



## *From The Editor: Judicial Management Training in Latin America: A Personal Experience* By Dr. Luis María Palma<sup>1</sup>

Many judicial systems in Latin America suffer common problems both in their forms of organization and operations. A possible explanation underlies in a common cultural and historical heritage, as well as in quite similar institutions and political dynamics that most of Latin American countries share<sup>2</sup>.

There are several problems to be highlighted among those that are faced by the judicial units (court, prosecutors and public defenders offices): among them, the use of bureaucratic, slow and written procedures, methods of artisanal work – sometimes even obsolete- and –overall- a deep confusion between jurisdictional and administrative activities, which are carried out both by judges, prosecutors and defense, as well as by the staff that serves in the judicial units. With very few exceptions, there is no professional official as a court administrator who can take care of administrative tasks in a professional manner.

As a result of the former, the quality of the judicial services is often negatively affected.

The education provided by the School of Law partially explains the problems reflected in the operation of the judicial systems. A theoretical training mainly delivered through passive teaching methods of legal and doctrinal works provides very little practical preparation for the exercise of the legal profession or the judicial work. Therefore, those lawyers who will be probably in a day appointed as judges, prosecutors or public defenders, have not acquired, during their legal studies, a real understanding of how the justice system works.

Given the current structure of the judicial offices of many Latin American countries require that judges acquire managerial skills to lead working teams, training in techniques of management and administration of courts has become utterly necessary.

Therefore, during the past two decades it has greatly increased the quality and range of these studies, provided by judicial colleges –through continuous training- and Latin American Universities -through graduate studies.

Within this context and during almost sixteen years, I've been providing training and giving lectures on case management in several Latin American countries (such as Argentina, Brazil, Colombia, El Salvador and Mexico), which so far have included more than 160 courses in law schools and graduate programs. The contents of these training activities are aimed at the practical learning of case management, the pursuit of efficiency in the judicial services, leadership, teamwork, strategic planning, techniques of motivation, elaboration of operational manuals, reengineering of work processes, the intensive use of information technologies and of indicators.

The methodology I regularly use is based on practical training through workshops, so the participants can solve by themselves those organizational and functioning problems they identify in their workplaces. In order to achieve these results, I request to participating judges, prosecutors, defenders, officers and employees, to work in groups to identify problems and build solutions that they subsequently put into practice in the judicial units in which they work.

The results obtained through these training activities are positive and encouraging, because participants often introduce beneficial changes in their workplaces that improve the quality of the judicial outcomes through the assistance of the

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<sup>2</sup> Palma, Luis María, *Justice and Development in América Latina*, p. 13-14; online, [http://www.ub.edu.ar/investigaciones/tesis/63\\_palma.pdf](http://www.ub.edu.ar/investigaciones/tesis/63_palma.pdf); last access: June 24, 2014.

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users, and even also conflict resolution. On the other hand, such changes also reflect the commitment and actual interest of the participants to improve the services of their judicial systems.

It is quite clear that this kind of work is mainly aimed to achieve improvements in the context of prevailing models of judicial management in the region, characterized by the common confusion between judicial and administrative tasks. The aim is to contribute to a gradual reform of judicial services, to promote a discussion about the need for further reforms, and to build consensus to carry out a cultural change that allows a deeper modernization, according to the times of the information age<sup>3</sup>, but also respectful of local identities.

Within most of the region, it is still pending the creation of new models of courts, tribunals, prosecutors and public defenders offices, based on the separation between the judicial and administrative activities, where the position of court administration is widely accepted. An increasing number of Latin American leaders are working on this area, to build a public policy on the matter<sup>4</sup>.



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<sup>3</sup> Palma, Luis María, "The Argentine Judiciary in a Time of Changes", *La Ley Newspaper*, XXII, N° 98, May 22, 2008, p. 1.

<sup>4</sup> Various Authors, *The Culture of Dialogue*, La Ley, Buenos Aires, April 2011, Foreword, p. IX-X..