



## PROFESSIONAL ARTICLE

# Developing Management Skills for Judges

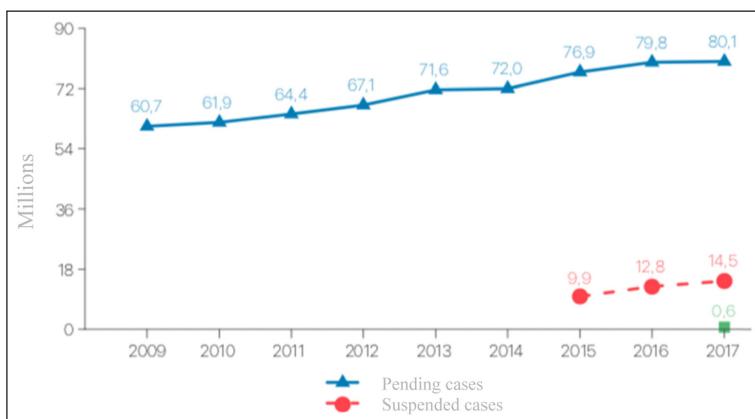
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The paper presents a judicial training program implemented in the State Court of Minas Gerais, Brazil. The training was structured in three phases and reached more than 400 judges and law clerks. The main goal was to teach basic and advanced skills in judicial administration, case management and leadership. The judicial training achieved success in several areas such as backlog reduction, improved caseflow management, and enhancing staff relationships.

**Keywords:** Judicial management training; court administration training

## Introduction

This paper presents an example of the introduction of an innovative subject into the judicial training of state judges in Brazil: judicial administration. Case numbers are increasing every year with almost no advancement in the means to control or dispose of them. According to statistics published by the National Council of Justice, in 2017 more than 80.1 million cases—old and new—are pending in the superior and district judiciary of Brazil (CNJ 2018: 74).



Minas Gerais is one of the 26 Brazilian States. The panorama of the State Court of Minas Gerais shows a significant number of district courts with low productivity and increasing backlog, for various reasons. Some transformations are necessary to improve the problem of low-efficiency and increase public trust. Public trust in the Judiciary depends on judges playing their roles well and efficiently (Martin 2001: 3).

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In recent years, the Brazilian judicial system has become the subject of analysis and recommendations that intend to explore a new managerial dimension. The debate has evolved to reflect on how to implement the new concept of total quality in the Judiciary (Santos 2010: 57). There is a belief that many of the managerial methods and strategies that have worked for the private sector might be successfully adapted to judicial bodies.

However, Brazilian literature on management, management models, total quality, and leadership—among others—regarding the judicial system, does not present specific attributes that can distinguish it from that addressed by Business Administration in general. The main concepts are generally very abstract and the examples of practices can't be applied to the judicial field. Many of the tools used in the management of industries and companies aren't translated into the legal arena.

Another issue that interferes directly in caseload management concerns the lack of professional administrators in the Brazilian judicial system. In the United States, the development of the principles of process management in the 1970s coincided with the emergence of court administrators. Currently, approximately 2,500 people are members of the National Association of Court Management (NACM). This organization has played an increasingly critical role in providing educational opportunities to gain new knowledge, share perspectives, and learn how others deal with similar problems in judicial administration (Fabri & Steelman 2008: 17).

The lack of professional management forces Brazilian judges to face the challenge of managing courts even if they are not well prepared for the mission. Then, in order to fill in the gap, the Judicial School of the Court of Appeals of Minas Gerais State provided a judicial training program to help state judges manage district courts.

There are two essential goals of judicial schools. First, they must train new judges to assume their post, to facilitate the transition from advocacy to judicature, and to bridge the gap between inexperience and experience. Second, there is a recognized need to facilitate the continuing professional development of judicial actors. It is not a mere update on legislative changes, but training to deal with the quality control of judicial services (Claxton & Murrell 1992: 3). The quality of the Judiciary is an essential component in achieving access to justice and a key element in maintaining the high quality of the judiciary is judicial education (Thomas 2006: 110).

The following sections will show how that program was put into action.

## **I. The Hiring**

Judicial administration is not a well-known topic in the Brazilian legal system. Even if judges wanted to speed up the duration of trials, they often don't have the knowledge required to do so. In this regard, effective mechanisms and tools for expeditious disposal of backlog of cases are required to curtail delays in court cases because the influx of cases is persistently growing.

In order to improve the performance of judges, it is necessary to provide them with management, leadership, and communication skills. In Brazil, Judges have to be able to summarize the role of management in organizational effectiveness, apply strategic planning models, manage people to obtain a high-performance team, and identify leadership communication behavior.

A program based on the development of those skills was ordered and two professors were hired: a federal judge and a business executive, both of them with experience in judicial management.

Judicial training should be delivered by people who know the work of judging and teaching. Training of judges should, wherever possible, be by judges themselves to ensure authenticity. This will require an ongoing program of faculty development and train-the-trainer (Armytage 2003: 32). Thus, trained judges with accumulated experience are the ideal professors for the training program. However, it is always important to have academics or other professionals who have expertise in a given area. As the law has become increasingly complex and the

demand for training in social issues has also grown, the need for specialists is increasingly recognized (Thomas 2006 :110).

## **II. The Program**

The judicial training program envisaged three phases that were deployed over a 15-month period:

1. Train-the-trainer in judicial administration
2. Practical Implementation of the Judicial Management Model
3. Online course in judicial administration

The first phase—train-the-trainer in judicial administration—had the objective of training a select number of judges to become trainers to the third phase. The first part started in December 2016 and involved a 3-day course on the information and skills needed to develop and deliver effective judicial administration in context training. The judicial education program was structured with several pedagogical methods. The content of that phase included general legal knowledge, non-legal skills and knowledge, and attitudes. The format for delivering such information and skills training varied widely: from formal lectures, seminars, and meetings to printed material, audio-visual formats, and even role-playing. The first phase deals with training methods, teaching techniques, teaching relationships between trainer and trainee, and communication theory, with a focus on the administration of district courts. The general view is that this train-the-trainer seminar improved the quality of in-service training for judges.

The second phase took place in February 2017 after the completion of the first stage of training. Since the training of trainers in Stage 1 focused primarily on the assimilation of knowledge, it was necessary to develop skills putting the learned content into practice. So, the second step—Practical Implementation of the Judicial Management Model—was essential for future orientation of other judges and civil servants. The trainer teaches better after living the experience of the management model. The practical training of judges will also train their entire team, with extremely beneficial effects achieving the desired results.

The practical implementation is carried out through seven cycles of group conceptual discussion, followed by monitoring in each of the participating district courts, as well as the monitoring and development of activities through the moodle platform. Due to the costs involved, it was decided to carry out this activity in only six district courts. The other judges who participated in the first phase followed the evolution of the process through group meetings and discussions in the virtual learning environment. During the collective meetings, it was also possible for judges to discuss the issues arising from the implementation of the management model in their own district court.

At the end of the second phase, participants were able to: identify the human and material resource needs of the judiciary; identify and analyze problems in the administration of district courts; implement the management model in the district court; evaluate and organize workflows and caseflows; distribute tasks according to the workflows and profiles of civil servants; manage materials and goods; organize meetings, stimulate group participation; establish indicators, goals, and priorities; manage people, lead teams, delegate responsibilities; evaluate teams; evaluate individual performance; give and receive feedback; propose innovative solutions for complex situations; and promote, participate in, and collaborate with institutional activities.

After seven months, the second phase came to an end. The achieved results were very impressive. For example, the two tables below show the performance of the Juvenile and Domestic Relations District Court before and after the implementation of the new management model:

**2016 (Before)**

<b>Months</b>	<b>Pending cases</b>	<b>New cases</b>	<b>Disposed</b>	<b>Staff acts</b>	<b>Decisions</b>
<b>January</b>	11,765	248	138	253	50
<b>February</b>	11,916	210	67	534	109
<b>Mach</b>	12,071	226	78	805	200
<b>April</b>	12,168	224	129	536	145
<b>May</b>	12,083	224	311	383	81
<b>June</b>	12,264	239	72	478	83
<b>July</b>	12,362	169	143	618	84
<b>August</b>	12,513	237	91	682	104
<b>September</b>	12,590	272	201	487	90
<b>October</b>	12,769	283	111	616	178
<b>November</b>	12,955	262	84	293	39
<b>December</b>	13,081	163	39	226	57
Difference (Jan./Dec.)	<b>+1,316</b>				
<b>Total</b>		<b>2,757</b>	<b>1,464</b>	<b>5,911</b>	<b>1,220</b>

**2017 (After)**

<b>Months</b>	<b>Pending cases</b>	<b>New cases</b>	<b>Disposed</b>	<b>Staff acts</b>	<b>Decisions</b>
<b>January</b>	13,273	253	71	421	129
<b>February</b>	13,390	190	76	311	88
<b>Mach</b>	12,180	389	1,595	790	208
<b>April</b>	11,766	231	641	529	75
<b>May</b>	11,626	332	480	1,110	277
<b>June</b>	11,558	330	397	887	283
<b>July</b>	11,511	317	366	820	245
<b>August</b>	11,215	284	580	614	376
<b>September</b>	9,837	340	1,743	487	608
<b>October</b>	9,057	292	1,076	594	134
<b>November</b>	8,703	261	626	669	243
<b>December</b>	8,701	298	294	571	237
Difference (Jan./Dec.)	<b>-4,572</b>				
<b>Total</b>		<b>3,517</b>	<b>7,945</b>	<b>7,803</b>	<b>2,903</b>

The third part of the program was an on-line course in judicial administration. The nature of the judiciary itself can affect curriculum offerings, so on-line courses and web-based materials can be particularly helpful in delivering training and education in large, geographically dispersed jurisdictions. Such is the case of Minas Gerais, where approximately 1,200 state judges work and, in turn, face difficulties attending courses at a central location.

A web-based distance learning combined for judges and court staff was prepared for 427 state judges and law clerks working in 238 district courts scattered throughout 71 cities. They received support from the judges who were trained in phases 1 and 2. Materials available on-line were distributed widely and could be quickly and regularly updated. The judicial school offered a course in a variety of formats: audio-video classes and web-casting, two-way text communications, video resources, and quiz and electronic database tools.

The on-line course was structured basically in 40 video classes that were recorded by the federal judge and business executive. The main topics can be viewed below:

<b>MODULE</b>	<b>VIDEOCLASS</b>
<b>PROBLEMATIZATION AND SOLUTION</b>	Need for Management in the Justice System
	Problems in the Administration of Justice I
	Problems in the Administration of Justice II
	Efficiency, effectiveness, and the Judiciary
<b>CONSTRUCTION OF THE DESIRED FUTURE</b>	How to deal with changes?
	Strategic planning and the Judiciary
	Strategic execution
<b>THE JUDICIAL SERVICE</b>	Provision of services and the Judiciary
	Efficient Judicial Administration
<b>MANAGEMENT MODEL</b>	Concept of the management model
	Implementation of the management model
	Dimensions of situational diagnosis
	Execution of the management model
<b>PROCESS MANAGEMENT</b>	Efficiency and workflows
	Types of cases and caseload management
	Infrastructure and layout
	Backlog
	Technology
	Estimation of deadlines
	Prioritizing work
	Sustainability
	Hearings
	Productivity of District Court
	Office management

(Contd.)

<b>MODULE</b>	<b>VIDEOCLASS</b>
<b>PEOPLE MANAGEMENT</b>	Leadership Communication Team management Climate at work and motivation Conflict management Knowledge management Management of competencies Engagement Quality of life at work
<b>CONTINUOUS IMPROVEMENT</b>	Definition of continuous improvement Creative problem solving Benchmarking and good practices Implementation of action plans
<b>RESULTS</b>	Results accounting

As adult learning is an active process of reflection and discussion, it is necessary to give participants time to think about new concepts of judicial administration and link them to their own experience. The participants took eight months to finish the course, setting goals and objectives with the content and taught techniques to be employed in case management that would be useful in creating and developing a community of good practice (O’Connell & Tull 2012: 127). Adults learn from their own experiences and encouraging each participant to offer up their own experiences during training was a way to show the relevance of that. The use of real experiences which could be applied to other participants brought meaning to the learning. The process of discussing ideas helped people to clarify what they think or feel about something. Group discussion allowed everyone to be exposed to new ways of thinking (Martin 2001: 15).

### III. Results Achieved

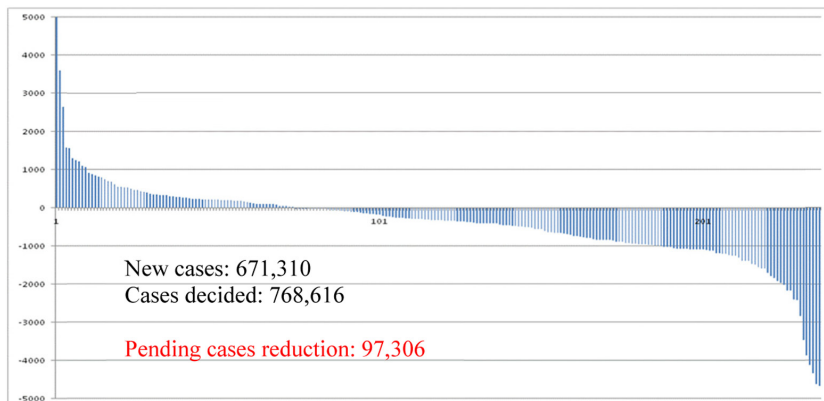
After eight months of on-line training, 124 participants voluntarily answered a questionnaire to give their perception of the results achieved by distance learning. The most typical measure of learning is to ask participants to fill out a test either at the end of the course or event, or to test what knowledge has been retained a few days or months later (Edwards 2013: 117). The tables below demonstrate that most of them had a perception of significant or moderate improvement in the dimensions shown on the horizontal axis:

	<b>Labor conditions</b>	<b>Climate at work</b>	<b>Connection between judge and staff</b>	<b>Communication</b>	<b>Team satisfaction</b>
Much improved	50	45	60	61	51
Improved	31	48	38	47	53
Unchanged	41	28	22	15	20
Worse	0	3	3	1	0
Much worse	2	0	1	0	0

	Management knowledge	Leadership	Performance	Judicial service provision	Clarity of goals
Much improved	37	41	45	52	72
Improved	65	67	61	57	45
Unchanged	22	16	18	15	7
Worse	0	0	0	0	0
Much worse	0	0	0	0	0

Every year the National Council of Justice (CNJ) establishes goals for the Brazilian Judiciary. Goal 1 of the CNJ says that courts should decide a greater amount of cases than those filled in the current year. According to the available data, the Court of Appeals of Minas Gerais State achieved the result of 97.32% in 2017, which means that—on average—for every 10,000 new cases, 9,732 were decided.

In this regard, the judges who attended the on-line course received 671,370 new cases in one year and they decided 768,616 cases. On average, for every 10,000 new cases, 11,449 were decided by the state judges. The chart below illustrates the difference between new cases and disposed cases. There was a reduction of 97,306 pending cases.



New cases vs. Disposed cases from 03/2017 to 02/2018.

Judges who attended the on-line course decided, on average, 2,405 cases per year. That amount is above the average workload per judge of the Court of Appeals of Minas Gerais State (1,823 per year) (CNJ 2018: 86). A productivity gain of 582 cases per year was reached. However, rather than comparing the participant's performance to the judges' average, it's better to compare them to themselves before and after the course. The number of decisions per year and per judge had an important increase:

DECISIONS		
Years	2016/2017	2017/2018
<b>Average</b>	2,189	2,405

63% of district courts improved their performance

51,450 additional decisions

Another result of the training program is that two books were written: *Manual de Administração Judicial* (Handbook of Judicial Administration), volumes I and II. The books tell a little about the development of the training process and serve as a tool to help judges better manage district courts.

#### IV. Closing

Unlike in the private sector where educators may measure quality through increased production of widgets or profit margins, judicial educators face a much harder task in measuring their impact on the improved administration of justice (O'Connell & Tull 2012: 127). The challenge of measuring a societal outcome is particularly affected by limited funds for conducting evaluations, together with the growing need for judicial branch education to adapt to increasing or changing workloads of judges and their staff (O'Connell & Tull 2012: 130).

Still, every educational activity should have its results measured. Without evaluation of the educational experience, it is not clear if it is worth it. It is not just an assessment of knowledge acquisition by the participants, but also of how judicial training has impacted on the organization. In the absence of national, state, or local directives for evaluation, assessments of judicial education gravitate more toward satisfaction evaluations than impact evaluations.

The judicial training program prepared for the Court of Appeals of Minas Gerais State tried to assess the transfer of knowledge from course to job to demonstrate the degree of success of the program. The evaluation helped the judicial school decide whether to repeat the educational program and how to improve it.

A new on-line course will start in July 2019; it will be shorter and with topics regarding correctional issues. The goal is to train all judges in Minas Gerais State in judicial administration by 2020. If the judicial school goal is reached, state judges will have continuously improved their competence, the administration of justice will be enhanced, and confidence in the Brazilian judicial system will be upheld.

#### Competing Interests

The author has no competing interests to declare.

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