



Introduction to the IACA 20th Anniversary Issue

MARKUS ZIMMER 

PROFESSIONAL ARTICLE



ABSTRACT

This article summarizes the founding of the International Association for Court Administration (IACA). The narrative includes a glimpse into the proceedings conducted at the Grand Union Hotel in Ljubljana, Slovenia in late September 2004 where a group of interested judges and court administrators gathered to design IACA's basic structure and elect its senior officials. Each attendee was issued an IACA Founding Member certificate. The summary describes IACA's early efforts to initiate international conferences on a shoestring budget, establish a scholarly journal that would serve as its flagship publication, and its global dedication to (i) strengthening the rule of law, (ii) building modern and well-managed court systems that deliver justice in a timely, effective, and highly functional manner, and (iii) earn the trust and confidence of the clientele they exist to serve. The article concludes with brief biographical information on the authors of the articles that comprise this IACA 20th Anniversary Issue.

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Some twenty years ago, on 24 September 2004, while driving to Salt Lake City's international airport, I detoured to the local AAA office for an international driver's license. Later I boarded a flight to JFK and from there to Charles de Gaulle, Paris' labyrinthian airport. It had been an eventful year. A week earlier I'd been in Prague at the CEELI Institute to deliver a two-week training curriculum for 50 Iraqi judges on adjudicating court cases in a democratic society. Six months earlier, I managed to avoid Paris when a portion of de Gaulle Terminal 2E had collapsed without warning, forcing hundreds of incoming international flights in the interim to deplane onto the tarmac, then climb into people movers that zig-zagged through the airport's perpetual congestion. I'd also worked with the judicial systems in Jordan, Serbia, and Slovakia conducting court system assessments.

From Paris, I caught a flight to Marco Polo Airport in Venice where I met Jeff Apperson, my IACA co-founder, Sheryl Loesch, Jessica Ljublanovits, Linda Wade, Joseph Haas, Ralph DeLoach, Wanda Rubianes, and several other U.S. colleagues. The others retrieved their luggage while I filed lost baggage reports, anxiously hoping mine would soon be liberated from de Gaulle's catacombs and eventually appear in Slovenia. Our *Venizia* van rental, reserved for 8:00 am, finally materialized an hour later. Just before noon, we loaded and piled into the van with me, newly licensed at the wheel, and headed off to Ljubljana. Our destination was the Grand Union Hotel in Old Town where, with the generous assistance and support of Judge Aleš Zalar, then-President of the District Court in Ljubljana, and Tina Breclj, Supreme Court administration head, we would hold the founding inaugural conference of the International Association for Court Administration (IACA).

Sunday evening, Judge Zalar, Ms. Breclj, and Supreme Court officials organized a lovely welcome reception at *Vrhovno sodišče Republike Slovenije*, Slovenia's Supreme Court, for nearly 100 delegates representing Russia, Jordan, Macedonia, Finland, Serbia, India, Kosovo, Sweden, Montenegro, Rwanda, Italy, Estonia, Lithuania, Croatia, Slovenia, Ireland, and the United States. We were cordially welcomed by Slovenia's chief justice and spent the genteel evening forming new friendships. I recall introducing the Indian Supreme Court Secretary General of the Registry to the understated elegance of Slovenian red and white premium wines. Also attending the meeting was Chief U.S. District Judge Charles Simpson from the Western District of Kentucky who would later serve as the Chair of the United States Judicial Conference Committee on International Judicial Relations (IJRC). From the very beginning and throughout IACA's early history, Judge Simpson remained an invaluable pillar of IACA enthusiasm and support. U.S. District Judge Paul Magnuson of the District of Minnesota, also a former Chair of the IJRC, also was a pillar of IACA support and the first Chair of IACA's global Advisory Council.

Monday's agenda included three panel discussions, each with a cross-section of distinguished international speakers. In the early evening, we all boarded buses that transported us to *Blejski grad*, the historic medieval castle overlooking Slovenia's stunning Lake Bled where Jeff had arranged IACA's inaugural multi-course banquet at the castle's renowned gastronomical restaurant. Although Jeff had ordered sufficient wine equivalent to one glass per person because we had no operating budget to speak of, the *maître d'* ensured we were topped off regularly throughout the evening as we raised glasses to toast our aspirations for the new association. It turned out our Slovenian hosts' generosity helped make the evening rather extraordinary for an association struggling to get on its feet. Before we boarded the buses for the return trip, we hiked up to a lookout point from where Lake Bled glistened below in the moonlight.

Tuesday's agenda began with a panel discussion on managing courts during periods of civil unrest and turmoil with distinguished guests from Rwanda, Kosovo, and Serbia. Midmorning we convened the inaugural IACA business meeting with an open discussion format in which all delegates were encouraged to participate. Our objectives were to (i) define the new organization's core values, (ii) design a functional organizational framework that would ensure IACA's perpetual continuity, and (iii) formally establish IACA as a global professional organization. Over the next four hours, we engaged in far-reaching discussions: how would our nascent organization promote the rule of law and accountable judicial independence, ensure international representation in recruiting volunteers, advocate efficiency in court management and administration, promote the deployment of technology to automate court information systems, and advance the role of courts as institutions created to serve the public interest throughout all regions of the world. The ambitions Jeff and I nursed were titanic, some might say naïve. I was honored to be designated IACA's founding president with Jeff as president-elect. As I announced the unanimous final vote to proceed with establishing IACA, all delegates spontaneously cheered and applauded. Each received an IACA Founding Member certificate.

Following its inception twenty years ago, IACA struggled to establish itself, achieve its objectives, raise funds, and persuade colleagues in countries throughout the world to join and collaborate with us. Early in IACA's history, international conferences became a key anchor for its activities. Congresses were organized every two years on average taking us in succession to Verona, Dublin, The Hague, Istanbul, Melbourne, Jakarta, and Trinidad and Tobago. Planning some of these was an exercise in faith with limited funds. More recently, such congresses are being held annually. We've convened them in Argentina, Washington D.C., Brazil, Dubai, Kazakhstan, Finland, and, in 2024, Singapore with Belgrade tentatively scheduled for 2025. In almost every instance, we have received the gracious and very generous support and endorsement of the hosting country's justice ministry and supreme court. We are grateful for that support as are we for the generous assistance of USAID which routinely funds the participation of court delegations from countries in the region in which a conference is held.

At each conference, IACA's Executive Board meets for several hours on the day preceding the start of the conference to handle ongoing association business and administration matters. Otherwise, we convened international telephone conference calls between conferences, requiring some jockeying to minimize the number of officers who connect in the wee hours of the morning. These days the Executive Committee and the Executive Board communicate via international Zoom calls. In the past two years, IACA has increased its educational outreach by collaborating with other related organizations to sponsor regional e-seminars on topics of regional importance. We co-hosted a series of these for the Ukrainian judicial system, currently struggling to deliver justice services while the country is under sustained attack by the imperialist military forces of the Russian federation which have set up incompetent substitute courts and brutal police departments in currently occupied areas. IACA President Luis Maria Palma also has initiated a series of e-seminars for senior Latin American government officials on how to address the epidemic cultures of corruption, violence, undermining of judicial independence, and deterioration of the rule of law in particular Latin American countries.

In the past 20 years, IACA has assumed the mantle of promoting the rule of law and effective court system governance, management, and administration throughout the world. Almost all IACA officials have experience working with court systems in

individual countries. Jeff and I have both been temporarily employed by the United Nations in one or more of the international criminal tribunals seeking justice for victims of war crimes, atrocities, and genocide.

Four years after its founding, in 2008, Philip Langbroek of Utrecht University and I co-founded and began publishing *The International Journal for Court Administration* in electronic format, he as Managing Editor and I as Executive Editor. Philip was the laboring oar in getting the Journal off the ground, voluntarily investing hundreds of hours each year and recruiting fellow academics and practitioners to assist in producing it. Largely because of his efforts, the Journal has achieved critical acclaim for its scholarly integrity and unusual approach by seeking submissions both from academic research specialists in judicial and court administration at universities throughout the world and from judges, managers, and administrators in court and justice systems. Journal articles are widely available through academic databases of professional and scholarly published works such as SSRN, HeinOnline, Academia, and Research Gate. The Journal's content addresses contemporary court administration, management, and governance. Its scope is international. It is made available to IACA's members, friends, and other interested parties free of charge. Journal editors welcome submissions from court officials, judges, justice ministry officials, academics, researchers, and others whose professional interests and work lie in the practical aspects of the effective administration of justice and the rule of law. Philip also was instrumental in IACA's efforts to raise interest among myriad researchers, academics, and practitioners working in court and judicial administration throughout Europe, as was Marco Fabri of the University of Bologna in Italy and National Research Council of Italy. More recently, IACA began publishing *The Court Administrator*, our virtual magazine featuring shorter articles and IACA-related news and events.

Several articles in this 20th IACA Anniversary issue feature retrospective inquiries. Barry Mahony, a distinguished U.S. veteran of efforts to modernize and humanize criminal procedural justice and court administration, tracks the development of procedural adjudicative mechanisms in the United States and, later in his career, in other countries. Persistence led to institutional reforms that extended the capacity of the U.S. criminal justice system to extend its protections to the country's poor and disenfranchised populations. A key objective was to successfully campaign for the pretrial release of indigent persons deemed by courts to pose no threat rather than languishing in pretrial detention simply because they could not pay bail. Later in his career, he extended the benefit of his experience and expertise internationally.

Anne Wallace is veteran of efforts in the Australian justice system to extend the benefits of the effective rule of law to the country's indigenous populations. Her background includes work as an academic and senior officer of the Australasian Institute of Judicial Administration. In her piece, she traces the history of lengthy and at times frustrating efforts to tweak laws, rules, processes, and procedures Australia inherited from the English common law-based legal system to accommodate and deliver meaningful justice to the continent's Aboriginal peoples and their thoroughly unique culture and values developed and refined over 65,000 years. As in the United States' very mixed success, often laced with tragedy, in efforts to coerce Native Americans to reject their long-standing dispute resolution culture and adopt that of their colonizers, she highlights how intolerance, misunderstanding, and oppression circumvented the development of functional alternative adjudicative frameworks for Australia's special populations.

Andreas Leinhard and Daniel Kettinger are both experienced academics and researchers at the Center for Public Management at the University of Bern, and practitioners who have collaborated with the courts and judicial system of Switzerland for decades. Their article provides a retrospective of the development of professional court administration and automation in the Swiss courts through a rigorous ongoing process of applied research, pilot testing, tweaking, implementation, and evaluation. Their work serves as a model for court systems in developing countries with its carefully orchestrated methodology for systemically introducing progressive changes into a national system and carefully measuring the success and impact of those changes.

Marco Fabri's contribution traces in summary fashion the evolution of information technology across the European continent from the perspective of incremental efforts over time to apply its benefits to the administration and operation of national court and justice systems. He documents that doing so was stop-and-go in the early years because (i) each country essentially conducted its initial efforts largely on its own, and (ii) initially there was little coordination and consultation between stakeholder groups of judges, prosecutors, court administrators, defense counsel, and bar associations as to how automation might productively serve their collective needs and purposes. The subsequent involvement of the Council of Europe, the European Commission, OSCE, and several academic-based groups that have sought to (i) serve clearing-house functions to inform court and justice systems throughout the continent and (ii) establish regional standards. He notes that inevitably, the insertion of large bureaucracies in such efforts also has drawbacks. His piece also explores the use of AI in justice administration automation efforts and cautions that it must proceed fully informed by adequate research and analysis.

My own piece is an expanded version of a recent presentation I made for members of the Judicial Administration Research (JAR) Association based in Italy. It traces my globetrotting experience as an advisor and consultant to court systems throughout the world, experience that prompted me to join with Jeffrey Apperson to co-found IACA. As a Swiss-born immigrant to the United States, my interest in international work was stoked in my youth and heightened by years of studying ethics, history, political philosophy, and law at various universities. My overseas work was funded by a variety of domestic and international sourcing agencies and international consulting groups. I also had the rare opportunity to work inside the U.N. International Criminal Tribunal for the Former Yugoslavia as the Chief of Court Management for nearly six months and the Extraordinary Chambers of the Courts of Cambodia, the joint U.N./Cambodian international Khmer Rouge mass atrocities tribunal near Phnom Penh, for three months assessing court management at the request of the U.N. The broad range of court systems I have had the privilege of working and collaborating with instilled myriad lessons, the most significant of which I summarize in my article for any worth they may have for others engaged in this important work.

The success of IACA over the past two decades rests on the commitment and sustained work of myriad individuals too numerous to individually acknowledge here from countries throughout the world. Jeff and I express to them our profound gratitude for having embraced the association's vision of improving the rule of law and for having worked alongside us to make it what it has become.

COMPETING INTERESTS

The author has no competing interests to declare.

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