
From the Co-Managing Editors

By Philip M. Langbroek and Barry Mahoney

From this issue to the next: Globalization and Court Administration

At the IACA's Third International Conference in Dublin this past April, participants heard numerous presentations on various aspects of innovative court and case management, technology, caseload analysis, and delay reduction. They also heard from colleagues seeking to establish and maintain effective court systems in countries that either have been or currently are dealing with severe civil turmoil and war. It was an inspiring occasion, and the articles in this new issue reflect the spirit of that conference.

This issue includes articles on justice and court administration under development in Iraq and Russia; New Public Management in Court Administration; and whether there is a role for an ombudsman for court administration. It includes discussions on modern court administration in Ireland and management control in the Federal Supreme Court of Switzerland. The issue includes an article about the use of *dialogues* as quality management tool in the Swedish courts.

This issue also includes a new feature: *Books*. From time to time, relevant books are published on court or judicial administration, and the Journal will include selective reviews of them for its readers. Readers who wish to review new books should contact the Managing Editor to discuss preparing a review for the Journal. Submissions should not exceed 3000 words.

Globalization affects the role and function of justice systems as the role of states in economic matters diminishes. This, in turn, has the potential to affect civil jurisprudence on the local and regional levels. International trends provoke the development of international conventions, treaties, and agreements that may trump jurisdictional and other issues in individual states. Human rights concerns in states that pay insufficient attention to violations, in turn, have spawned the creation of international criminal courts that struggle for political recognition of their jurisdiction and prosecutorial authority in a complex global arena. There are significant differences in perspectives concerning international criminal tribunals, and differences in culture, criminal jurisprudence, social and economic hierarchies, and other factors render difficult the effort to establish fully subscribed international agreement on criminal jurisprudence and what constitutes human rights violations.

Globalization spawns more practical functions for court administration such as

- correctly translating into local languages agreements and conventions with international scope and application;
- training judges who are predisposed to local and regional cultural, religious, and legal norms to be sensitive to, aware of, and align their work to the broader international community; and
- providing effective and precision translation services to increasingly diverse and non-local litigants.

These functions and others are critical for achieving the overall objective of fair, effective and expeditious administration of justice—an increasingly complex proposition for court system managers and administrators. And, of course, borrowing organizational designs from elsewhere and implementing them at home (or bringing them abroad) may be a risky business. Judicial councils, for example, may differ vastly in constitutional position, membership, and competencies. Their main purposes and functions may also differ vastly: from guardians of judicial independence to nationwide administrative agencies for the courts. Establishment of such a council may gravely affect the position of judges and the organization of local courts, and it certainly changes the interplay between and among judges, court management, and the ministry of justice or similar body.

Efforts by administrators to integrate international best practices into established legal systems with values and traditions that are inconsistent with those practices can easily lead to tension and political conflict. One of the key challenges for court administration is to develop ways to identify the potential points of tension and develop ways to mitigate the potential conflicts. A primary goal of court administration is to strengthen the capacity of courts—as the primary mechanism for peaceful resolution of disputes—to perform their functions effectively, building on established practices while also drawing upon what is known and being learned about effective practices of court administration.

The next issue will explore some of these issues, and readers are encouraged to submit their ideas for articles that address them and innovative ways of dealing with them.

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