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# ***Past And Future For Management Of Courts***

**By Bert Maan**

## **Introduction**

In 1993 it was for me the first time to be invited as an expert for the Council of Europe in the framework of developing the judiciaries in Central and Eastern Europe in 1993, to be followed by many other activities abroad to date.

Prior to that time, although European judiciaries had some contact with each other, the contacts were not extensive because judicial structures and judicial management were regarded as a national issue. On this first occasion, I made two important observations I will never forget. First, my presentation on the role of the judge in a democratic society seemed to me as kicking in many wide open doors, but this appeared not to be the case. Secondly, my audience asked me how the situation on enforcement in The Netherlands was, which appeared to me as a rather strange question, as this is not a real problem in my country. Both aspects have in common, that matters that seems to be natural and going without saying, are not as natural as they seem.

This article is written from the perspective of a court president in The Netherlands, a so called civil law country. In theory, in a civil law country, judges and lawyers in civil and commercial cases base their actions on the application of the law and its interpretation. Moreover, in criminal matters, the courts use inquisitorial procedures which differ from the adversarial procedures used in common law countries.

The field of court management is not highly developed because of the tension between the need for judicial independence and judicial organization. There are many examples of this tension, including the fact that courts may be subject to budgetary limits which themselves may intrude upon judicial independence. For instance, suppose that a judge believes it necessary to appoint an expert to answer a certain scientific question, but the expert is expensive and budgetary considerations preclude the appointment. When I was involved in the process of the budgets of prosecutors' offices and courts, this question frequently arose. In an effort to deal with this problem, part of the courts' budgets were treated as open-ended even though courts rarely spent these open-ended budgets lavishly.

This reminds of another question: who pays for the expenses in criminal cases including pretrial investigation. In fact, the prosecutor is the "interested party", but often the investigating judge decides on investigating measures, often rather costly, like hearing witnesses abroad, which requires the presence of the prosecutor and the clerk, but also the defense counsel of the accused. We found the practical solution that all costs in criminal cases are born by the prosecutors' office, as I said because it is their interest at stake, but also because a prosecutors' office is not there to win or to lose, but to guarantee a fair trial!

## **Budgets**

This brings me automatically to the question of budgeting of courts (and prosecutors offices). For some reason this is always and everywhere a very sensitive issue, although the budget itself is relatively low. In The Netherlands the GDP amounts to almost of € 600 bn, while the total budget for the Ministry of Justice is € 5,7 bn, including the budget for the judiciary(courts only). The budget for the judiciary is € 800.000.000 or  $\approx 0,13\%$  of the GDP., not a sensational proportion of the state budget I would say. To put matters in perspective, the total budget for the police agencies amounts to € 5.1 bn But nevertheless, often it seems that budgeting for the judiciary is something like making a walk with a tiny stone in your shoe.

Governments may be reluctant to provide the judiciary with a large budget because they cannot be controlled. So, in the eyes of the Ministry of Justice or, rather, the Ministry of Finance, the judiciary may seem like a bottomless pit because it always seems to be asking for more money without explaining exactly what it will do with the extra money.

At this point, it may be useful to explain how the judiciary is organized in The Netherlands. Apart from the Supreme Court, which is organized separately and has its own budget, all courts in The Netherlands are subject to the control of an independent body, the Council of the Judiciary. This Council is composed of five members, three of whom come from the judiciary and two of whom come from outside the judiciary. The members of the Council are appointed on proposal from the judiciary for a period of six years. The Council has a 100 person staff and makes a proposal to the Minister of Justice regarding its proposed budget for the following year. The minister of Justice is obliged to follow this proposal unless he asks Parliament for permission to deviate. The individual courts must report on their performance to the Council for the Judiciary, and their financial administration is subject to the review of an external auditor.

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In terms of budgeting the judiciary one frequently sees systems based on numbers of incoming cases, numbers of inhabitants, numbers of outgoing cases, but very often without an assessment of the weight of the particular case. This implies very often that an uneven workload lies on the shoulders of courts and judges. One of the management tasks should be to distribute the work in the courts and over the courts as much as possible on the basis of the real workload. For that reason financing of courts in The Netherlands takes place on the basis of output (numbers of outgoing, concluded cases) and their estimated or even measured weight. In that respect one of the considerations has been that a court does not have a choice: cases come in and have to be dealt with. Secondly, after categorizing sorts of cases and having counted, guesses and checked through a regular time measurement survey, a number of well defined cases have been selected and provided with a weight. For instance, a case heard by a panel of three judges in an District court, will require 1052 per judge per case, while the simpler cases dealt with by the single judge needs 90 minutes per cad per judge.

The scope of this article does not allow a further elaboration on the system used in The Netherlands, or for that matter on comparable systems used in other countries, but one additional observation should be made. As the chairman of a committee consisting of court presidents and court managers, dealing with budgeting issues, I have had regular contact with representatives of the Ministry of Justice (judiciary affairs). In the development phase of this system I informed them about problems related to the evaluation of judicial workloads. In response, I was frequently asked: "If you are ready to develop and use this system, are you (the judiciary) willing to assume responsibility for the outcome? When I answered 'yes' " I was told 'if you do so, I am prepared to support its acceptance and implementation'. The moral is that the judiciary cannot remain passive and "independent," but must instead assume full responsibility for the quality and quantity of judicial outputs. If that happens, and if both the judiciary and its financiers acknowledge each others tasks and responsibilities, the end result will be sounder relations between the two sides.

### **Leadership and Responsibility**

The judiciary or court's leadership is responsible for the functioning of the institution. However, responsibility implies that the judiciary or court has the power to manage itself, including its budget. "Responsibility" must also include the power to dismiss the leadership, including the court president, notwithstanding his independent position as a judge. Nevertheless, the leadership of a court must lie in the hands of a professional, a judge. In our country the solution has been found that the main part of the judicial function is that of the judge (95%) and the rest of the remuneration is linked to his management responsibilities. So, even though a court president can be dismissed from his position as president, the position of senior judge is unaffected. Absent removal, the court president serves a term of 6 years.

One of the problems the judiciary faces today, concerns the management of courts. In the first place one has to acknowledge that a court is an organization, sometimes they are rather big organizations where hundreds of people are employed. Secondly, lawyers by nature cannot always be considered as the ideal managers, although in many (draft) legislations on the function of the court manager require a law degree for this position. So, the question must be asked why lawyers (or judges) cannot be considered as the ideal manager. In many meetings on organizational issues one can observe with lawyers (often) that for each possible solution to an organizational set up or problem, the creativity is focused on where it might go wrong; in other words: to the sometimes very rare exceptions to the rule, while running an organization with human beings, implies that one always has a risk of mistakes or flaws, but you cannot have it all. As a consequence lawyers focus often on details, while for management of an organization a broader view and takings risks is inherent to the function. That does not mean that all lawyers are unfit to serve as court managers. On the contrary, despite the problems suggested above, many lawyers can perform management functions. That said, individuals who graduated with other types of degrees can be successful as well.

Despite the problems suggested above, many draft statutes suggest court managers should be required to possess a law degree. Why is this so? I think the answer lies in fears that non-lawyers and non-judges will not possess sufficient comprehension of the nature of court work, nor the profession of judge or lawyers,. Moreover, more or less as a consequence, one feels sometimes the fear that non-lawyers and non-judges will not be loyal to the court and its members.

Indeed, sometimes, non-judicial court managers evidence of a level of contempt for the judicial function. Perhaps this contempt reflects tension between the managerial role and the independent nature of judges, and the fact that the manager is not the "boss" of the judges. Despite some exceptions, most court managers are very loyal to the court, and they understand, accept and even appreciate the judiciary's independent position. Most managers also realize that there will be no court without judges.

When there is a close and fruitful cooperation between the manager and the court president, based on respect for each others position, the net effect is beneficial to all who work at the court.

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## Communication

Where people work together, particular in a public agency as a court, effective communication is a key to effective functioning. An effective manager cannot, when asked for a reason for an order, simply say "because I say so." Salaries in the public area, even those of judges and their staff, are not high. As a general rule, there are other reasons why people choose to work in a court, including the fact that they are working in an institution that serves broader societal goals, and the fact that they have the opportunity to develop themselves and enjoy a certain freedom.

Sound judicial management requires a policy, emanating from both the bottom up and the top down, that motivates judicial and non-judicial personnel. Both groups desire information regarding what is happening at the court, in general, and regarding expectations for their own positions and functions. In performing this function, court managers and court presidents need to show leadership; leadership, and showing it, is essential there. This implies, for instance that the court manager or the court president, needs to show commitment and interest. If, for instance, the court is initiating a new project, the judges and staff may be interested in knowing the court manager or court president's view of the project. By organizing a kick-off event, where the leaderships shows in a supportive way, maybe even speaks a few words, communicates that this project needs to be a success.

Once, when in our court we saw that we would be faced with a relatively big deficit, we decided early in the year, to organize discussion meetings in the different locations of the court in the cafeterias for all interested judges and staff. At the meetings, at which many personnel showed up, we informed them about the situation, and answered questions, mostly dealing with the causes of the deficit. As a result, the staff and judges understood the situation and were able to help devise solutions, some of which were effective. More importantly, because they had a better understanding of the situation, the judges and staff were more willing to accept the measures that had to be taken. So far, so good. But later we, the court manager and I, made a mistake. The problems were solved within one and a half year. And then we failed to communicate the resolution in a similar or a different way, the reaction was not positive. A learning experience!

I will not dwell further on internal communication, the reader will know the different means (intranet, e-mail, periodical paper, meetings), but instead will now focus on external communication now.

Before I continue, it is important to emphasize the public character of court work. As long as manhood has existed there have been conflicts, involving individuals and organizations. In olden times, conflicts were resolved by the head of the tribe, the king or the emperor, or sometimes a priest. In modern times, conflicts are frequently resolved by judges and courts. As a result, the parties involved in litigation and the general public are keen to know how litigation will proceed, and whether the judicial system is functioning smoothly. Since the beginning of the 19th century, justice is supposed to be meted out by a public agency under public scrutiny. Art 6 of the European Convention on human rights (which guarantees litigants the right to a fair and public hearing") is one of the many examples of the public interest in judicial proceedings.

Sometimes publicity is felt as a violation of privacy, but mainly the publicity must be seen as a guarantee of the individual against uncontrolled use of power and arbitrariness. Moreover, essentially in many cases parties lay their fate, their case, their interest in the hands of a third person. They want to have good reason to have confidence in that person. But there is more. In our complicated society the individual is subject to rulings and acts by powerful institutions, public or private. There should be an independent and impartial body to whom the individual can resort. Confidence in such a body can only exist when it is visible and under public scrutiny, as well as independent, impartial and professional. As a consequence, one of the most important requirements for a judiciary is transparency

It is also important to recognize that the judiciary is one institution that attracts the interest of the media. Today, radio, television, newspapers society, it is the judiciary. For centuries the work of the court as been accepted as it was, but that has changed considerably. Radio, TV, papers, they follow court events quite closely. Particularly in the new democracies in Central and Eastern Europe, judges and prosecutors have had difficulties dealing with the way the media behave towards them. And I must admit, sometimes it seems as if some newspapers act as if there are no limits on their activities.

As a general rule, criminal prosecution of the media is not an appropriate remedy except in extreme situations. Newspapers must generally be allowed to publish what they need to publish even though one might think of situations when it might be appropriate to take civil measures (e.g., obtain an injunction against the publisher, forcing him to publish a correction) against newspapers...

In general, courts can deal with the media more effectively through prevention measures. In other words, the judiciary should develop an external communication policy. Such a policy might include opportunities for interested groups of persons to visit the court where they can hear about the court's operations, watch a hearing, meet the judge and the prosecutor, get a cup of coffee and cake and go home. In our court, such visits occurred almost weekly. At my court, a

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communications expert once gave a presentation for our judges on communication techniques, in general and – to my slight amazement – suggested that regular public visits to the courts influence the way people talk and think about the work of courts. He stated:

“Imagine how things go. There is a birthday party, family and friends meet with coffee and cake, and talk. There might be a moment that some court case is in the media and they start talking about it. You can be sure that at some moment someone will say, “Ah, these judges, they punish so softly, they don’t understand what is going on in society ...” and then the discussion will go in the direction that everyone agrees with the speaker. But this conversation will go in a different direction when some one says, “Well, a few weeks ago I visited the court and there I saw ...” as the speaker is “the expert.”

This example may shows how a communications policy can extend to many different types of individuals, including individual members of the public who choose to observe judicial proceedings and groups that visit courts, judges who give presentations at schools and social institutions, or who publicize the court’s annual report, or who give interviews. A communications policy should also help facilitate the media’s work – e.g., by providing the media with access to a room, fax, telephone, coffee – and by showing the media that they are taken seriously by granting them special privileges. For example, when we decided on the courtroom layout for our newly built courthouse in Lelystad, we consulted media representatives regarding where they would prefer to sit. In addition, we decided to build television cameras into the courtroom in case they might be needed in the future.

Does a good communications policy prevent ugly articles from appearing in the papers? No. Journalists are free to write whatever they deem fit. Nevertheless, there is value in holding regular meetings between the leadership of the court and the media so that you get to know each other. As a result, when a newspaper publishes adverse articles, the president can phoned the editor and seek a discussion regarding the content of the article. Often, such discussions can produce satisfactory results. My sense is that journalists seek to perform their job according professional standards. Nevertheless, it is helpful to train judges and judicial staff regarding rules governing the media and the professional standards. It is useful to ask a journalist what his colleagues thought of a article that you want to discuss!

### **Consequences for Recruitment and Selection**

One of the major changes in the work of the judiciary, apart from the increasing demand for judicial interference, deals with the change from an organization looking inwards, into a public institution that is aware of the outside world. This has also consequences for the day to day work in the court. In the first place the judge must communicate with the court users, giving explanations, when necessary. Also he is obliged to motivate more and better than he did before. He might be subject to complaints. Also this aspect has consequences for, for instance, the way judges are selected and trained.

Nowadays the way a judge communicates with the interested parties, is essential for the confidence that people have. And confidence is essential. Look at a divorce case, for instance. Parents may quarrel about the right to guard and see their children, and the judge decides. This is in fact a situation where individuals lay their fate in the hands of a third person, a judge. They need to have trust in this person, and only the judge can incite that In his manner of speaking, his listening, his reasoning, his decision.

As a result, judges must be selected on criteria that include more than just the extent of their legal knowledge. I do not believe that anyone has done a study of the topic, but my hypothesis is that there is a direct relationship between the way judges are selected or elected and the number of disciplinary procedures. In addition, it is helpful if the court’s entire staff adopts a more court-user-friendly approach.

For both professional users like private lawyers, and the general public, it is helpful if courts provide information through the Internet, brochures and leaflets. Good relations can also be promoted by building waiting areas (separate waiting areas so that victims and perpetrators don’t need to wait in the same room), and court guidance systems.

When I was working in Ukraine in the framework of an EU-Council of Europe project to improve the functioning of the Ukrainian judiciary, I had an extensive interview with some private lawyers. They mentioned that, a few months earlier, Ukraine introduced a system whereby all court hearings recorded on DVD. From that moment on, they told me, the attitude of judges during the hearings changed totally: they were patient, friendly, took their time, and portrayed an attitude of listening and interest. As we say in The Netherlands “Vreemde ogen dwingen” which means something as “the eyes of the observers force you to behave”.

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## Quality Management

This brings me to the final topic I would like to raise: quality management.

Once I was a member of a committee appointed by the Cabinet of Ministers in The Netherlands to assess the functioning of the judiciary. Its chairman voiced a very true statement, linking budgets with the activities in the judiciary: "Quality is a precondition of budgeting".

But what is quality? If you ask judges what they understand the concept of "quality" to mean, they will usually focus on the quality of the research, and whether the judgment was well-reasoned and rendered according to legal theory ( I would call that internal quality). But if you ask the general public, they will talk about the length of the procedure, the attitude of the court attendants, the attitude of the judge, the quality of the coffee, the waiting time and the waiting areas (you might consider this as external quality).

I would say, both need attention as they influence each other. It makes a great difference if the court user does not have to wait too long, if the waiting area is convenient, if he is received by friendly people, put at his ease, and is well informed. But in terms of court management, that is easier said than done. Courts must pay attention to issues relating to the recruitment and training of court staff, on the way the courthouse is arranged and designed, the management of hearings (scheduled thus that waiting times are reduced. Maybe this is an example of the changed approach of judges and courts. Formerly it was usual to invite people for hearings before single judges in criminal (petty) cases with , all suspects assigned to arrive at the same hour of the day (and even then the judge might start the hearing forty-five minutes late). Now you calculate the time an average case will take and to make an educated guess regarding the time a particular hearing might starts and end. Difficulties can arise, however, if nobody appears for one or two cases, and the judge is forced to wait. Nevertheless, although it took some time and effort to convince judges that time estimates were desirable, we ultimately succeeded.

Creating a schedule creates particular problems for court managers who must meet with the judges, This is particularly where the court manager meets the judges: he must arrange the distribution of the courtrooms, ensure order in the house, train the attendants, and organize waiting areas. If the president does not support him, the effort will not succeed.

To my mind the core business of the judge is to sit and to decide. All other activities can be done by others (it is nevertheless important to distinguish between the work of the court manager and the judges and their president). Issues related to the management of hearings and the hearing itself fall within the domain of the judge. And how what is quality to be determined in this context? Mrs Elske van der Kam (p. 153) who wrote her PhD on quality in courts based on observations and interviews with the parties in civil cases. Some parties said that they was very satisfied with their hearings; the judge was well prepared, listened, asked relevant questions, and tried to settle the case. Other parties however were not satisfied at all. They asked questions such as "how can such an expensive person as a judge devote so much time to such a silly small case?" One of her other observations (o.c. p. 177) show the opinions of two parties in the same case: one of them believed that the judge took sufficient time to try to reach a friendly settlement while the other party believed that the judge went on too long. So, what is quality? In other words, it is not possible to satisfy everyone.

"Intervision" is an instrument that is sometimes used to help evaluate the quality of hearings. Supervision is a well know concept; with intervision two independent professionals observe each other and give feedback. Pairs are formed and each observes the hearing of the other, often with the help of a video camera, and later feedback can be given. Judges suggest that the experience is both useful and helpful. Internal and external quality meet here.

A last aspect concerning quality, in relation to the confidence in the administration of justice: specialization.

## Specialization

To a certain extent the judiciary enters into a competition with other bodies, particularly arbitration.

Specialization can take many different forms. There can be specialization in different fields of law: criminal law, civil law, administrative law. Although it is preferable that candidates for judgeships are familiar with each of these three fields of law, specialization is required in order to maintain confidence in the quality and know-how of the judiciary. A judge cannot escape from rendering an expert opinion on several issues of technical or scientific nature.

Often one sees private arbitration panel that consists of one judge and two experts on the field (e.g., trade, oils and seeds, building conflicts). The advantage of such an approach is that the parties are assured that the judges possess the expertise necessary to decide the case. In other words: the "court" is assumed to have the know-how which is required for

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a proper resolution of the case. The disadvantage of such an approach is that the parties can never be sure how this specialized knowledge will be applied in reaching the judgment.

When special knowledge is required, the public judiciary may be in an advantageous position. According to the judgment in the Manovanelli case (European Court for Human Rights, 18 March 1997) parties in the procedure must be able to be associated in the process of producing the expert report and to comment on the expert opinion. This implies the guarantee of the influence of all parties concerned not only in the court procedure but also in the process of preparing the expert report, including information gathering. Therefore a greater transparency is created on the role of experts.

Judges must be aware of their obligation to supervise this part of the procedure, for instance requiring the experts to report on the opportunities they gave the parties to be involved in production of the report.

In criminal cases specialization becomes more essential as forensic techniques become more and more sophisticated. In such situations, and the court must be able to assess properly if the finding and reports support the conclusions sufficiently.

In juvenile cases, specialist knowledge is desirable not only in the ability to hear juveniles, but also to assess the report that should support child protection measures. In addition, judges must also be familiar with the different institutions that can be used to help the juvenile.

I could continue on this issue, but I will conclude that the present situation requires that judges specialize after some experience as a judge, for instance from the age of around 40. Prior to that time, it would be advisable for judges to obtain broad experience over the whole field of the judiciary or a great part of it.

Like I said before, selection is essential here. Judges should be flexible and able to get sufficient know how in a short period of time. Moreover, judges should be able to understand what they do and do not; wisdom is also in acknowledging that you don't know.

As far as court management is concerned, specialization leads to another observation.

The presence of legal or judicial assistants is not common in all court systems. In some courts, the assumption is made. This has to do with the fact that judges should do everything and that nothing of his day to day work can be done by others. But if a court uses legal assistants, often people with a degree in law, working for a longer time in a section of a court, the court can use this corps of lawyers to build up specialization on which the judge can rely. This is particularly true for complicated fields of law like administrative courts which involve rapidly changing legislation and that require a detailed knowledge of all kinds of legislation. The better one organizes this supporting staff of the court, the more flexible the court can be, so that judges are able to move from one section of the court to another.

Looking at the challenges to the judiciary and the expectations of the public, a fair and good administration of justice frequently demands bigger courts than people might be used to seeing. Indeed, the creation of bigger courts this might imply the painful process of merging courts and asking people to travel a longer distance to come to court.

### **The Role of A Court President and Court Management**

Developments as aforementioned are under way or will take place, but as earlier mentioned, there is always the tension between judicial independence and a pro-active court management. The question is how a court president can play a positive and supporting role there.

I see the role of the court president as follows. In the first place, the president is a judge who has been appointed or (s)elected as president for his experience and authority, but hopefully also because he has shown leadership. Leadership implies a variety of considerations, including showing a model for the organization to follow, and providing security for all people involved in the organization. For judges, but also for staff, the focus is on whether the president is doing the rights things and the rights things well.

Moreover the position of the president implies a duty to translate and enforce the expectations of society, of the general public, of court users and of other constitutional agencies, and to implement of the required changes or developments into the court organization. The president should also be responsible for the performance of the courts and considerations of judicial quality.

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When a court is confronted with questions or developments dealing with the functioning, changes or improvements of the organization be it automation, human resource management, lay out of courthouses or other as mentioned before nothing very much will happen without the support of the judges. The President's role is to ensure that changes in the organization take place, more by persuasion and the good example than by giving formal orders.

Since judges are professionals, authority is far more important than formal power. The president should use his authority as a senior judge, an experienced magistrate and a good communicator, to convince his colleagues regarding the way the court should function to meet the demands of society.

This means that the president should receive proper education regarding his role. It will be essential to find utilize trainers to assist judges. These trainers must understand and acknowledge the role of judges and court presidents, so that the trainers can provide them insight into the structure of the court organization, and can help presidents integrate those who are functioning there in different roles (judges, staff, technical assistance, human resource management etc). Otherwise, the trainees will not be prepared to accept the contents of this education.

The president (and the court manager) sometimes find themselves in a somewhat lonely position: being asked to implement new systems, which are not supported by the court organization. By forcing these systems upon the organization, the manager or president might be faced alienation from the court, something which should be avoided. If then supporting structures can be used to persuade court employees, the court manager can come up with changes that are both well prepared and well checked with colleagues, acceptance will come more easily.

In the Netherlands, such a structure exists in the form of the monthly meeting of the court-presidents. In the beginning, only the 19 presidents of the first instance (district) courts participated, but later the meeting grew to include all presidents, including those from the courts of appeal. While this body has no formal power at all, it has been extremely influential. It initially acted as partner for the Ministry of Justice, and now for the Council for the Judiciary, but also as a group of colleagues where one can find advice and support from colleagues. In the recent (rather positive) evaluation by the Deetman-committee on the results of the changes in the Netherlands judiciary from 2002, the committee pointed at this body and asked the question why this so influential body is not regulated by law. Good question, but things will remain as they are at present. Sometimes it is better to look at such a body as just a group of professionals and trust them in their work.

Briefly, the court president plays a pivotal role in the developments of court organization by showing the way to do the "right things," and by serving the link between the court and the developments in the outside world. In the process, the president is charged with making colleagues aware of the function of the court (to serve society) and the requirements that go with it.

### **Past and Future For Courts**

Summarizing, one can see from developments in different countries including mine, that the following challenges face courts and tribunals:

1. Courts should be seen as organizations (of a special kind) that should be run by which require increasingly to be managed by both professionals and managers both;
2. Presidents of courts should play a pivotal role in the developments of the organization of courts as organization, and their integration of courts into place in society, and therefore judges ; they should be educated for their tasks and receive adequate support staff and support structures; receive tailor made education for this task and must enjoy supporting structures;
3. Court managers must be attuned to the role and functions of the courts in which they work; Loyalty to the strategy and the purposes of the courts must be shared by the manager;
4. Courts must develop The focus on the outside world demands a communications policy governing , covering both internal and as external communications, as well as developments of the relations with the media;
5. Judges should be selected and appointed, in part at least, based on their Selection and appointment of judges as staff should include criteria dealing with communication skills;
6. Courts must find ways to develop and monitor quality from both an One can make a distinction between internal and external perspective; quality, both need to be developed and monitored.
7. Evidence of quality is a precondition of budgeting
8. The Budgeting the judiciary's budget should be based on real work relying on , through objective measures and in accordance with professional standards;
9. Development of an an objective system for of financing courts should be viewed as essential to the is a precondition for a real independent functioning of courts

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10. Even though judges must receive After a period of general training and education, they and their judges and staff must be able to specialize and receive additional training;
  11. A well trained and equipped supporting staff of legal assistants or specialists is essential to court quality; adds to the quality of the court.
  12. Courts must be aware of other methods keep in mind the competition by other means of dispute resolution and promote these alternate procedures; their skills to compete, using the essential transparency of the procedure.
  13. Recognition of the fact that the demands and challenges of the judiciary may require that courts become demand that courts are bigger organizations.

**List of Relevant Publications:**

- The Judiciary system in The Netherlands (Raad voor de Rechtspraak, December 2004)
- Elske van der Kam “Kwaliteit gewogen” ( “Balancing quality”), PhD Utrecht University March 2001
- Committee for the Evaluation of the Modernisation of the Dutch Judiciary, JUDICIARY IS QUALITY, The Hague 2006 see: <http://www.rechtspraak.nl/NR/rdonlyres/4A3E10A8-7414-4D09-9859-AEBE26A6C410/0/Judiciaryisquality.pdf>
- Council for the Judiciary, Quality of the judicial system in the Netherlands, The Hague 2008, see: [http://www.rechtspraak.nl/NR/rdonlyres/1DE71111-240C-4A53-A799-F4477C99FDAC/0/BrochKwaliteit\\_GBFR.pdf](http://www.rechtspraak.nl/NR/rdonlyres/1DE71111-240C-4A53-A799-F4477C99FDAC/0/BrochKwaliteit_GBFR.pdf)
- Henry Mintzberg, Organization design : fashion or fit? Harvard Business Review 59 (Jan. – Feb. 1981)
- Recommendation R ( 2003) of the Committee of Ministers of the Council of Europe on the provision of information through the Media in relation to Criminal Proceedings
- Recommendation R (1994) of the Committee of Ministers of the Council of Europe on the independence, efficiency and role of judges
- Recommendation no. R (86) 12 of the Committee of Ministers to the Council of Europe concerning measures to prevent and reduce the excessive workload in the courts;
- P. van Dijk & F. van Hoof c.s. Theory and practice of the European Convention on Human Rights (Antwerpen Oxford 2006)
- European Judicial systems (Edition 2008 (data 2006) by CEPEJ ( European Commission for the Efficiency of Justice; [www.coe.int](http://www.coe.int) - Human rights and Legal affairs/international cooperation/CEPEJ)

