
Theme: The Function of the Court Administrator

The Development And Role Of The Court Administrator In Canada

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By the turn of the millennium most courts in Canada had court administrators managing their operations and their staff. As a rule, the court administrators worked in a partnership with the chairmen of their courts, who typically delegated some of their official responsibilities. But the mere presence of court administrators, not to speak of their broad range of functions, was still relatively new. Only in the 1970s did most courts acquire administrators, and it took at least another decade before they were fully accepted by judges and entered into a position of equality with some, if not many, chairs of courts.

The emergence of the court administrator in Canada was tied to the movement to unify and streamline provincial courts that began in the late 1960s and reflected a realization that courts had fallen behind the rest of government in the process of administrative modernization. For example, at one time doctors administered hospitals, but as medically trained specialists many did not have the administrative skills needed to run a large and complex organization. Only in the 1960s was the job of running hospital transferred to hospital administrators, and then only because of agreement that persons trained in administration would run hospitals better than doctors, who should concentrate on treating the sick. In Canada for a long time judges were the 'administrators' of the courts. They received files, scheduled cases, heard cases, received fines and remitted them to the executive branch of government. In many respects judges were subservient to the executive, a situation that changed as courts followed the way of other public institutions.

Canadian reformers were able to draw on the experience of a number of states in the post World War II USA that had already developed unified court systems and undertaken administrative reforms. While as of 2000 the American court reform movement that produced trial court administrators had not experienced the success that it had in Canada, the United States (or at least particular states) deserves credit as the birthplace of the modern court.

Here we will examine the emergence of the trial court administrator in the USA; the adoption of this role and of modern court administration in Canada; and finally, some major themes in the modernization of the management of courts in Canada.

Before World War II in the USA most criminal and civil cases involved the laws of the states (and not the federal government) and were heard in courts that were the creatures and servants of municipal and county governments, rather than of states.¹ The mix varied from one state to another, but was on the whole unnecessarily complex. Moreover, the administrative operations of many courts were in the hands of elected clerks, that is officials of local government, and the composition and size of staff varied widely, with no one keeping track on a state wide basis. Of course, many of the judges were also subject to periodic elections. Often the local bar, consisting of the lawyers in the community, exercised inappropriate influence in the courts, for example over the distribution of cases among judges and the scheduling of cases. At the same time, the tradition in multi-judge courts was for each judge to run his/her own courtroom as a separate administrative entity in isolation from other judges on the same court.

Already in 1906 the noted jurist and future law professor Roscoe Pound called for the unification of courts in the states and the development of court administration controlled by judges rather than local political elites, but by 1940 he could write only of individual experiments in this direction.² To be sure, the small but influential system of federal courts had in 1939 under Chief Justice Hughes created its own administrative service (separate from the Department of Justice). But the unification of courts and depolitization of court administration in the states remained only a goal of reformers, among them the vocal lawyer from New Jersey Arthur Vanderbilt, who became President of the American Bar Association in 1938. Vanderbilt created a new ABA section on judicial administration and gave the section's head, Judge John Parker, the mandate to develop standards on court administration. The work of Parker and Vanderbilt became the starting point for postwar improvements in court administration, as they laid out the administrative roles of judges, and called for the

¹ This section on court administration in the US draws on Robert Tobin, [Creating the Judicial Branch: the Unfinished Reform](#) (Williamsburg: National Center for State Courts, 1980).

² Roscoe Pound, [The Organization of Courts](#) (Boston: Little Brown, 1940).

creation of offices of court administration. In 1974 the American Bar Association issued an updated version of the *ABA Standards of Judicial Administration*, and to this day the Bar Association has facilitated high standards for court administration.

It was clear to Vanderbilt and other reformers that administrative reform of the courts was possible only with their unification at the state level and their detachment from local financing and control. In the decades following World War II these goals were gradually accomplished, especially in urbanized states, with the state of New Jersey as a pioneer. Arthur Vanderbilt fought to get New Jersey voters to adopt a constitutional amendment to reorganize that state's and create a unified court administration under the Supreme Court, whose chief judge he became in 1949. Accordingly, he established the position of state court administrator in 1950 to manage all the state's courts through the new court administration. One judge on every three or four courts was designated "administrative judge" and put in charge of the court operations for the group of courts.

The Vanderbilt model was possible only where states unified courts at the state level, and this happened only gradually. The increasing costs of maintaining courts in cities, where caseload pressure was growing, led many municipal governments to agree to unification, although often they tried to preserve a place for elected clerks. To the extent possible state authorities replaced elected clerks with civil service positions, but in some states the position of clerk lasted and would limit the authority of trial court administrators when that position was established. In short, between 1950 and 1975 most states established state court administrations headed by administrators with varying degrees of authority, and in 1971 this group created its own organization. The Conference of State Court Administrators, is comprised of the state court administrator or its equivalent for each of the 50 states, Washington D.C., and the territories of the US. This association continues to be active today and meets annually with the Conference of Chief Justices (the highest judicial officers of states and territories).

The first trial court administrator was appointed in the Superior Court of the City of Los Angeles in 1957, and in the next decade enough administrators had appeared at the trial court level to allow the creation of a National Association of Trial Court Administrators. The elected clerks responded by creating their own organization, the National Association of Court Administration. In 1985 both organizations merged and became the National Association for Court Management, with more than 900 administrators of courts growing by 1997 to more than 2,300. The movement to establish trial court administrators, to give them distinctive professional status, and to expand their role in courts was given an important boost with the creation in 1970 of a national training centre—the Institute for Court Management—joining programs in court administration at three universities. Finally, in 1971 the National Center for State Courts was founded as a research and consulting arm of the state courts, and supported by state governments. The National Center would play a major role in the spread and sharing of expertise among members of the emerging "profession" of court administrators. In addition, the National Center for State Courts became an information service for inquiries on court matters and a central repository of court literature, as well as supporting research on various court-related issues³. The administration of courts also became the subject of journals such as *Justice System Journal* and *The Court Manager*.

The new trial court administrators came from a variety of backgrounds. Initially some were lawyers themselves, and that made them compatible with the judges. But increasingly in the 1970s and 1980s the administrators of courts had training in management or administration, general or specifically judicial, and over time judges came to recognize the special contribution that professional managers made to the courts.

The actual functions performed by court administrators varied widely from state to state and in practice with the particular judges and administrators as well. At the most basic level administrators served as "administrative assistants" to the chief judges, with routine responsibilities relating to purchasing, space, accounting, and usually supervising the staff of courts (sometimes sharing this duty with the clerks). On the other end of the spectrum were court administrators who operated as "strong managers" of courts. While deriving a good part of their authority from the chief judge, these court administrators executed court policy on most administrative matters, handled relations with the rest of government and the public, and most importantly played a major role in caseload management and the improvement of courts.

Over time the emphasis in judicial administration in the USA shifted from improving the organization and structure of courts to enhancing their accountability, performance, efficiency, and effectiveness. This shift came from the realization that improvements in structure alone would not achieve the goal of efficient and effective courts. Of primary concern was addressing the problems of case backlog and delay, including the potential of caseload management and mediation.

³ To learn more about the National Center for State Courts and its many useful publications, visit its website: www.ncsonline.org

Judges also came to recognize that administrative efficiency of courts required professional managers and staff capable of working with judges in formulating and executing policies at the court.

Caseflow management became in the 1970s a central concern among judges, lawyers and especially court administrators. The increasing caseload in many courts and the accompanying growth in court delay made the achievement of efficiencies imperative and provided fertile soil for the introduction of changes in scheduling and allocation of cases and of major reforms in the processing of cases. Changes in scheduling required wresting control of the calendars of courts away from local lawyers, prosecutors, and elected clerks of courts, and the assertion instead of judicial control. By 1984 the bar recognized the potential benefit of time standards governing the progress and disposition of cases.

Ultimate responsibility for caseflow management rested officially with judges. Judges had the authority to seek assistance from the court administrators and get these administrators actively involved in the pursuit of caseflow management innovations. Such innovations included new systems of allocating cases among judges (not by specialization but by the complexity of cases and the time needed for resolution); and new ways of tracking and managing cases from initiation to disposition. Thus, caseflow management came increasingly to imply the use of early screening and disposition, and various forms of alternative dispute resolution. In some courts new posts like “case manager” or “trial coordinator” were established, in addition to or as substitutes for “court administrators”.

Arguably, it was the new body of knowledge about caseflow management that gave court administrators a distinct professional identity. Court administrators fully versed in the latest techniques of caseflow management, including the use of computers, offered something to the operation of courts that persons with legal training did not. Overall, a significant role in caseflow management often characterized the stronger court administrators, although in some courts the demands of personnel management and budgetary matters took precedence.

The assumption of a major managerial role by trial court administrators did not come easily. In many places the court administrators had to “fight their way into the system over the objections of judges”, not to speak of the clerks. Moreover, many of the important functions of the administrators had to be performed “in the name of the chief judge”. This applied to the assigning and scheduling of cases among judges, their vacation schedules, and the sensitive matter of assigning reserved parking spaces at the court.

In some states trial court administrators were subordinate to the state court administrator, who might be involved in their selection and supervision. Moreover, to the extent that functions like personnel management, budgeting, and caseflow management, were performed by the state-wide Court Administrative Office, the discretion of administrators at the local courts might be limited. While formally court administrators might be subordinate to the court administration office under the state supreme court as well as to their chief judges, it was the relationship with the latter that determined what court administrators did.

The actual relationship between the chief judge and the court administrator in state courts at the end of the millennium varied greatly depending upon their personal chemistry. Increasingly, chief judges were prepared to delegate many of their responsibilities to the court administrator, but, according to Tobin’s study, real executive partnerships between the chief judge and court administrator were not yet the rule. As we shall see, this ideal was more fully realized in courts in Canada.

Modern court administration in Canada began in the 1970s, when the American court reform movement was already in full swing, but its principles were adopted more quickly and fully by Canadian provinces than many American states. Of course, Canada is much smaller in population (less than one ninth the size) than the USA; and as of 2004 only three of its cities had more than a million people. Apart from the highest courts in the nation’s capital Ottawa (Supreme Court, Federal Court), Canada has two types of courts--the higher trial and appellate courts with federally-appointed judges, and the courts of the provinces with provincially-appointed judges. Both types of courts are administered and funded by the provinces. The courts of the provinces--typically now called provincial courts--are the most numerous and have the largest case loads. They are analogous to raionnye sudy in the Russian Federation before the revival of the mirovye sudy, and we will focus for the most part on their administration.

Unlike the United States where the funding and administration of almost all state courts used to be a local responsibility, the provincial courts (or magistrates’ courts as they used to be called) were sometimes funded by the provincial governments (in part out of fees and fines collected). But in other provinces unification of lower courts at the provincial level was, as in the USA, a prerequisite for administrative modernization. For example, the province of Ontario assumed responsibility from cities and counties for funding its magistrates’ courts only in 1968. Whatever the funding scheme, until the decade of the 1970s the provincial governments paid little attention to how these courts were run. Provincial

“inspectors of legal offices” would do periodic audits on fine collection and spending, but they gave little, if any, advice on the management of the courts. As a result, there was considerable variation in court administration, in the words of one observer “a fractured mosaic of individual fiefdoms”. The emerging gap between the often archaic methods of administering courts and the caseload pressure led to serious reviews of the situation by reform bodies, for example, the Justice Development Commission of British Columbia. The result was the establishment in almost every province between 1970 and 1977 of province-wide offices of court administration (at least for the provincial courts) with their own Directors. About half of these directors had legal education; the rest were non-lawyer civil servants with administrative experience.

Following Canadian constitutional tradition these offices and directors were and remain part of the executive branch of government. They are, as a rule, located within provincial attorney-general departments or ministries, bodies that combine prosecution, court administration, and other legal functions. In formal terms at least, all staff of Canadian provincial courts are subordinate to these departments, that is to the executive branch, a fact that made the empowerment of trial court administrators more controversial than might otherwise have been the case.

The establishment of the post of court administrator at the courts themselves (and sometimes for regions within provinces) also began during the 1970s and by the end of the 1980s the majority of courts in Canada had a court administrator, usually (but not always or right away) with responsibility for supervising the rest of the court staff (registry officers, court reporters, etc.) This was easier to accomplish than in the United States, since Canada had no tradition of elected clerks with interests to defend. In 1975 the Association of Canadian Court Administrators was founded, and it began to hold regular meetings and distribute a newsletter. Diploma programs in justice system administration were established, starting with Brock University in 1980; other post-secondary educational institutions followed suit.

The spread of knowledge in Canada about modern court administration and its underlying philosophy got a boost with the publication in 1981 of a book Judicial Administration in Canada, co-authored by the British Columbia head of court services, Judge Perry Millar, and the soon to be founder of the first university training program in court administration, Professor Carl Baar.⁴ The book promoted a broad conception of the functions of the trial court administrator, which was reflected in the topics it presented as central to the “technology of judicial administration”. These were: “personnel systems and functions in courts” (how to manage the court staff); “budgeting and planning” (not just accounting but setting out the needs of courts and lobbying for them); “caseload management” (as in the USA the core and unique specialty); “records and space management” (including how to run an archive); “information systems and computer technology” (already crucial to courts in Canada in 1980); and “systems implementation” (taking the broader perspective). For all of these topics Millar and Baar explored what the court administrator could and should do rather than the changing realities on the ground.

The modernization of court administration in Canadian courts and the growing importance of court administrators made some judges nervous that functions that mattered to the administration of justice were being performed by staff that were subordinate to the executive branch. This was true legally, although in practice the chief judges of courts usually directed their administration. Some judges came to believe that the independence of courts as institutions required that all court administration fall under the sway of the judicial branch.

This issue received serious consideration in a 224-page report sponsored by the Canadian Judges Conference and the Canadian Institute for the Administration of Justice. Masters in their Own House: A Study on the Independent Judicial Administration of the Courts appeared in 1981 and was written by the Chief Justice of the Superior Court of the province of Quebec, Jules Deschenes, and the already mentioned Professor Carl Baar. The authors concluded that it was inappropriate to have the same agency handling public prosecution and the provision of court services, and called for the establishment of court services departments accountable to provincial judicial councils.⁵

In 1985 the Supreme Court of Canada ruled in its Valente decision that independent adjudication by judges did not require that court administration be under the judiciary, only certain functions directly related to adjudication such as assignment of judges, scheduling of trials, and allocation of courtrooms.⁶ In his 1987 Report of the Ontario Courts Inquiry, Justice Thomas Zuber of the Ontario Court of Appeals agreed with the Supreme Court that judicial independence requires only that judges have the power to determine standards for matters bearing on their casework, including “the assignment of the totality of a judge’s workload...” But Justice Zuber was sensitive to the apprehensions of judges, and insisted that the

⁴ Perry S. Millar and Carl Baar, Judicial Administration in Canada (Kingston and Montreal: McGill-Queen’s Press, 1981).

⁵ Jules Deschenes, Masters in Their Own House: A Study on the Independent Administration of the Courts (Ottawa: Canadian Judicial Council, 1981).

⁶ Valente v. Queen, et al. (1985), 2SCR, 273.

administration of courts should be based upon “shared responsibility” and “a close working relationship and mutual consultation” between judges and court staff; division of labour, yes, but not isolation.⁷

Time has proven Justice Zuber correct. As of 2004 there was still support among Canadian judges for detaching the administration of courts from the executive branch. In practice, though, the development in many, if not most, courts of effective partnerships among chief judges and court administrators made this issue more symbolic than practical, although it still rouses emotions.

The Association of Canadian Court Administrators (ACCA) has become increasingly proactive in developing standards and competencies for court administrators. While the organization initially started as a meeting of the ‘administrative heads of courts’ from all Canadian jurisdictions, by the early 1990’s it had developed into a membership-based organization and one that promotes excellence in court administration through professional and educational initiatives. Most recently, ACCA has copied its American sister organization, National Association of Court Management, in defining and promoting a definition of “core competencies” for court administrators. Training seminars have been mounted to help court administrators develop or improve their skills in these areas. They have included such subjects as the purposes and responsibilities of courts; leadership; caseload management; information technology management; court and community communications; human resource management; resources, budget and finance; education, training and development; and strategic planning.⁸

Court administration in Canada, and the work of the trial court administrator in particular, is characterized by three features that deserve comment—the concept of executive partnership; the primacy of a public service ethos; and systems of case management aimed at efficient and fair disposition of cases.

The predominant approach to managing courts in Canada in the new millennium emphasizes cooperation and teamwork, especially among the chairman of the court and the trial court administrator. While officially court administrators may only assist the chief judge in performing his administrative responsibilities, in fact the two figures often form an executive partnership. Of course, the personal chemistry among the two figures matters, and may influence what the partnership means in practice. But it is normal, not exceptional, for the court administrator to take charge of some of the functions that are deemed to be essential to adjudication, such as allocation and scheduling of cases, albeit under the supervision of the chief judge. In such matters as managing of court staff and the preparation and implementation of court budgets, the court administrators are likely to be the dominant actors. In many of their activities they need to coordinate with provincial (and sometimes regional) court administrators, but their main relationship is to the chiefs of their own courts. Whereas consultations with colleagues beyond the court may happen a few times a month (and mostly by telephone), interaction with the chief judges of their courts takes place a few times each day. In short, court administrators typically have a good deal of discretion. They are able to make many decisions on their own or in consultation with their chief judges; only occasionally must they consult their superiors above the court. While court administrators are technically in a position of dual subordination, they have one real master, and with that master they often achieve a position of functional equality.

In the province of Newfoundland and Labrador the Director of Court Services functions as the administrative head of the Provincial Court system. While on paper the Director reports to the Deputy Minister of the Department of Justice, in practice the Director interacts with the Deputy Minister rarely, perhaps three-four times a years. On the other hand, the Director of Court Services works on a daily basis with the Chief Judge of the Provincial Court system. Together they plan, direct, supervise and control the work of the court. On the occasion when there are interactions between the Director and the Deputy, it usually, if not always, has to do with budgetary issues. It is through the executive of the Department of Justice that the Court applies for and requests changes in its funding allocation.

The court administrators of the individual courts report to the Director of Court Services and through that reporting relationship to the Department of Justice. The Provincial Court Act identifies the employees of the court as both “employees of the Department of Justice and Officers of the Court”. The court administrators of the individual courts work with the senior judge (in multi-judge courts) or the sole judge (in single judge courts) to plan and coordinate the functional operations of their court.

⁷ Ontario Ministry of the Attorney General, Report of the Ontario Courts Inquiry, by T.G. Zuber (Toronto: Queen’s Printer, 1987), esp.145-159.

⁸ The website of the Association of Canadian Court Administrators is: www.acca-ajc.ca

As the managers of diverse staff, court administrators in Canada must work in a cooperative way with the court staff, judiciary, lawyers, and the public. Court administrators often represent the views of the administration of the court on multi-disciplinary committees.

Since the mid 1990s one of the central goals of modern court administration, in the US and Canada alike, has been the creation of a user friendly, service-oriented court. The reputation of courts and the morale of judges and staff alike, improve when the court's main constituency--the public--feels well served by it. Public attitudes toward courts depend in part upon their efficiency; reducing backlogs and delays is since qua non. Beyond this, the experience of members of the public at the courts matters. Locating facilities in accessible places; keeping them open during hours when people can use them; making information of all kinds easily available to the public (at the court and on the internet); and developing among court staff the habits of courtesy, politeness, and a genuine desire to help persons who come to them, both in their dealings with the court and their interactions with other related agencies (social service, legal etc.)--all such steps help produce a service-oriented court.

The responsibility for ensuring that courts are user friendly and constantly improving their services to the public rests in Canada with all persons who take part in administering the courts, starting from the very top. Thus, the Court Services Division of the Province of Ontario's Ministry of the Attorney General built these concerns into its Five Year Plan 2002-2007. The mission of the division is defined as maintaining a "modern and professional court service that supports accessible, fair, timely and effective justice services." The "business goals" to fulfill this mission include: "timely and efficient case processing; accessible services; consistent high quality services; accountable and effective decision-making; and efficient resource management." These goals in turn are translated into a whole battery of "service standards", against which the work of the court is to be evaluated constantly. The detailed plan schedules dozens of initiatives aimed at achieving, directly or indirectly, courts that serve the public.

The ethos of service has become a guiding principle in the management and assessment of Canadian courts, and a central concern for trial court administrators. It is their responsibility to ensure that a culture of service permeates the work of their staff. It is their responsibility to discover new ways to ensure contact with the court is a pleasant and rewarding experience for members of the public, in whatever capacity they come to the court.

For example, children who are victims of crimes and who come to court to testify are provided with a child-friendly waiting area, which is private and keeps them away from the accused and his/her supporters. This area generally contains toys, books and games to try and keep these children occupied as they wait. Additionally, many courts have closed circuit television, which enables the child to testify from a remote room in the courthouse, linked to the courtroom. This witness can be seen by all parties in the courtroom through closed circuit TV. However, the child is protected from seeing the accused. Still other courts have made one or two of their courtrooms into a special child size courtroom—using smaller furniture and taking the judge's bench off the dias.

Some courts have embraced technology and have made all or at least some of their courtrooms technology friendly. This enables the lawyers to bring computers and electronic equipment to the courtroom and 'hook in' to the cyber world. This makes legal research and case law precedents accessible in real time.

In the Ottawa courthouse a self-service Family Law Centre has been created. Self-represented litigants, who are going through family disruptions, can use this facility to prepare various court applications under the Family Law Act and speak to a legally-trained counselor to get advice on how best to proceed with their matter before a judge. It is a free service to the public. With respect to family matters many courts have implemented mandatory mediation, which is a service provided by the court or is court referred and provided by the community. The purpose is to minimize the adversarial nature of family matters and to keep the best interests of the child(ren) at the center. Education is used to inform the parents of the long-term impact on children involved in such family proceedings. Mediation is used to lessen the adversarial nature of such proceedings.

Another distinctive feature of court administration in Canada is the development of comprehensive case management systems that emphasize not only the scheduling of cases for trial but also pretrial management of cases brought to the courts with the aim of reaching settlements without trials. In Canada (and other common law countries) most criminal cases end in guilty pleas and as a result never have a full trial. Pretrial resolution of conflicts in civil cases is commonplace worldwide, and one of the strengths of Canadian case management systems is that they encourage rapid disposition even of cases that may not go to trial. Of course, avoiding trials (and the unnecessary use of expensive court time) remains a goal of case management.

Consider, for example, the case management system used in the Superior Court of Justice, Toronto Region. (This is the second level in the hierarchy of courts). Since July 2001, with a few exceptions, all civil disputes must enter the system

and be placed under the control of a “case management master” (sometimes a case management judge). This full-time judicial official convenes a case conference with the two sides (sometimes by telephone) to discuss the issues, and schedule a series of events. These events include within three months of the filing of the statement of respondent compulsory mediation, at which a neutral mediator (from outside the court) attempts to resolve the dispute. Should this fail, the process of discovery begins, with each side getting to interview each other’s witnesses, culminating in a settlement conference (within six to nine months of the start of the process), where the responsible master or judge explores the strengths and weaknesses of each party’s case. The parties are asked to generate options and the settlement conference judge (or master) offers a solution. Only if this is refused, are the preparations for trial undertaken (before another judge, not the one who handled the settlement conference), and even on the day of the trial the parties may settle on their own. Note that this case management system is based on the premise that cases are the responsibility of the court and not of individual judges. If a case reaches trial, it is heard by a judge who has had no involvement with the pretrial settlement process. The introduction of such a system of case management in countries like Germany or Russia would require separating the management of cases from the individual judge.

The Toronto case management system, and others of its ilk, encourage early settlements and avoid unnecessary use of trials, which are costly to the state as well as the litigants. Every stage of the system (presented here only in broad strokes) has its own deadlines and the materials of the case (whether electronic or paper in form) must be carefully managed. Court administrators at courts that use such a case management system must be well versed in a variety of administrative and technological disciplines, and able to keep the lawyers playing by these complex rules of the game in a courteous and informative way.

In 1995 the Canadian Bar Association (CBA) formed the “Task Force on the Systems of Civil Justice” (grazhdanskaia, not tsivilnaia) to inquire into the state of the civil justice system on a national basis and to develop strategies and mechanisms to facilitate modernization of the justice system. The Task Force concluded that the central issues affecting access to civil justice are delay, costs associated with going to court and a lack of public understanding of the civil justice system. The Canadian Forum on Civil Justice was established to meet these challenges. It is a national organization and its objectives are to seek ways to improve the civil justice system by: collecting information on the practice of civil justice; carrying out research on matters affecting its operations; promoting the sharing of information about best practices; functioning as a clearinghouse and library of information for the public; developing liaison with similar organizations in other countries to foster exchanges of information; and disseminating knowledge about experiments and initiatives in civil justice.

The phrase ‘civil justice system’ evokes in most people the image of an imposing courthouse, an austere courtroom, an adversarial trial procedure, and a trial judge as the final arbiter of rights in dispute. The Canadian Bar Association’s vision for the civil justice system in the twenty-first century is of a system that:

- is responsive to the needs of users and encourages and values public involvement;
- provides many options to litigants for dispute resolution;
- rests within a framework managed by the courts; and
- provides an incentive structure that rewards early settlement and results in trials being a mechanism of valued but last resort for determining disputes.

The modernization and professionalization of the management of courts in Canada and the USA have produced a new set of expectations among the public and court regulars alike. Not only must courts operate fairly and efficiently, but they must also be accessible and user friendly. It is no longer sufficient to continue operating courts in a satisfactory way, but it is necessary to constantly assess the quality of operation in relationship to its goals and to plan ways of improving the work of the courts. It is expected that court administrators and chief judges will work together in an executive partnership to make all of these things happen.

Court administration also contributes to judicial independence to the degree that it helps foster the reality and thus the image of a public service agency that works well, that does its jobs, and that meets the purposes that citizens expect of it. The better the courts administer themselves, the stronger their arguments in favor of institutional independence, for example the potential separation of court administration from ministries of the attorney general. Moreover, the chief judge and court administrator can help the organization respond to outside interference, adapt to new demands, and find directions for the future.

Naturally, both the court systems of provinces or states and particular courts vary in the degree that they achieve these lofty goals. But most courts in Canada are improving well and are more efficient and pleasant places than they were years ago.

