Adalmir de Oliveira Gomes, Tomás de Aquino Guimaraes, Eda C. L. de Souza, “Judicial Work and Judges? Motivation: The Perceptions of Brazilian State Judges,” *Law & Policy* 38 (2016): 162–176; Tomás Aquino Guimaraes, et al., “Role conflict and role ambiguity in the work of judges: the perceptions of Portuguese judges,” *Revista de Administração Pública* 51, no. 6 (2017): 927–946.

16 “Avaliação de Desempenho de Juízes: Críticas e Propostas,” *Lex Humana* 15, no. 1 (2023): 415–435; Livia L. O. Borba, Fabrício Castagna Lunardi, Guimaraes, “Judge’s Managerial Competences: A Case Study of a High-Performance Court.” *Revista Direito GV* 20, (2024): 1–23.

17 David C. McClelland, “Testing for competence rather than for ‘intelligence,’” *American Psychologist* 28, no. 1 (1973): 1–14.

18 Tomás de Aquino Guimarães, “A nova administração pública e a abordagem da competência,” *Revista de Administração Pública* 34, no. 3 (2000): 125–140.

19 Guy Le Boterf, *Desenvolvendo a competência dos profissionais* (Porto Alegre: Artmed, 2003).

According to the French approach, a competent professional is characterized by his ability to effectively mobilize both personal and environmental resources in professional settings. Hence, competence entails the adept utilization of personal resources (knowledge, expertise, skills, or qualities, and accumulated experience) as well as resources available within one's environment (machinery, physical facilities, information, and relational networks) in a suitable manner.²⁰ In this approach, competence operates on the premise of individuals taking the initiative and assuming responsibility, necessitating the utilization of both personal internal resources — those acquired, requested, and developed by the individual in a given scenario — and collective resources available in the work environment. These collective resources are offered by the organization and can take various forms, including procedures, best practices and training,²¹ as well as the skills-based approach conceptualized by reforming the internal administration of the courts through case management, service management or reform of the judicial map.

When applying this concept to the role of the judge, it becomes evident that competence is linked to the judge's capacity to integrate his existing knowledge with the practical challenges encountered in the courtroom. This integration is a complex process that frequently demands quick responses and an appropriate demeanor tailored to a specific situation and audience. A judge's potential for adjudication and conflict resolution becomes actual performance through the interplay between his competencies and the organizational context of the court. Similar to other professional realms, the judiciary's outcomes are reciprocally influenced by the amalgamation of resources, capabilities, and administrative functions.

Conversely, the American approach conceptualizes competence as a composite of qualifications or traits intrinsic to an individual that facilitate the execution of specific tasks, achievement of superior outcomes, or navigation of particular scenarios.²² This model delineates competence into three primary components: knowledge, skills, and attitudes. Knowledge is perceived as 'knowledge in action' – a deliberate, accessible compilation of data, information, concepts, and insights gleaned through education and experience. Skills relate to the 'know-how,' reflecting a proven capacity for completing both physical and intellectual tasks. Attitudes represent the 'willingness to act', denoting a directed response to varying contexts or situations.²³

The primary distinction between the French and American approaches lies in their perspectives on competence: the former emphasizes the capacity to mobilize resources and achieve outcomes through a collective lens, whereas the latter views competence from a purely individualistic standpoint. Consequently, the American tradition tends to attribute subpar performance directly to the individual. In contrast, the French perspective shifts attention from mere possession of knowledge, skills, and attitudes – viewed as individual traits – towards the individual's ability to utilize these

²⁰ Ibid.

²¹ Philippe Zarifian, *Objectif compétence: pour une nouvelle logique*, (Paris: Liaisons, 1999).

²² Pablo F. P. de Freitas, Catarina C. Odelius, "Managerial Competencies: an analysis of classifications in empirical studies," *Cadernos EBAPE.BR* 16, no. 1 (2018): 35–49.

²³ Joel Souza Dutra, *Competências: conceitos, instrumentos e experiências* (São Paulo: Atlas, 2017).

resources within specific contexts to enrich his environment.²⁴ Focusing solely on individual performance analysis shields the organization from critical reflection and absolves it of responsibility in creating an environment conducive to the development of its workers' competencies.²⁵ Hence, the chance to evaluate the correlation of additional indicators, such as work structure and effective leadership, with anticipated outcomes is missed.

On the other hand, the integrative approach conceptualizes competence as encompassing the necessary knowledge, skills, and attitudes for a particular task, alongside the individual's performance within a given context, reflected through work behaviors and resultant accomplishments. This perspective merges elements from both the French and American approaches,²⁶ advocating that competencies are synergistic amalgamations of knowledge, skills, and attitudes that enhance value for both individuals and organizations. Thus, competencies are comprehended not merely as a collection of knowledge, skills, and attitudes essential for carrying out a specific activity, but also as individual performance manifested within a particular context, denoting the behaviors exhibited at work and consequent accomplishments.²⁷

The integrative perspective on competence facilitates the inclusion of ethics and values as critical components of adept performance, emphasizing the necessity for reflective practice. It acknowledges the significance of context, underscoring that competence can be manifested through various practices. However, this complexity implies that evaluating performance becomes a more nuanced and less straightforward process. Indeed, the concept of competence is inherently dynamic and subject to evolving interpretations and meanings.²⁸ Ultimately, competence is relational, integrating intricate blends of individual and team attributes essential for high performance in distinct scenarios.

In recent years, the justice systems of some countries, such as Brazil, have increased the managerial tasks of judges.²⁹ Contrastingly, the growth and relevance of management activities carried out by judges have caused ambiguities. This is mainly because judges, when performing their role in the first instance court, accumulate

24 Maria Tereza Fleury, Alfonso Fleury, *Estratégias empresariais e formação de competências* (Sao Paulo: Atlas, 2000).

25 Claudia M. P. de Lima, Paulo Zambroni-de-Souza, Anísio J. S. Araujo, "A gestão do trabalho e os desafios da competência: uma contribuição de Philippe Zarifian," *Psicologia: Ciência e Profissão* 35, no. 4 (October–December 2015): 1223–1238.

26 See Freitas and Odelius, supra note 26.

27 Hugo Pena Brandão, Jairo Eduardo Borges-Andrade, "Causas e Efeitos da Expressão de Competências no Trabalho: para entender melhor a noção de competência," *Revista de Administração Mackenzie* 8, no. 3 (2007): 32–49.

28 Mirjam McMullan, et al., "Portfolios and assessment of competence: a review of the literature," *Journal of Advanced Nursing* 41, no. 3 (2003): 283–294.

29 Sandra P. M. Pereira, Pedro M. A. R. Correia, Fabricio C. Lunardi, "Administração e governança pós-burocrática em Portugal: o caso do Plano Justiça Mais Próxima 20|23," *Humanidades & Inovação* 9, no. 19 (2022c): 135–143; Sandra P. M. Pereira, Pedro M. A. R. Correia, Fabricio C. Lunardi, "Desafios da implementação da nova gestão pública na judicatura portuguesa: o juiz tradicional versus o juiz gestor," *Humanidades & Inovação* 9, no. 19 (2022a): 125–134.

2.2 AN OVERVIEW OF THE BRAZILIAN JUDICIARY AND THE JUDICIAL UNITS SURVEYED

To conduct empirical research on the managerial competencies of judges, it is essential to understand the context and structure of the judicial system in the country where they work. In this sense, the integrative approach suggests that competences should be analyzed within the contexts in which they are performed.³¹ Therefore, in this research, it is essential to present the structure of the Brazilian judicial system and to study the managerial competencies of judges in the first-degree judicial units.

The Brazilian judiciary comprises 92 courts and 15,646 first-degree judicial units.³² At the top is the Supreme Court, also known as the Brazilian Constitutional Court. Next comes the National Council of Justice, which is the governing body of the system, including the investigation of judges' behavior. Afterwards, there are the higher courts (Superior Court of Justice, Superior Labor Court, Superior Electoral Court, and Superior Military Court). Next, there are the courts of appeal; below these, there are the first-degree judicial units. This structure is shown in Figure 1.

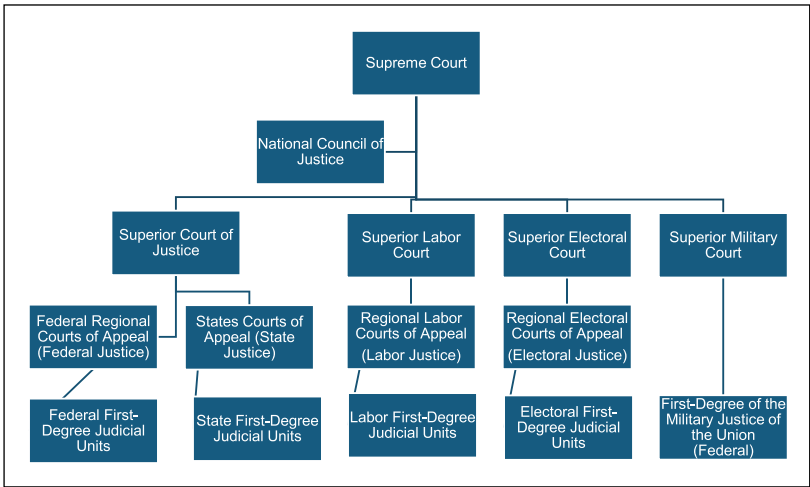


Figure 1 Organizational Chart of the Structure of the Brazilian Judiciary.

In the second instance, there are 27 State Courts of Justice; three state military courts linked to the courts of justice; six Federal Regional Courts; 24 Regional Labor Courts; and 27 Regional Electoral Courts. Of the 15,646 first-degree judicial units, 12,735 are specialized (in a specific subject) and 2,098 are general jurisdiction courts.³³ The state

30 Tomás Aquino Guimarães, Adalmir Oliveira Gomes, Pedro M. A. R. Correia, Ines Oliveira, and Tania Piazzetin, "Role conflict and role ambiguity in the work of judges: the perceptions of Portuguese judges!," *Revista de Administração Pública* 51, no. 6 (2017): 927–946. <https://doi.org/10.1590/0034-7612156373>.

31 Mirjam McMullan, et al., "Portfolios and assessment of competence: a review of the literature," *Journal of Advanced Nursing* 41, no. 3 (2003): 283–294.

32 Conselho Nacional de Justiça, *Justiça em números 2024*. <https://www.cnj.jus.br/wp-content/uploads/2025/02/justica-em-numeros-2024.pdf>.

33 Conselho Nacional de Justiça, *Justiça em números 2024*. <https://www.cnj.jus.br/wp-content/uploads/2025/02/justica-em-numeros-2024.pdf>.

courts of justice have administrative and financial autonomy. Each court prepares its own budget proposal, according to the percentage of the budget guaranteed by the Constitution (art. 99, paragraph 1, of the Federal Constitution).³⁴ First-degree judges also have a certain degree of autonomy to manage the judicial unit, as well as to appoint court clerks to positions of trust. Court clerks in trust positions receive additional remuneration for filling this role. These positions generally include: head of the registry office; head of the judge's office; hearing secretary; and other administrative functions.³⁵

The judge is responsible for the division of labor among the court's clerks (e.g. production of sentences, decisions, official documents, bureaucratic activities, etc.), as well as for defining the tasks of each one. Therefore, each Brazilian first-degree judge also has managerial duties. This concerns especially people management and case management.³⁶ The way in which Brazilian judges perform these managerial duties has a major impact on the performance of the judicial unit they belong to. With the duties of judging and coordinating the work of the unit, each Brazilian judge sets the pace of work, productivity, and efficiency in his judicial unit.

This research sought to analyze the first-degree judicial units, with general jurisdiction, of the Court of Justice of the State of Minas Gerais. The choice of these units is due to the following factors: i) the Brazilian State judiciary concentrates approximately 70% of the first-degree judicial units (10,451 units)³⁷; ii) The Court of Justice of the State of Minas Gerais has 962 first-degree judicial units – the second largest number of these units in the Brazilian judiciary, iii) This Court of Justice allowed for the collection of data,³⁸ and iv) Judicial units of general jurisdiction are responsible for judging all matters (civil, criminal, administrative etc.).

The size of the staff of the first-degree judicial units varies according to the number of cases distributed monthly.³⁹ Therefore, the greater the number of cases that enter the judicial unit, the greater the number of court clerks. This minimizes the possibility of an “imbalance in the number of servers” generating distortions in the measurement of performance.

Furthermore, to minimize the influence of other external factors in the results of the research, only courts with general jurisdiction of the Court of Justice of the State of

34 Brazilian Federal Constitution (1988). https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.html.

35 Brazil, Federal Law n. 11,416/2006. Provides for the Careers of Civil Servants of the Judiciary of the Union. https://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2006/Lei/L11416.htm#art33; Brazil, Court of Justice of Minas Gerais. Resolution n. 953/2020. Establishes standards and procedures for the development of civil servants in the careers of effective positions of the Staff of Civil Servants of the Judiciary of the State of Minas Gerais and contains other provisions. <http://www8.tjmg.jus.br/institucional/at/pdf/re09532020.pdf>.

36 Livia L. O. Borba, Fabrício C. Lunardi, Tomás Aquino Guimaraes, “Judge’s Managerial Competences: A Case Study of a High-Performance Court,” *Revista Direito GV* 20 (2024): 1–23.

37 Conselho Nacional de Justiça, *Justiça em números 2024*. <https://www.cnj.jus.br/wp-content/uploads/2025/02/justica-em-numeros-2024.pdf>.

38 Conselho Nacional de Justiça, *Justiça em números 2024*. <https://www.cnj.jus.br/wp-content/uploads/2025/02/justica-em-numeros-2024.pdf>.

39 Brazil, National Council of Justice. Resolution n. 219/2016. Provides for the distribution of civil servants, commissioned positions and positions of trust in the bodies of the Judiciary of first and second instances and contains other provisions. <https://atos.cnj.jus.br/atos/detalhar/2274>.

Minas Gerais were researched. Thus, with the same attributions and the number of employees distributed according to the number of lawsuits, the influence of external factors on the relationship between “perception of management skills” and “performance” is reduced. This does not ignore that other factors may also impact the comparison between the performance of the judicial units, such as vacant positions, sick leave etc. However, over time, these deficits tend to be equalized among judicial units. Therefore, they should not have a significant impact on the research results.

3 RESEARCH METHODS AND TECHNIQUES

This investigation aimed to explore the link between judges’ managerial competencies and judicial performance, drawing on both the self-assessment of these professionals and the perceptions of the judiciary staff. To this end, a questionnaire featuring a roster of 22 managerial competencies expected of judges was distributed among judges and judiciary staff across the 176 multi-jurisdiction courts within the Minas Gerais Court of Justice (TJMG). These courts, which handle cases across all legal domains, typically serve as the initial appointment for novice judges and are situated in smaller municipalities.

The selection of questionnaire items was based on the framework used to evaluate the performance of those occupying managerial roles at the TJMG, since there was no alternative framework for judges’ managerial competencies. Additionally, managerial competencies identified by Borba et al. were incorporated.⁴⁰ Initially, 40 items were drafted as statements presumed to reflect judges’ managerial competencies. Following the guidelines proposed by Pasquali,⁴¹ these items were scrutinized by ten evaluators – comprising both judges and scholars in administration – for their alignment with the identified competencies and the relevance of their content. This review process led to the refinement of the questionnaire to 22 items.

Afterwards, the questionnaire underwent semantic validation through a pilot test with three judges and three judiciary staff members from TJMG, ensuring the clarity and comprehensibility of the 22 selected statements for future respondents. The final questionnaire was then sent via Google Forms to 122 judges and 1,147 judiciary staff across TJMG’s 176 courts. It featured statements accompanied by a five-point Likert scale, ranging from 1 (‘strongly disagree’) to 5 (‘strongly agree’). More specifically, judges were asked to indicate the extent to which they agreed that each item corresponded to their managerial activities, while court clerks were asked to respond whether they agreed that such statements corresponded to the managerial competencies of the judges they worked with. The questionnaire also included a section for open-ended comments and five questions gathering demographic and professional information about the participants. The 22 managerial competencies are detailed in Appendix 1.

The survey garnered 60 responses from judges and 199 from court clerks. Regarding the demographic composition of the respondents, 75% of the judges participating were male, and 25% were female, mirroring the broader distribution within the surveyed courts, which comprise 122 judges, with a gender split of 64% male (79

⁴⁰ See Borba et al., *supra* note 10.

⁴¹ Luiz Pasquali, “Testes referentes a construto: teoria e modelo de construção,” in *Instrumentação psicológica: fundamentos e práticas*, ed. Luiz PASQUALI et al. (Porto Alegre: Artmed, 2010), 37–71.

judges) and 36% female (43 judges). In terms of age and tenure, over 53% of the responding judges fall within the age range of 23 to 38 years, and 77% have been employed by the TJMG for under four years. Conversely, the court clerk respondents are predominantly female at 59%, with more than 55% aged over 43 years. Additionally, over 62% of these respondents have been working at TJMG for 13 years or more. The collected data underwent an exploratory factor analysis and a regression analysis, along with various statistical assessments, as further explained in the subsequent sections.

4 RESULTS

The findings of this study are delineated in two segments. First, the categorization of questionnaire responses into distinct factors via exploratory factor analysis is detailed. This is followed by an examination of the correlation between these factors and the performance metrics of the surveyed courts.

4.1. CONSTITUENT FACTORS OF JUDGES' MANAGERIAL COMPETENCIES

The exploratory factor analysis aimed to classify the collected data into coherent groups based on inherent characteristics. This statistical method was employed distinctly for judges and court clerks to account for the unique roles these professionals occupy. Preliminary statistical evaluations, including tests for asymmetry, kurtosis, Shapiro-Wilk, Kolmogorov-Smirnov, multicollinearity, Bartlett's test of sphericity, and the Kaiser-Meyer-Olkin (KMO) measure, confirmed the data's suitability for factor analysis.

Criteria for determining the number of factors included *eigenvalues* of 1.00 or higher, signifying the variance magnitude each factor encapsulates, and a factor loading threshold of 0.50, as suggested by Hair et al.⁴² This approach identified four factors within the judges' responses, covering 14 of the 22 questionnaire items and accounting for 62.81% of the total variance. For court clerks, three factors were identified, incorporating 20 items and explaining 76.37% of the variance. Notably, no cross-factor loadings were observed, indicating clear delineation between factors.

The factors extracted from judges' feedback were categorized as (i) Resolvability, (ii) Outcomes-based Management, (iii) Communication, and (iv) Judicial Process Management. From the clerks' perspectives, the factors were identified as (i) Leadership and Team Management, (ii) Judicial Process Management, and (iii) Performance Monitoring. These factors demonstrate a high degree of relevance, minimizing the presence of extraneous variables and ensuring that each factor comprises at least two variables with significant loadings. [Table 1](#) presents the breakdown of variables, identified factors, and their respective loadings based on the judges' responses.

The Resolvability factor encompasses two variables: a) 'Approves agreements in conciliation sessions, with the parties present being summoned' and b) 'Takes actions to expedite service to the external public'. This factor is intricately linked to efficiency, which entails optimizing outcomes, minimizing waste, and achieving results with

⁴² Joseph F. Hair Jr., William C. Black, Barry J. Babin, Rolph E. Anderson, and Ronald L. Tatham, *Análise multivariada de dados*, Bookman (2009).

Table 1 Variables, Factors, and Factor Loadings of Judges' Questionnaires.

VARIABLE	RESOLVABILITY	OUTCOMES-BASED MANAGEMENT	COMMUNICATION	JUDICIAL PROCESS MANAGEMENT
Communicates clearly to achieve productivity targets			0.5405	
Encourages dialogue with the team			0.8786	
Monitors progress of delegated tasks		0.63		
Recognizes the team's achievements			0.6368	
Holds regular meetings to monitor the judicial unit's performance		0.5253		
Welcomes suggestions from staff for service improvements			0.5599	
Sets goals for the judicial unit		0.8661		
Renders sentence at hearings whenever possible to expedite the court proceedings				0.6591
Approves agreements in conciliation sessions, with the parties present being summoned	0.7302			
Takes actions to expedite service to the external public	0.9574			
Monitors procedural reports from court systems		0.8293		
Works with a focus on achieving goals		0.6784		
Issues rulings and decisions, providing instructions to be followed by the clerk's office in the event of future occurrences				0.7463
Maintains communication with external stakeholders (Public Prosecutor's Office, Public Defender's Office, Lawyers, etc.) to establish an effective workflow		0.5175		

reduced costs and time. In essence, these actions aim to accomplish more with fewer resources.

The Outcomes-based Management factor pertains to activities involving supervision and control of work planning, and encompasses six variables: 'Monitors progress of delegated tasks', 'Holds regular meetings to monitor the judicial unit's operations', 'Sets goals for the judicial unit', 'Monitors procedural reports from court systems', 'Works with a focus on achieving goals', and 'Maintains communication with external stakeholders (Public Prosecutor's Office, Public Defender's Office, Lawyers, etc.) to establish an effective workflow'. These items share a common emphasis on goal setting and team monitoring to drive outcomes.

The Communication factor consists of four items: 'Communicates clearly to achieve productivity targets', 'Encourages dialogue with the team', 'Recognizes the team's achievements', and 'Welcomes suggestions from staff for service improvements'. Effective communication enables people management, facilitates feedback exchange, allows for the expression of emotions, persuades individuals, and disseminates information. Moreover, oral communication is generally less prone to misunderstandings than written communication, underscoring the importance of prioritizing face-to-face interactions.⁴³

The Judicial Process Management factor can be defined as the collection of tasks associated with planning, supervising, and overseeing the judicial process, encompassing a range of activities from summoning witnesses and conducting hearings with involved parties to gathering evidence and rendering final decisions. Indeed, this factor embodies the management of the court's core operations and comprises two variables: 'Renders sentence at hearings whenever possible to expedite the court proceedings' and 'Issues rulings and decisions, providing instructions to be followed by the clerk's office in the event of future occurrences'.

Several judges participating in the survey offered comments regarding the impact of administrative duties on their workload. Overall, these comments underscore a high level of dedication among these professionals toward achieving results, streamlining court proceedings, and fostering a positive organizational environment. Additionally, there were expressions of concern regarding insufficient resources and a perceived lack of support and recognition from TJMG's upper management, highlighting the influence of these activities on judges' work. The following statements exemplify relevant perspectives of the judges on these matters:

I inherited a court riddled with issues [...] and no administrative support staff to lean on. Despite the challenges, we've implemented numerous changes, closely monitoring progress through reports. As a result, we've managed to slash the case backlog by 35% [...] Yet, I yearn for more acknowledgment [...] I don't get even a simple 'well done,' I mean, the so-called 'emotional payoff'.

Maintaining close bonds and camaraderie within the team while setting and tracking targets is crucial. The insights from monitoring reports have proven invaluable. Finding time for personal study and development is a

⁴³ Stephen P. Robbins, Timothy A. Judge, *Comportamento organizacional*, 18th ed. (São Paulo: Pearson Education, 2020).

constant struggle. Embracing accountability and asking for feedback from lawyers has yielded valuable ideas.

I'm constantly brainstorming ways to streamline our processes. And we do everything in our reach. We've made significant strides, reducing our caseload from 9,300 to 6,800. However, progress seems to have come to a halt. Now, I must come up with some fresh strategies.

Regarding the court clerks' responses, the factor analysis grouped 20 of the 22 questionnaire items into three factors: a) Leadership and Team Management, b) Judicial Process Management, and c) Performance Monitoring. Table 2 shows the variables, factors and respective factor loadings of the court clerks' response statistics.

The first significant factor among the judges' managerial competencies, as perceived by the court clerks, was Leadership and Team Management. As the head of the court, judges naturally assume a leadership role over the support team. Ideally, judges should exercise transactional leadership, guiding and motivating teams towards set goals, clarifying role requirements and tasks, or transformational leadership, inspiring, acting as role models, intellectually stimulating the team, nurturing and making a positive impact on their subordinates.⁴⁴

The variables grouped under this factor include: 'Facilitates implementation of innovative work initiatives', 'Updates knowledge to enhance the judicial unit's performance', 'Works actively to foster team integration', 'Communicates clearly to achieve productivity targets', 'Encourages dialogue within the team', 'Recognizes the team's achievements', 'Celebrates team successes to acknowledge achieved results', 'Provides feedback on the quality of tasks performed by staff', 'Maintains an approachable demeanor', 'Welcomes suggestions from staff for service improvements', and 'Unifies the team around a common purpose'. In essence, these actions by judges aim to stimulate team behavior to evolve toward achieving set goals.

The second factor, Judicial Process Management, also identified among the factors in judges' responses, encompasses actions aimed at expediting case processing and avoiding bottlenecks: 'Renders sentence at hearings whenever possible to expedite the court proceedings', 'Approves agreements in conciliation sessions, with the parties present being summoned', 'Takes actions to expedite service to the external public', 'Monitors procedural reports from court systems', 'Works with a focus on achieving goals', 'Issues rulings and decisions, providing instructions to be followed by the clerk's office in the event of future occurrences', 'Maintains communication with external stakeholders (Public Prosecutor's Office, Public Defender's Office, Lawyers, etc.) to establish an effective workflow'.

Lastly, the third factor, Performance Monitoring, is represented by the statements 'Holds regular staff meetings on specific topics' and 'Holds regular meetings to monitor the judicial unit's performance', indicating a concern with monitoring the court team's work.

Some court clerks surveyed, similar to the judges, included comments in the questionnaire. Overall, they highlighted the judges' commitment to ensuring access to justice and delivering swift and effective judgments, noting their behavior towards fostering dialogue and providing guidance for high work performance. However, they also pointed out some shortcomings, such as the absence of a judge exclusively

⁴⁴ Ibid.

Table 2 Variables, factors and factor loadings of the court clerks' questionnaires.

VARIABLE	LEADERSHIP AND TEAM MANAGEMENT	JUDICIAL PROCESS MANAGEMENT	PERFORMANCE MONITORING
Facilitates implementation of innovative work initiatives	0.6761		
Updates knowledge to enhance the judicial unit's performance	0.5859		
Works actively to foster team integration	0.7446		
Communicates clearly to achieve productivity targets	0.6832		
Encourages dialogue with the team	0.8974		
Holds regular staff meetings on specific topics			0.6916
Recognizes the team's achievements	0.7055		
Celebrates team successes to acknowledge achieved results	0.5288		
Provides feedback on the quality of tasks performed by staff	0.5769		
Holds regular meetings to monitor the judicial unit's performance			0.6383
Maintains an approachable demeanor	0.8874		
Welcomes suggestions from staff for service improvements	0.9269		
Unifies the team around a common purpose	0.7578		
Renders sentence at hearings whenever possible to expedite the court proceedings		0.7068	
Approves agreements in conciliation sessions, with the parties present being summoned		0.5261	
Takes actions to expedite service to the external public		0.5556	
Monitors procedural reports from court systems		0.9052	
Works with a focus on achieving goals		0.6818	
Issues rulings and decisions, providing instructions to be followed by the clerk's office in the event of future occurrences		0.7572	
Maintains communication with external stakeholders (Public Prosecutor's Office, Public Defender's Office, Lawyers, etc.) to establish an effective workflow		0.5918	

assigned to the court in certain instances, the lack of goal setting, and issues regarding the integration and recognition of experienced judiciary staff. The following comments encapsulate these perspectives:

The judge has been implementing various initiatives to facilitate access to the judiciary for citizens with low incomes and education or those facing travel difficulties, particularly to ensure that individuals without internet access can participate in virtual hearings.

The current magistrate arrived at the court following a prolonged period without a permanent judge. Dynamic and idealistic, she has rallied the team around the common goal of working at the court unit to the best of her abilities.

The judge is active, understanding, competent, accessible, and humble. Indeed, he epitomizes an exemplary human being, which is reflected in our effective and high-quality outcomes.

The judge's competence in carrying out tasks, and ability to engage the team has elicited a very positive response, significantly transforming the court's operations.

Our magistrate is open to dialogue and approachable, treating court clerks with respect and kindness while endeavoring to resolve issues through dialogue. (...) However, she falls short in setting targets, organizing planning meetings, and monitoring work progress.

The judge fails to recognize the expertise of senior staff, often sidelining them. [...] She delegates tasks that should rightly be handled by herself or her team.

4.2 REGRESSION ANALYSIS – FACTOR SCORES AND PERFORMANCE INDICATORS

To carry out the regression analysis, only the items constituting the factors in [Tables 1](#) and [2](#) were considered, specifically those with a factor load ≥ 0.5 . Subsequently, the factor scores for each respondent were derived, representing the correlation between the previously extracted factor loadings and each individual's response. This step facilitated the preparation of the database to undertake the linear regression.

The subsequent phase involved examining the relationships between the factor scores and two performance indicators for each court: backlog index and congestion rate, thereby initiating a regression analysis. The backlog index, a metric used by the National Council of Justice to evaluate judicial performance in Brazil, is the ratio between completed cases and new cases.⁴⁵ Meanwhile, the congestion rate is calculated by the following formula:⁴⁶

$$CR = \frac{A}{B + A}$$

⁴⁵ Conselho Nacional de Justiça, *Justiça em números 2022*. <https://www.cnj.jus.br/wp-content/uploads/2022/09/justica-em-numeros-2022-1.pdf>.

⁴⁶ Minas Gerais, Tribunal de Justiça do Estado de Minas Gerais, *Resolução nº 819/2016, de 29 de junho de 2016*. Institui o Sistema de Gerenciamento Matricial de Unidades Judiciárias, no âmbito da Justiça Comum de Primeiro Grau do Estado de Minas Gerais. <http://www8.tjmg.jus.br/institucional/at/pdf/re08192016.PDF.pdf>.

Where:

CR = congestion rate;

A = backlog of active cases remaining at the end of the analyzed period (12 months);

B = cases completed and written-off within the last 12 months.

This rate serves to measure the percentage of unresolved cases relative to the total number of cases processed within a year. A higher rate indicates greater difficulty for the court in managing its backlog of cases.

The objective of employing a linear regression is to assess the impact of the identified factors on the performance indicators. Given the differing scales of the factors and indices, the latter were standardized (converted into z-scores), ranging from -1 to 1, instead of their original values. To explore these relationships, regression analyses were conducted for each of the selected performance indicators (backlog index and congestion rate).

It is important to note that a regression analysis does not allow for a direct correlation with the questionnaire response data, as it is preceded by factor analysis. In other words, the factors represent a portion of the initial variability in the data. The judges' responses were grouped into four factors, while the clerks' responses generated three factors, representing 62.81% and 76.37% of the total variability, respectively.

Table 3 presents the outcomes of the regression analysis based on the judges' responses, where the backlog index is the dependent variable, and the factors Resolvability, Outcomes-based Management, Communication, and Judicial Process Management serve as independent variables. The highest regression coefficient (beta) among the factors was Outcomes-based Management, suggesting that the higher the perception of this variable being applied in the court the higher the backlog index.

FACTOR	BETA	95% CI ¹	P-VALUE
Resolvability	-0.14	-0.43 0.14	0.3
Outcomes-based Management	0.30	-0.02 0.63	0.065
Communication	0.14	-0.19 0.47	0.4
Judicial Process Management	0.23	-0.09 0.55	0.2

In the third model (Table 4), the court's congestion rate serves as the dependent variable while maintaining the four factors (Resolvability, Outcomes-based Management, Communication, and Judicial Process Management) as independent variables. Interestingly, this time, the factor with the lowest regression coefficient (beta) among them was Outcomes-based Management. This suggests a potential correlation: the weaker the perception of this practice in the court, the higher the congestion rate.

FACTOR	BETA	95% CI ¹	P-VALUE
Resolvability	-0.06	-0.34 0.23	0.7
Outcomes-based Management	-0.46	-0.78 -0.14	0.006
Communication	0.00	-0.33 0.33	>0.9
Judicial Process Management	0.02	-0.29 0.34	0.9

Table 3 Summary of regression measures for the backlog index, judges' model.

CI¹ = Confidence Interval.
R² = 0.156; Adjusted R² = 0.085; p-value = 0.082; Number of Observations = 53.

Table 4 Summary of regression measures for the congestion rate, judges' model.

CI¹ = Confidence Interval.
R² = 0.172; Adjusted R² = 0.103; p-value = 0.055; Number of Observations = 53.

The same regression analyses were conducted using statistics from the responses of court clerks. The initial model (Table 5) focuses on the backlog index as the dependent variable, with Leadership and Team Management, Judicial Process Management, and Performance Monitoring as the selected independent variables. The highest regression coefficient (beta) among the factors was Judicial Process Management, suggesting that the better the process management, as indicated by a higher average perception of this factor, the higher the backlog index. However, as the R² value is low (Table 5), more research is needed to correlate such variables.

FACTOR	BETA	95% CI ¹	P-VALUE
Leadership and Team Management	-0.22	-0.49 0.04	0.10
Judicial Process Management	0.32	0.07 0.56	0.011
Performance Monitoring	-0.12	-0.33 0.09	0.2

Next (Table 6), the congestion rate per court was calculated as the dependent variable, utilizing the statistics from the civil servants' responses. The analysis adopted three factors (Leadership and Team Management, Judicial Process Management, and Performance Monitoring) as independent variables. This time, the highest regression coefficient (beta) among the factors was Leadership and Team Management, possibly indicating that the more prominent the perception of Leadership and Team Management within the court's administration, the higher the congestion rate. This hypothesis requires further investigation. Conversely, the lowest regression coefficient was for Judicial Process Management, suggesting a potential correlation: the lower the process management, the higher the congestion rate. However, in Table 6, as the R² value is low, more research is needed to correlate such variables.

FACTOR	BETA	95% CI ¹	P-VALUE
Leadership and Team Management	0.31	0.05 0.58	0.022
Process Management	-0.32	-0.57 -0.08	0.010
Performance Monitoring	0.02	-0.19 0.22	0.9

5 DISCUSSION, CONCLUSIONS, AND RECOMMENDATIONS

The research results offer evidence of the questionnaire's validity in identifying relevant managerial competencies for judges. The derived factors align with administrative principles: on the one hand, they emphasize achieving results in the judiciary through expedited decision-making, indicating commitment to delivering justice services to citizens; on the other hand, they presuppose leadership-based administration, effective communication, and diligent performance monitoring. Correlating these competencies with court productivity indicators demonstrated theoretical consistency.

The research findings confirm the integrative approach to competence in the context of judicial management,⁴⁷ in the sense that managerial competences of judges should

Table 5 Summary of regression measures for the backlog index, court clerks' model.

CI¹ = Confidence Interval.
R² = 0.044; Adjusted R² = 0.027; p-value = 0.052; Number of Observations: = 177.

Table 6 Summary measures of the congestion rate regression, court clerks' model.

CI¹ = Confidence Interval.
R² = 0.042; Adjusted R² = 0.026; p-value = 0.058; Number of Observations: = 177.

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Mirjam McMullan, et al., "Portfolios and assessment of competence: a review of the literature," *Journal of Advanced Nursing* 41, no. 3 (2003): 283-294.

be understood not only as a collection of knowledge, skills and attitudes essential for carrying out a specific activity. Specifically, the findings show that: i) individual judicial performance being manifested within a specific context; ii) the behaviors exhibited in the overall work and consequential achievements; iii) competence is relational, integrating intricate mixes of individual and team attributes essential for high performance in distinct settings.

The data reveals that the backlog index (completion of court cases) was higher in the judicial units where the respective judges' perception of outcomes-based management, applied in the judicial unit, was greater. The lower the judges' perception of the same variable being practiced in the court, the higher the congestion rate (in the respective judicial unit). From the court clerks' perspective, better case management is associated with lower backlog index rates, whereas poorer case management is associated with higher congestion rates. Hence, although various variables influence strategic-level governance, such as technological considerations,⁴⁸ this research underscores that within judicial units, effective results and process management contribute to improved performance.

The survey also reveals that the majority of surveyed judges have integrated managerial duties into their roles and are dedicated to implementing effective managerial strategies to enhance the performance of their judicial units. Alongside the statistical findings, the responses of these professionals provided statements underscoring the imperative for actions aimed at enhancing the quality of justice services. Furthermore, some judges highlighted challenges in fulfilling their managerial responsibilities, such as inadequate resources and insufficient recognition from higher court administration.

This data reinforces the understanding that a judge's engagement with their profession is a personal journey, which may be perceived as merely a job, a career trajectory to pursue, or a vocation.⁴⁹ Thus, the manner in which a judge approaches his profession can significantly influence how he manages his judicial unit and, ultimately, impact his performance.

In general, responses from court clerks indicate that most judges exhibit a form of 'humanized management', prioritizing the maintenance of a positive organizational climate and fostering healthy working relationships. However, court clerks also reported instances where judges neglected setting targets and failed to motivate experienced staff members. This highlights the necessity for key bodies within the Brazilian judiciary, such as the National Council of Justice and the Superior Court Administrations, to establish objectives that extend beyond mere efficiency. These objectives should encompass metrics capable of assessing and promoting accessibility and humanization, akin to Portugal's Closer to Justice Program 20/23 (*Programa Justiça Mais Próxima 20/23*).⁵⁰

The research also aligns with the integrative theory of the competency-based management approach, suggesting that enhancing performance through

⁴⁸ Antonio M. Oliveira, et al., "An Overview of the Portuguese Electronic Jurisdictional Administrative Procedure," *Laws* 12, no. 5 (2023): 1–24.

⁴⁹ Sandra P. M. Pereira, et al., "The Conceptual Model of Role Stress and Job Burnout in Judges: The Moderating Role of Career Calling," *Laws* 11, no. 3 (2022b): 1–17; Amy Wrzesniewski, et al., "Jobs, career, and calling: People's relations to their work," *Journal of Research in Personality* 31 (1997): 21–33.

⁵⁰ See Pereira et al., *supra* note 8.

competency development is context-dependent.⁵¹ Moreover, it supports the notion that competency is both relational and dynamic, contingent upon the attributes of individuals and work teams necessary for higher performance.⁵²

Furthermore, we can infer a correlation between judges' and court clerks' perceptions of competencies and performance variables, indicating a potential area for further investigation in future research. We hope that by establishing the link between judges' and court clerks' perceptions regarding judges' managerial competencies and the performance of judicial units, this study will contribute to the initial and ongoing training of judges. This focus aims to emphasize monitoring competencies relevant to performance, such as people and outcomes-based management.

However, this research has limitations, notably that it relies on perception data. Additionally, there are different perceptions among judges and clerks regarding certain skills. Nevertheless, its findings can be viewed as an initial step toward advancing knowledge about the managerial role of judges, an area yet to be fully explored in scientific terms. Consequently, future research could replicate the methodology employed in other Brazilian courts or in different countries, utilizing quantitative and/or qualitative research methods and techniques.

APPENDIX 1 – QUESTIONNAIRE ITEMS (JUDGES' MANAGERIAL COMPETENCIES) EMPLOYED IN THE SURVEY

The questionnaire was answered by judges and court clerks based on the following initial instructions:

Judges: How would you describe your actions in the judicial unit where you work?

Court Clerks Considering the judicial unit where you work, the judge...

LIST OF ITEMS

- Facilitates implementation of innovative work initiatives.
- Updates knowledge to enhance the judicial unit's performance.
- Works actively to foster team integration.
- Communicates clearly to achieve productivity targets.
- Encourages dialogue with the team.
- Holds regular staff meetings on specific topics.
- Monitors progress of delegated tasks.
- Recognizes the team's achievements.
- Celebrates team successes to acknowledge achieved results.
- Provides feedback on the quality of tasks performed by staff.
- Holds regular meetings to monitor the judicial unit's performance.

⁵¹ See Brandão et al., *supra* note 24.

⁵² See McMullan et al., *supra* note 25.

Maintains an approachable demeanor.

Welcomes suggestions from staff for service improvements.

Unifies the team around a common purpose.

Sets goals for the judicial unit.

Renders sentence at hearings whenever possible to expedite the court proceedings.

Approves agreements in conciliation sessions, with the parties present being summoned.

Takes actions to expedite service to the external public.

Monitors procedural reports from court systems.

Works with a focus on achieving goals.

Issues rulings and decisions, providing instructions to be followed by the clerk's office in the event of future occurrences.

Maintains communication with external stakeholders (Public Prosecutor's Office, Public Defender's Office, Lawyers, etc.) to establish an effective workflow.

COMPETING INTERESTS

The authors have no competing interests to declare.

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