



EDITORIAL

A Journey of Transition

Tim Bunjevac*, Gar Yein Ng†, Markus Zimmer‡ and Philip Langbroek§

This issue of the International Journal for Court Administration (Journal) is a transitional one. As you can see, there are some exciting changes in the layout and presentation of the journal, that are intended to improve your reading experience and increase the appeal to the Journal's diverse international audiences. The refreshing new look is partly also a consequence of our new partnership with Ubiquity Press, which has now taken over from Utrecht University as the journal's international publisher. We are confident that our readers, sponsors and contributors alike will enjoy the benefits of the extensive reach and indexing services that our new publisher offers to the journal in numerous outlets around the world. Of course, we would like to thank the team at Utrecht University for its generous support over the previous 12 years, without which the Journal's progression to the flagship international outlet in court administration would be difficult to imagine.

We begin by extending our gratitude to Philip Langbroek, the Journal's inaugural Managing Editor who, with the assistance of Markus Zimmer, IACA's founding president and Journal Executive Editor, gave birth to the Journal and nursed it through its infancy. Philip has decided the time has come to pass the editorial management torch on to our new managing editors, although he will continue to serve as a Journal editor. Over time, Philip took the initiative to have the Journal's contents peer-reviewed and recognized by the U.S. government's Library of Congress and its contents listed in leading international scholarly databases, providing online access to its contents to a worldwide community. He also tirelessly promoted the Journal in international circles, building its reputation both among judicial and justice system professionals and academic and research communities in court management and administration. Overtime, he cultivated the interest of distinguished professionals, scholars and researchers in submitting their work for publication in the Journal. We owe him our collective thanks for his prodigious efforts and wish him well in his new endeavours.

Next, you will see that there are some new additions to the Journal's editorial board, so please allow us to introduce and welcome our two new (co)managing editors, Dr Gar Yein Ng from Buckingham University in the UK and Dr Tim Bunjevac, from RMIT University in Melbourne, Australia. Gar Yein is a Lecturer in Law at the University of Buckingham. She has taught comparative law in the fields of constitutional law and human rights. Gar Yein's most recent publications cover issues of judicial skills, the training of judges and the role of judges vis-a-vis the legislator from a comparative perspective. Previously, she has been an independent researcher in areas such as court and justice management, public law and procedural law, particularly at the intersection between law and technology. Gar Yein has continued to

* RMIT University, AU, drtimbunjevac@gmail.com

† Buckingham University, UK, Garyeinng@gmail.com

‡ Executive editor, zimmermb@gmail.com

§ Editor, p.m.langbroek@uu.nl

work on projects for the Organization for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights and the Council of Europe, European Commission for the Efficiency of Justice (CEPEJ). More information about Dr Ng's judicial studies related projects and research is available here: <https://www.linkedin.com/in/garyeinng/>.



Dr Tim Bunjevac is an international expert in court governance with extensive experience at industry level and internationally cited research with strong impact in the court administration sector. He has more than 15 years of experience in a variety of legal, academic and court-related roles and is currently employed as a senior lecturer in constitutional law at RMIT University in Melbourne, Australia. Between 2002 and 2009, Tim had practised law in the courts as a barrister and solicitor in commercial litigation and administrative law. Between 2009 and 2012 he was a court system expert at the Department of Justice, advising the Attorney-General (Minister of Justice) on policy matters affecting the operations of courts and tribunals. In 2010, he received a Justice Award from the Department of Justice for managing court projects and providing a significant contribution to the community. More information about Tim's court-related projects and research is available here: (<https://www.linkedin.com/in/dr-tim-bunjevac-92057631/>).



As you can tell, the journal's new managing editors have much in common, as they share the passion for court administration and have extensive experiences as academics, researchers, practitioners and consultants in this area. On behalf of the entire editorial board, we wish Gar Yein and Tim much success as managing editors of the journal and trust they will be able to build on the excellent foundation, exceptional leadership and inspirational scholarship that has been built up by their mentor and the journal's inaugural managing editor, Professor Philip Langbroek of Utrecht University's Law Faculty.

It is now time to introduce the individual contributions to this issue. The first article – written by Justice Johannes Riedel – presents an excellent overview of the process of judicial appointments in Germany. As our readers may be aware, Germany has a government-run system of court administration and is often criticized for its lack of self-administration of the judiciary. However, Justice Riedel's analysis sheds light on the judiciary's crucial role throughout the entire process of judicial appointments through the use of judicial review procedures. The article explains how this system has developed, summarizes the criteria for judicial review, and details how competing candidates have to be assessed and compared according to constitutional requirements. A useful summary of relevant cases in this area is also provided, allowing the reader to gain fuller appreciation of the entire process of judicial appointments in Germany.

The second article comes from Brazil and is written by Judge Carlos Haddad, who describes a large judicial training program implemented in the State Court of Minas Gerais. The article describes how the program, which involved more than 400 judges and law clerks, promotes basic and advanced skills in judicial administration, case management and leadership. The article also provides statistical data showing that the judicial training has achieved success in several areas such as backlog reduction, improved caseload management, and enhanced staff relationships.

Our third article is also about recent developments in the Brazilian court system, but this time our focus shifts to the institution of the Brazilian Federal Public Defender's Office. Bernardo Oliveira Buta, Tomas Aquino Guimaraes and Luiz Akutsu explain that recent amendments to the Brazilian constitution have greatly increased the administrative autonomy of the Public Defender's Office, by allowing it to formulate its own budget proposals and forward bills to Congress. As with any new institutional changes, emerging issues of governance have gained in prominence. Accordingly, the authors seek to improve our understanding of the new challenges, by identifying standards of good governance for the Federal Public Defender's Office through analysis of its organizational resources, stakeholders, control, access, strategy, accountability and structure. The article also provides a useful analytical tool that can be used to evaluate governance in other public defenders' offices.

The fourth contribution is an article by Paul Gavin and Anna Kawalek, who analyse the wide ranging international literature on drug courts, before casting a critical eye over the Dublin Drug Treatment Court from its inception to the present day. They argue that there is a lack of overt engagement with Therapeutic Jurisprudence principles by the Irish judiciary involved with the Drug Treatment Court. However, they also point out that there are many aspects of the Drug Court's broader environment that do adhere to Therapeutic Jurisprudence principles. This suggests that further empirical analysis should be conducted in this area before deciding whether the Drug Court has a future operating on its own, whether it should be incorporated into a wider community court structure, or whether it should be altogether abolished.

The fifth article is by Caroline Expert-Foulquier from France. The article covers the ongoing debate about the financial independence of the judiciary in France, especially for the ordinary courts. The article seeks to contribute to the definition of financial independence of the

judiciary and, starting with the French case, to show how it can be distinguished from other related concepts, such as financial autonomy or budgetary autonomy.

The sixth contribution in this issue is by Justice Thomas Stadelmann from the Swiss Federal Supreme Court, who illustrates the potentially negative consequences of real-time reporting via social media in the court-room. The article shows how a newspaper's court correspondent posted the votes of individual judges in a case involving an investment bank, which had direct real-time impact on the price of the bank's shares on the local stock exchange. The author argues that online reporting in such cases should not be allowed, as it makes little economic sense, while having the negative effect of promoting speculation on the stock market.

The final article is by Samira Alloui who provides a book review of *Legitimacy and International Courts*, by Nienke Grossman, Harlan Grant Cohen, Andreas Follesdal and Geir Ulfstein (Cambridge University Press, 2018). As the title suggests, the book analyses the growing influence of international courts and emerging challenges to their legitimacy.

We thank all of the contributors for their ongoing support and look forward to receiving new submissions from them in the future. We also thank our sponsor, Tyler Technologies, for its ongoing support and look forward to continuing fruitful cooperation. Finally, we thank our faculty editors from RMIT University, Rachel Croucher, Lia Cragolini, Tara Burnett and Alice Barkley for their dedicated work in proof-editing the articles appearing in this issue.

Competing Interests

The authors have no competing interests to declare.

How to cite this article: Tim Bunjevac, Gar Yein Ng, Markus Zimmer and Philip Langbroek, 'A Journey of Transition' (2020) 11(1) *International Journal for Court Administration* 1. DOI: <https://doi.org/10.36745/ijca.311>

Published: 21 January 2020

Copyright: © 2020 The Author(s). This is an open-access article distributed under the terms of the Creative Commons Attribution 4.0 International License (CC-BY 4.0), which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited. See <http://creativecommons.org/licenses/by/4.0/>.



International Journal for Court Administration is a peer-reviewed open access journal published by International Association for Court Administration.

OPEN ACCESS The Open Access icon, a stylized 'a' inside a circle.