

---

# Theme: The Function of the Court Administrator

## The Court Administrator In Russia: Problems Of Creation And Development

By Irina Mikheeva, Professor of Law, Nizhniy Novgorod, Russia

### Court Administration and Court Administrators in the Russian Federation

Russia currently is involved in an extensive judicial reform movement that is designed to create an effective and functioning court system based on accepted notions of best practices. A necessary aspect of the reform movement is a reassessment of principles of court management and the role of court administrators in the judicial system. This article examines Russia's reform movement in detail and considers the role of the court administrators in that movement.

### History of Judicial Reform in the Russian Federation

The Russian Constitution allocates political power between the legislative, executive and judicial branches, and it vests the judiciary with the authority to administer justice under the Constitution and laws of the country.<sup>1</sup> Modernization of the Russian judiciary commenced in 1991 when the Supreme Soviet of the Russian Soviet Federative Socialist Republic approved President Boris Yeltsin's Concept of Judicial Reform (hereafter "Concept").<sup>2</sup> Russia's issuance of the Concept came at a crucial point in the nation's transition from the Soviet period to a modern democratic state, and it was designed to strengthen and enhance the nation's adherence to the rule of law.

The Concept was designed to achieve a number of objectives. One objective was to alter the relationship between the state and the individual by providing all citizens with access to the justice system.<sup>3</sup> A second objective was to establish and ensure judicial independence. As the Chair of the Russian Federation's Supreme Court, V. Lebedev, stated, the primary objective of judicial reform was "the establishment of the judicial power within the state mechanism as a separate influential power, independent in its activity from the legislative and executive branches".<sup>4</sup> A final objective was to provide an organizational basis for the judicial system, extending to such administrative issues as the judiciary's personnel and financial structure. The most important is to amend or replace existing legislation in order to conform it with the norms of international law and international standards in the field of human rights.<sup>5</sup>

## II. Structure of the Russian Federation's Judiciary

**A. The Judicial Structure:** The Russian Federation shall have federal courts, constitutional (charter) courts, and justices of the peace of the constituent members/entities of the Russian Federation. These elements shall comprise the court system of the Russian Federation (hereinafter ("RF")).<sup>6</sup>

---

<sup>1</sup> Art. 118. Constitution of the Russian Federation (December 12, 1993).

<sup>2</sup> See: Lebedev V. *From the Concept of the Judicial Reform to New Ideas of Development of the Judicial System*// Russian Journal "Russian Justice", N.3, March 2000; Resolution of the Supreme Soviet of the RSFSR "On the Concept of the Judicial Reform in the RSFSR" (October 24, 1991).

<sup>3</sup> See: Lebedev V. *Conditions for Successful Completion of the Reform Have Been Created*// Russian Journal "Russian Justice", N. 11, November 2001.

<sup>4</sup> Lebedev V. *From the Concept of the Judicial Reform to New Ideas of Development of the Judicial System*// Russian Journal "Russian Justice", N.3, March 2000.

<sup>5</sup> See: Lebedev V. *Conditions for Successful Completion of the Reform Have Been Created*// Russian Journal "Russian Justice", N. 11, November 2001.

<sup>6</sup> Art. 4, The Federal Constitutional Law N1-FKZ "On Judicial System of the RF" (December 31, 1996)/ <http://www.supcourt.ru/EN/jsystem.htm>.

**It must be noted** that Russia (as the federative state) consists of the constituent parts/ members/ entities of the whole federative state, so-called «Subjects of the Russian Federation» (as the USA consists of the states as the constituent parts/ members/ entities of the whole American federative state). These «Subjects» in Russia are represented by the republics (e.g. Tatarstan, Bashkortastan etc.), *kray* ( *regions* ), *oblast* (provinces), cities of the federal subordination - Moscow and St.-Petersburg, autonomous provinces and autonomous regions. So the USA consists of the States, and the RF consists of the «Subjects» - **constituent members/ entities of the RF**, which are called differently – republics, *kray* (region), *oblast* (province), city of the federal subordination – Moscow and St.-Petersburg, autonomous provinces and autonomous regions. The names of these **constituent members/ entities of the RF** are fixed by the Russian Constitution (Russian Const., Art. 65.). Besides there are administrative-territorial subdivisions in the frames of every **constituent member/ entity of the RF** and in the frames of every city (or town) – so-called «rayon» (districts). In every **constituent member/ entity of the RF**, in every district there are the corresponding courts.

---

*The Constitutional Court.* The Constitutional Court of the RF and the constitutional (charter) courts of Russia's constituent members/entities are charged with hearing cases that raise constitutional issues relating to federal laws or other related acts such as normative acts of the President of the RF, the Council of the RF, the State Duma, or the State Government. They also are tasked with determining whether (i) those laws and acts, and (2) the constitutions/ charters and other normative acts of the constituent members/ entities of the RF, comply with the Constitution (Article 125).

The Supreme Court of the RF, the supreme courts of the Russian Federation constituent members/entities, and the military and specialized courts all fall within the category of courts of general jurisdiction.

*The Supreme Court of the Russian Federation (hereinafter SCRF)* The SCRF is the supreme judicial body for civil, criminal, administrative and other cases under the jurisdiction of courts of general jurisdiction. It also is charged with supervising the activities of the lower courts. In addition, the SCRF can function as a court of first instance in cases that have special importance or a special relationship to the public interest. Finally, the SCRF is charged with reviewing decisions of the lower federal courts of general jurisdiction.

*Middle Tier Courts of general jurisdiction.*<sup>7</sup> The middle tier courts (the Courts of the Russian Federation constituent members/entities) are authorized to examine cases as courts of first- and second-instance, in the order of supervision and for newly discovered circumstances. In the second instance, they are authorized to act as higher-instance courts at the cassation instance for the rayon or districts courts. They are organized as a presidium of the court, a judicial panel for civil cases, and a judicial panel for criminal cases. There are 88 middle-tier general jurisdiction courts with a total of 4,317 judges and 8,554 support staff.<sup>8</sup>

*First-Tier Courts.* The first-tier courts include all general jurisdiction rayon or district, city, inter-municipal, and other geographic courts of similar jurisdiction. They comprise the base of the general jurisdiction courts framework and exercise jurisdiction over all civil cases, most criminal cases, and administrative offence cases. Rayon or district courts function as the appeals instance for the Justices of the Peace which operate within their geographical jurisdiction or districts. This first-tier system comprises 2,478 rayon courts populated by 18,000 judges and 50,931 court-support personnel.

*Justices of the Peace.* Justices of the Peace have no federal status and function as general jurisdiction judges of the constituent members/entities of the RF.<sup>9</sup> Justice of the Peace courts were introduced in 2000 in provide broader judicial system access to the citizenry. Although 7,333 Justice of the Peace positions are authorized, currently only 6,280 are filled.

*Military Courts.* Military courts exist and function in the branches of the Armed Forces, military districts, and districts of antiaircraft defense, navy, and separate armies.

**Arbitration or Commercial Courts.** The system of Arbitration or Commercial Courts comprises the Supreme Arbitration (Commercial) Court of the RF, the arbitration cassation courts, the appellate arbitration courts; the arbitration courts of the constituent members/entities. The system is organizationally divided into four levels.

*The first level* includes eighty-two federal arbitration courts. They comprise the arbitration courts of the various constituent members/entities of the RF and hear cases as courts of first instance.

*The second level* comprises twenty appellate courts that were established in 2004 under the Federal constitutional law.<sup>10</sup> These courts hear and decide appeals from decisions of the first-instance courts, which have not yet come into legal force.

*The third level* comprises ten courts of arbitration districts, each of which functions as a court of cassation over a geographically designated circuit into which the arbitration courts are organized. These courts review the legality of decisions rendered by first-instance courts, focusing on whether the lower court correctly applied substantive norms and procedural requirements.

---

<sup>7</sup> *The middle tier courts of general jurisdiction* includes the supreme courts of the constituent members of the RF, i.e. of republics, kray (regional) , oblast (provincial) courts, city courts of Moscow and St.-Petersburg, courts of autonomous provinces and autonomous regions.

<sup>8</sup> All statistics is actual for the moment of writing this article.

<sup>9</sup> The Federal Law No. 188-ФЗ « On Judges of the Peace in the Russian Federation» (December 17,1998)

<sup>10</sup> The Federal Constitutional Law No. 2-FCZ «On Introducing Amendments and Addenda into the Federal Constitutional Law on Arbitration Courts in the Russian Federation» (March 25, 2004).

---

*The fourth level* comprises the Supreme Arbitration Court of the Russian Federation, the court of final appellate review in commercial disputes. It reviews decisions rendered by lower-level arbitration courts, supervises the activities of lower courts, and issues explanations on matters of judicial practice in commercial jurisdiction.

The internal procedure of the arbitration courts and interrelations between them are regulated by the Arbitration Courts Rules of Procedure adopted by the Supreme Arbitration Court. The administrative and institutional structure of the arbitration courts at each level is determined by their functions and case-flow.

The current annual caseload of the arbitration courts exceeds one million cases. This diverse caseload includes a broad variety of disputes, including sales contracts, property, taxes and acts of taxation agencies, insolvency (bankruptcy), loan contracts, insurance, legal acts of state authorities and other bodies.<sup>11</sup>

Arbitration courts exist to resolve disputes alleging violations of the rights business interests, and other commercial matters of enterprises, offices, organizations and private citizens in entrepreneurial and other categories of economic activity.

**B. Guarantees against Bias:** The RF judicial system's functions encompass the responsibility to ensure fairness. Court proceedings must be public. Judges may close hearings only in limited situations, such as protecting personal privacy in civil proceedings relating to paternity and criminal proceedings relating to rape. Judges also are prohibited from rendering default judgments in criminal cases; criminal convictions must be based upon adversarial advocacy of the relevant issues under the supervision of a neutral judicial officer constrained by procedural safeguards.

The RF Constitution contains provisions to ensure judicial independence from legislative and executive interference. Judges are not removable by elected officials. They report only to higher court judges and other members of the judicial community. Judicial independence is strengthened by financing the judicial system entirely from the federal budget.<sup>12</sup>

### III. The Judicial Reform and Creation of the Court Administrator Position

In August of 2006, the Russian Federation adopted a new program designed to improve the administration of justice and to help ensure the rights and interests of citizens and organizations.<sup>13</sup> This program attempts to promote openness and transparency, increase public trust, improve the quality and the enforceability of judicial decisions, ensure judicial independence, and create the conditions necessary to establish and maintain a fair and just judicial system. One important element of the reform movement has been instituting a role for professional court administrators.

**A. The Role of Court Administrators:** An essential element of the reform movement involves the creation of effective court administration structures, including the reliance on professional court administrators. The expectation is that administrators will relieve judges of the responsibility for managing courts and administrative functions not directly related to hearing and deciding cases.

With some exceptions, court administrators are now used throughout the RF. The position was first introduced into the courts of general jurisdiction and has been institutionalized in those courts. The commercial courts also have administrators whose duties are well-defined and include the responsibility for managing support staff.<sup>14</sup> In the courts of general jurisdiction, the administrator's duties are less well-defined, but efforts are underway to detail and standardize their tasks and competences. To that extent, this article focuses on the court administrator position in the courts of general jurisdiction.<sup>15</sup>

**B. The Role of the Judicial Department:** A major component of the reform process calls for establishing a Judicial Department at the Supreme Court of the RF. Following its implementation, the Judicial Department began to institute centralized initiatives to improve how the courts are administered and financed. The Department has a wide range of responsibilities for providing material and technical assistance, automating case management, organizing court activities,

---

<sup>11</sup> The official website of The Supreme Arbitration (Commercial) Court of the RF: <http://www.arbitr.ru/eng/assys/>

<sup>12</sup> See in details: Zvonenko D.P., Malumov A.J., Malumov G.Y. *Administrative law: textbook* -"Yustitsinform", 2007

<sup>13</sup> The Concept of the Federal Purposeful Program "Development of the judicial system of Russia", adopted by the Order of Government of the RF No. 1082 (August 4, 2006).

<sup>14</sup> Statement regarding the administrator of the Commercial court approved by the Order of the Chairman of the Supreme Arbitration (Commercial) Court of the RF N 12 (February 10, 2004).

<sup>15</sup> About the problems of regulating the status of court administrator in details see: Mikheeva, I. *Court Administrator: Problems of creation and development*// Russian Journal «Court Administrator», №1, 2007. – P. 20-25.

training court personnel, and managing external relations. The next step is the creation of a judicial system Information Center.

The Judicial Department and its subdivisions are tasked with strengthening the independence of courts and judges but may not interfere in the process of rendering justice.<sup>16</sup>

The Federal Law “On the Judicial Department at the Supreme Court of the RF” also provides for the position of the “court administrator”.<sup>17</sup>

#### IV. Problems in Implementation of and Development of the Court Administrator Position

Although Russia’s court administrator initiative has been a positive development, it has not come without difficulties. There are uncertainties relating to the status of court administrators, how they are appointed, lines of authority, chain of command, qualifications standards, and continuing education requirements. Each of these is discussed below.

**A. Laws Governing Court Administrator Functions:** In courts of general jurisdiction, court administrators are employees of the Judicial Department, and are charged with facilitating court activities. Articles 17-19 of the Law on the Judicial Department (hereinafter “JD”) regulate the foundation of Appointment and Removal, and the Powers of a Court Administrator. The Law provides as follows: «work of the courts ... is supported by the administrator of the correspondent court». However, the court administrator’s position is governed by a number of other statutes and local regulations of the JD. The most detailed document regulating the position is the Typical Service Regulations for Court Administrator.<sup>18</sup> The Regulations define the position of court administrator as having a “directors” (managers) position in the federal state civil service.<sup>19</sup> The Regulations also define the qualifications requirements, appointment procedures, job functions, rights and responsibilities of court administrators, and their subordination to the Judicial Department.

**B. Appointment and Subordination of Court Administrators:** Courts administrators for the courts of the constituent members/entities of the RF are appointed (and, if necessary, removed) by the Head of the Board for Legal and Organizational Support of Courts.<sup>20</sup> The appointment is based on the recommendation of the chairperson of the court for which the appointment is being made. The administrators for the rayon or district courts are appointed by the Head of the JD subdivision at the level of the constituent member/entity of the RF upon recommendation of the chairman of the rayon or district court for which the appointment is being made.<sup>21</sup> Once appointed, court administrators function under the Control of the JD or its subdivisions attached to the different constituent members/entities of the RF (which have the authority to dismiss them), but they report to and take direction from the chairperson of the court for which they work.<sup>22</sup>

That court administrators function under both the JD and the chairpersons of their courts raises difficult questions. There is, for example, uncertainty regarding which authority is responsible for determining an administrator’s salary, leave, bonuses, penalties and, ultimately dismissal, etc.<sup>23</sup> The court administrator works in the court, reports to the chairperson of the respective court and fulfills his instructions, but also is an employee of the JD. The court personnel managed by the administrator are appointed by the chairperson of the court, raising additional potential conflict. Although court support

---

<sup>16</sup> Article 4 of the Federal Law N7-FZ “On the Judicial Department of at the Supreme Court of the Russian Federation” (January 8, 1998) (with amendments as of October 27, 2003, November 30, 2004, March 2, 2007).

<sup>17</sup> Articles 17-18 of the Federal Law N7-FZ “On the Judicial Department of at the Supreme Court of the Russian Federation” (January 8, 1998) (with amendments as of October 27, 2003, November 30, 2004, March 2, 2007).

<sup>18</sup> «Typical Service Regulations for Court Administrator» approved by the Order N80 of the General Director of the Judicial Department at the Supreme Court of the RF (August 22, 2006).

**Here it is necessary to note** that the term “Regulations” is defined as rules regulating the order and the time for organizing events, actions, and activities, and restricting them by clear limits; i.e. rules, regulating the order of any activity. The Law “On the State Civil Service in the FR” (p.47) envisages the structure and the content of the job/service regulations for a public servant. In accordance with these Regulations for a public servant the Judicial Department developed the Typical Service Regulations for the Court Administrator.

<sup>19</sup> In accordance with the Federal Law N58-FZ “On the system of the State Service in the RF” (May 27, 2003) the RF has the State Civil Service, the State Military Service and the Law-enforcement Service. The court administrator is referred to the State Civil Service of the RF/ This type of the state service is regulated by the special Federal Law N79-FZ “On the State Civil Service in the RF” (July 27, 2004) with amendments as of February 2, 2006, March 2, April 12, 2007.

<sup>20</sup> It is a subdivision in the Judicial Department.

<sup>21</sup> Article 18 of the Federal Law N7-FZ “On the Judicial Department at the Supreme Court of the RF” (January 8, 1998).

<sup>22</sup> Article 18 of the Federal Law N7-FZ FZ “On the Judicial Department at the Supreme Court of the RF” (January 8, 1998), also: item 1.1 and 1.4 of the Typical Service Regulations for the Court Administrator approved by the Order of the General Director of the Judicial Department at the Supreme Court of the RF N80 (August 22, 2006) .

<sup>23</sup> Koryakin I. *The Role of the Court Administrator in the Organizational Facilitation of the Court Activities*// The Russian Journal «Russian Justice», N2, February 2003/ Legal Information System GARANT, 2006.



---

staff and the court administrator are employees of the same court organization. But at the same time appointment and subordination involve different structures and have different orders/procedures.

**C. Additional Status Issues:** Russian court administrators also face uncertainty regarding whether they should function as “managers” of their courts, or simply as “assistants” to their chairpersons.

There are several approaches to defining court administration. Some authors argue that the position should include the processing and archiving of cases<sup>24</sup>. Other argue that court administrators should manage “all court activities except administration of justice, including mediation in the pretrial settlement of the dispute.”<sup>25</sup> In any case, administration as a process/action provides for a wide range of managerial activities. At the very least, court administrators must be involved in the overall management of their courts. Indeed, when Russia created the court administrator position, one of the central objectives was to free judges and chairpersons from general administrative tasks so that they could focus on deciding cases and administering justice.

In, general, the normative documents provide that court administrators should be responsible for organizing their courts’ activities. As a result, court administrators should engage in internal court administration (e.g., management of court employees: organization and maintenance of judicial statistics and case management, maintenance of court archives, etc.), external organization of court activities (e.g., interaction with the Bar, law-enforcement and other state bodies) and should be charged with providing material and technical support for their courts. Indeed, court administration should involve the administrator in so-called “control and coordination” functions. These activities involve a variety of functions, including coordinating case management functions (e.g., statistical recording and the preparation of statistical reports), supervising court employees responsible for preparing judicial statistics, exercising control over the preparation of timely reports regarding the functioning of courts, coordinating court activities relating to serving visitors, organizing and preparing courts rooms, overseeing the log books or registers that record information (e.g., receipt and status), exercising control over the court’s archives.<sup>26</sup>

In the Russian system, few court administrators exercise such broad responsibilities. Neither formally nor nominally do court personnel report to the court administrator.<sup>27</sup> In addition, it is not clear that all or even most administrators exercise managerial functions.

In theory, at least, the chairperson of the court issues instructions clarifying the administrator’s status. But, in some cases, court administrators are not managers but perform technical and logistic tasks, such as the supply and maintenance of office equipment. Indeed, in some courts, the position of court administrator is combined with and functionally equivalent to the position of supply or facilities manager. In most courts, administrators do not have the formal competence to manage court personnel and to organize case management. Court personnel report to the chairperson, the head of the clerks’ office or the personnel department. This creates the unusual circumstance that the court administrator may be supervised by the head of the clerks’ office or the personnel department even though administrative theory suggests that both of these individuals should be regarded as subordinate to the court administrator.

The court administrator should function as the head of court personnel, but in many courts administrators perform essentially technical functions. They handle building maintenance issues, arrange transport, sign way-bills, ensure lines of communication, deliver statistical reports, and so on. Only in some courts do court administrators assume responsibility for supervising and overseeing more important issues (e.g., the transfer of cases from courtroom secretaries to the clerks office, following up on pending cases, developing norms for the handling of suspended cases, developing time frames and procedures for enforcement of judicial decisions, and preparing analytical reports for the chairperson). However, in most

---

<sup>24</sup> Goritsvet J. *State Practice. A Word About a Model Court*//Legal practice/<http://www.yurpractika.com/>

<sup>25</sup> Reshetnikova I. Presentation at the first international conference on court administration in Ljubljana, September 26-28, 2004 (Though the Chairman of the Supreme Arbitration (Commercial) court Ivanov, without belittling the significance of the pretrial methods dispute resolution, put under doubt the correctness of using the term “court administration” regarding these methods as they provide for subsidiary or indirect participation of the courts).

<sup>26</sup> Typical Service Regulations for Court Administrator approved by the Order of the General Director of the Judicial Department at the Supreme Court of the RF N80 (August 22, 2006).

<sup>27</sup> From this point it is interesting to look at the creation of the normative and legal regulation of the court administrator’s activities. In Section II item 2.1 – 2.3 Temporary instructions on organization of the work of the court administrator, which was in force before adoption of the above mentioned statute documents, clearly state that “The court administrator is in charge of the court personnel. Heads of the subdivisions of the court personnel subordinate directly to the court administrator and report to him. The status of the court administrator is established by the order of the chairperson of the respective court”. These provisions fully correspond to the role of the court administrator as the head of the court personnel as it was positioned within the framework of the judicial reform. Unfortunately, out of all these norms only one is still valid today – “The job instruction of the court administrator is developed and adopted by the chairperson of the respective court” (it regulates interaction of the court administrator and the court personnel).

---

courts, the court administrator does assume responsibility for overseeing court personnel involved in supply acquisition and in technical issues. In most Russian courts, court administrators do not manage services of the court, but only facilitate their non-stop operation. Currently, it is accurate to refer to court administrators as deputy chairpersons for administrative and maintenance issues. If we desire to have real court administrators, consistent with the broad responsibilities originally envisioned for this position, the status of court administrators needs to be enhanced. This step necessitates a revision of the Regulations governing court administration to make clear that court administrators, not chairpersons, are responsible for all administrative and operational functions. As part of this effort, the responsibilities of court administrators should be clearly defined to include such matters as personnel management. Other steps might also be possible, but this would be a good first step.

## V. Training and Qualifying Court Administrators

No less interesting or important are issues relating to the training and qualification of court administrators.

**A. Current Qualifications:** At present, in courts of general jurisdiction, a candidate for court administrator must hold a college degree and must have relevant work experience in the area of specialization.<sup>28</sup> The law does not define the concept of “area of specialization.” As a result, most court administrators are former military officers or individuals with technical and economic as opposed to legal backgrounds. Since most court administrators are male, without legal backgrounds, it is perhaps natural that court administrators have become involved in facilities maintenance issues. However, for the overall development of the justice system, it is important that court administrators assume a broader array of functions (e.g., maintaining judicial statistics, providing judges and court employees with normative legal acts, legal literature, guidelines and reference materials, organizing case management and archival systems, facilitating supplies and technical systems). Indeed, it would be helpful if court administrators had a stronger background in the law. If the court administrator’s tasks include administrative and facility maintenance activities (e.g., building repair, and so on) court administrators also will need training and/or experience in technical sciences and economics or finance.

The current definition of court administrator tasks and competencies must be amended to provide for greater detail in both the experience and training areas of qualification. Where the Regulations require only a ‘higher education’ diploma without specifying the subject area, issues relating to the job qualifications of court administrators will fall to the determination of the chairpersons of the individual courts. They will decide whether the court administrator should function as a manager with a legal background, as a manager-economist, or in some other role.

**B. Continuing Education for Court Administrators:** If court administrators are to be expected to perform a variety of more important functions, they must be appropriately trained. Indeed, the laws and executive acts of the Russian Federation provide that all civil servants have the right to training and continuing education.<sup>29</sup> Professional development is specifically provided for in the Typical Service Regulations of the Court Administrator where they mention the right to “improvement of the professional level.” The normative acts governing issues concerning education after graduation from university discuss skills and knowledge improvement such as short-term training on relevant topics, seminars, long-term courses of 70 to 100 hours, self education, training on individual plan; professional retraining including long-term training of more than 100 hours, and individual internships.<sup>30</sup> In addition, a resolution of the Presidium of the Council of Judges of the RF approved Recommendations regarding improving the skills and knowledge of judges and court personnel.<sup>31</sup>

Court administrator training and education is provided by many different sources. In accordance with Decree of the President of the RF entitled “On the Russian Academy of Justice,” the Academy of Justice is charged with improving the

---

<sup>28</sup> Typical Service Regulations for Court Administrator approved by the Order of the General Director of the Judicial Department at the Supreme Court of the RF N80 as August 22, 2006

<sup>29</sup> Federal Law N79-FZ “On the State Civil Service of the RF” (July 27, 2004).

The other acting documents include: Resolution of the Government of the RF N109 “On approval of the provision regarding the state request/order for professional retraining and qualification improvement of state employees of federal bodies of the executive power” (February 14, 2001); Decree of the President of the RF N983 “On additional measures regarding preparation of the state servants” (September 3, 1997). The Decree of the President provides for the annual approval of the training plan for federal state service including: (1) compulsory professional retraining for the persons newly appointed to the state posts of the federal state service no lower than the deputy head of the department (hereinafter – managerial positions) during the first year of service; 2) **compulsory skills and knowledge improvement (at least once in three years)** for the persons holding managerial positions; 3) internship abroad for persons younger than 40 years old (for military officers transferred to the reserve due to the reform of the Armed Forces of the RF younger than 45 years old)

<sup>30</sup> See: «Requirements to additional professional training programs» approved by the Order of the Ministry of Education of Russia N1221 (June 18, 1997).

<sup>31</sup> Methodical Recommendations regarding improvement of qualification of judges and court personnel approved by the Resolution of the Presidium of the Council of Judges of the RF (October 6, 1999).

---

function of skills and knowledge of judges and court employees.<sup>32</sup> In addition, the Council of Judges of the RF offers professional training for judges, court personnel, and administrators working in federal courts of general jurisdiction.

The Russian Academy of Justice and its branches have departments charged with improving the skills and knowledge of state employees of the Judicial Department at the Supreme Court of the RF, including court administrators. The training curricula must be approved by the Heads of the subdivisions of the Judicial Department at the Supreme Court of the RF in the constituent members/entities within the RF, and the content for court administrators is broad enough to encompass the breadth of their duties. The curriculum includes sections that focus on the judicial system, organization of administrator work, oral communications, and the psychology of business communication. These courses are offered periodically by qualified instructors. Of course, it is difficult to formulate a uniform course curriculum for court administrators because their job duties are not clearly defined and the training and experience they have varies widely from one to another.

Special efforts to develop curricula for court personnel and court administrators are being made by the Russian-American Judicial Partnership with the participation of the Canadian-Russian Judicial Partnership. They work together with the representatives of the Judicial Department at the Supreme Court of the RF and professors of the Russian Academy of Justice. This activity has focused on personnel management, case management, automation of legal information, court security, and access to justice. If the new curricula are approved by the rector of the Russian Academy of Justice and the General Director of the Judicial Department at the Supreme Court of the RF, it will be used to improve the skills and knowledge of court administrators and court personnel in all 10 branches of the Russian Academy of Justice.

## VI. Conclusion

In Russia, although court administrators are in wide use, problems persist. In many courts of general jurisdiction, although administrators are theoretically positioned as the personnel managers, they often function as assistants to the chairpersons of their courts, and do not have authority over personnel issues. Many court administrators do little more than maintain and repair court facilities. In addition, qualification requirements for the court administrator position are not clear, due, in part, to uncertainties relating to the court administrator's duties. These uncertainties have made it difficult to develop an appropriate curriculum for training and qualify court administrators.

In order to improve the court administrators' functioning, it is important to make clear that courts administrators are the "managers" of their courts, and that the following recommendations be implemented:

1. Organizational duties within existing courts should be transferred from the chairperson of the court to the court administrator (as was originally intended when the court administrator position was created), and the administrator's responsibility for management of court personnel should be clearly defined. These objectives can be accomplished in stages. Initially, courts could transfer duties related to facility maintenance and external organizational (to the extent not already transferred). Court administrators could then be asked to assume responsibility for personnel management. To accomplish this objective, it would be logical to transfer both the court administrator and court personnel to the jurisdiction of the Judicial Department at the Supreme Court of the RF.
2. The job specifications for court administrators should clearly define the level of education and specialization required for the position. Court administrators must be given authority for the tasks that they currently perform, but they also should be charged with responsibility for and granted the authority to exercise personnel management. This redefinition will empower court administrators to obtain the training and development required by their more broadly defined professional duties.



---

<sup>32</sup> Decree of the President of the RF N528 "On the Russian Academy of Justice" (May 11, 1998).