
From the Managing Editor

By Philip Langbroek

Courts and Judges and the Media

A recurring issue for courts is their public credibility and the trust the general public vests in the courts. Justice administration managers occasionally hold on to the idea that trust of the general public in the courts is something that can be steered by the courts and the courts' management by organization development, and that public trust in the court will follow automatically as a consequence of those efforts. National and local organization- development programs like in France and the Netherlands have been set up in order to make the people believe that courts are good and delivering their state bound services well enough. This assumption has been proven wrong repeatedly again in different countries.

Public trust in organizations fulfilling a state function can be an incredibly complex concept. What the courts do is of some importance, but what others say or report about courts is also relevant. Newspapers and television programs sometimes magnify single issues to radical proportions. Miscarriages of justice are amongst the most important issues to be reported upon, but so are auxiliary functions of judges (like a judge being a member of a school board or on an advisory hospital board), and efforts to have a certain judge disqualified by some party. Thus, incidents become the image of the judiciary as a whole. This happens wherever a free and not always completely accountable press reports on the judiciary, for example in France, the Netherlands, Italy, Switzerland and the USA. In some countries, where judges are not appointed but elected directly or indirectly by voters, political affiliation and sponsorship of judges for election are part of the debate about the judiciary.

Four issues dominate the image of the courts and the judiciary in the media:

- judicial impartiality and appearance of bias related to case allocation, auxiliary functions of judges and published judicial views that are regarded as prejudicial in relation to a particular case. Judges risk being perceived as prejudice who belong to a political elite concerned predominantly with protecting their own interests.
- the adequacy of judicial skills and knowledge, related to miscarriages of justice and judges' ability to adequately comprehend and appreciate special expertise and sophisticated forensic evidence. Judges who fail to remain current on such matters risk being perceived as 'alphas' with limited understanding and knowledge of the technical sciences.
- the perceived separation of judges from ordinary everyday life, often related to complaints about judges imposing sentences that are too lenient or lacking familiarity with the specialized terminology and complexity of specific fields of trade (e.g. diamonds, shipping) or modern business transactions in obscure areas of the law such as international trade and commerce. Judges who fail to acknowledge their adjudicative role as one in which the authority they exercise ultimately belongs to the people and must be exercised with great caution, broad understanding, and hard work may be perceived as ivory tower inhabitants who have forfeited their connection to the real world.
- the professional character of judicial work. Judgments – especially in civil-law countries- are often no easy reading. Where courts and judges rely on advocates and legal academics to interpret and explain judicial reasoning set forth in judgments to the parties, that model is increasingly becoming antiquated and inadequate. As court judgments are increasingly being made available for public review and consumption on judicial websites, judges are increasingly challenged to include in their judgments how they arrived at their decisions and to justify the arguments on which they relied in language that is accessible to a literate public. Otherwise, they risk being perceived as out of touch with their role as public servants whose obligations include informing public knowledge and understanding about the law and its application.

Also assuming that these different images of courts and judges are not true in general, in countries with a representative democracy, the way the general public is informed about the functioning of the judiciary and the courts is of great importance for the trust of the general public in the courts.

For that reason, effective court administration comprises meeting the challenge of creating and managing positive and trustworthy images of courts and judges in the media. This involves informing the public about the role and function of courts and judges and about programs and evaluations to keep courts and judges informed and skilled regarding developments in law, crime, technology, forensics and other fields of interest. This will create and help maintain the necessary space and peace of mind of judges to work according to the best possible professional and legal standards in conducting hearings and writing judgments.

Daring to be transparent and open about the functioning of courts and judges, and providing useful and instructive information to the general public may help to support and maintain public trust in the judiciary. And on those occasions when unintentional but grave mistakes are made that are attributable to the judiciary, they should be publicly addressed and fully disclosed in a manner that is both prompt and thorough.

This Issue

For this sixth Issue of the international Journal for Court Administration, we are most happy to have four articles submitted from Europe reviewed and accepted.

Gavin Drewry – *United Kingdom*, on the newly established UK supreme court

Dory Reiling – *the Netherlands*, on understanding Information Technology for dispute resolution.

Natasa Pelivanova and Branko Dimeski, –*Macedonia*, about renewing the administrative court system.

Katarina Zajc and Mitja Kovač, – *Slovenia*, on: career motives of judges in Europe

I am most grateful for those contributions.

We also hope to receive submissions from elsewhere for the November issue for this year.

