



# Editorial

## EDITORIAL

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Dear Readers

Welcome to the first issue of the International Journal of Court Administration's 13<sup>th</sup> volume. In this issue, some authors explore various methods of measuring court and judicial performance, others explore technological developments in courts, and we have one looking at court response to Covid. We get to visit India, Hungary, United States of America, the Netherlands, Italy, and the European Union. Finally, we have one book review on "The Legal Legacy of the Special Court for Sierra Leone" (2020), by Charles C. Jalloh. We hope that you enjoy the issue.

Dinesh Kumar and Ram Manohar Singh, with the objective of exploring court performance and developing its scale, have conducted two interlocking studies in "Exploring Court Performance and Developing its Scale." In study 1, they explored court performance conceptually. They identified the indicators of court performance through in-depth interviews of legal professionals and clients from the district courts of the Indian states of Uttar Pradesh and Uttarakhand. Interviews were analysed using thematic analysis. Based on interviews, they generated items and refined them by using a pilot study. After that, in Study 2, they surveyed court stakeholders to assess measurement dimensionality and reliability. The scale's dimensionality was tested using exploratory factor analysis and reliability was tested using Cronbach's alpha scores. The scale indicated three dimensions: quality of judicial activity, access to justice, and public trust, and excellent internal consistency reliability. This scale can be used to measure court performance by taking responses from legal professionals.

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László Örkényi, writes about “A new method for an objective measurement of the judicial workload – the application of a prediction model based on an algorithm formed by multiple linear regression in court administration.” He looks at the timeliness of judgments based on their complexity. There are significant differences among each of the cases, and the territorial distribution of cases of different complexity is not even. Therefore, in order to measure the judicial workload reliably, to distribute it fairly, and to ensure timeliness, it is also essential to take into account the complexity of court cases. The question is: How is this possible? His retrospective empirical studies on the records of resolved first instance criminal court cases have proved that the amount of judicial working time demand, to conclude cases as a dependent variable, is related to certain substantive and procedural attributes of the case file, as independent variables. Therefore, a prediction model based on an algorithm created by multiple linear regression can be constructed. The amount of judicial working time demand to conclude a given case, can be reliably estimated with it in advance, when a case is submitted and a weighting can be assigned to the case, expressing its complexity with reasonable accuracy. Thus, a system for measuring and allocating the workload of judges can be developed after appropriate adaptation, and it can take into account the differences in the complexity of individual cases more accurately, than currently used methods, and which can be applied independently of the jurisdiction, court, legal system and judicial system.

Giuseppe M Fazari examines “An Ebola Continuity of Operations Plan and the Lessons Learned when a Judiciary in America’s Hot Zone Operationalized it for COVID-19” This study evaluated the continuity of operations plan (COOP) of a Northeast court system in the US that was developed during the Ebola epidemic of 2014 and later administered in response to the Coronavirus Disease of 2019 (COVID-19). Court management literature together with contextual healthcare articles were reviewed so that links could be drawn across these research domains to show how the court’s operations are affected by a pandemic. Topical trends and capabilities were discovered by the judiciary as it sought to operate various components of the court during the COVID-19 shutdown. A cross-sectional design was employed to collect and analyze the data. Observational data that included meeting notes and minutes together with the resultant policy and procedure were drawn from the selected court during the Ebola epidemic. These annotations were later juxtaposed with information provided by judges and administrators of the select court while the plan was operationalized during COVID-19. Secondary data was analyzed using measurements of central tendency and depicted across a series of distribution charts. The findings brought to bear the disparities that exist between the theory and praxis of the COOP paradigm particularly when such planning efforts are applied specifically to pandemics because it did not fully account for the differences that infectious disease outbreaks have on the system. Conclusions and recommendations centered around the four constructs of communication, collaboration, information technology and infrastructure.

Danielle Fox and Hisashi Yamagata look at “Developing court capabilities and insights through data conversion.” Court systems nationally and internationally engage in upgrading case management systems or their components to improve the capturing and monitoring of case processing in more modern and standardized ways. In the fall of 2014, the Maryland Judiciary began its statewide implementation of Maryland Electronic Courts (MDEC); a single judiciary-wide integrated case management solution to include trial and appellate courts. The Circuit Court for Montgomery County, one of 24 general jurisdiction courts in Maryland, began its involvement in

this statewide initiative in May 2018. Preparing for system implementation at the local court level involved participation in multiple projects including but not limited to data conversion, system development and establishing data integrations and customized reports and extracts. These projects required the identification, mobilization and, at times, supplementation of resources. Drawing upon Ostrom and Hanson's (2010) "Achieving High Performance: A Framework for Courts" and the concept of "capitals" (human, organizational, technology, and information), this paper describes the court's management of a data conversion project and the lessons learned from the experience. Through engagement, opportunities and challenges arose that shaped the responses by the court's conversion management team on this and future projects.

Francesco Contini and Dory Reiling discuss e-justice platform development and its implications for judicial governance "E-justice platforms: challenges for judicial governance." The article compares three e-justice platforms (EJP): e-Curia (Court of Justice of the European Union), Civil Trial on Line (TOL) in Italy, and Kwaliteit en Innovatie Rechtspraak (KEI) in the Netherlands. In an innovative approach, it considers EJP's as enterprise information systems. It combines functional and managerial perspectives with those of procedural law and technology. The paper studies the impact of merging procedural law and technology for developing EJP's and for reconciling the requirements of both law and technology in the highly regulated context of courts and judiciaries.

The paper finds that, in EJP development and implementation, law and technology's combined effect may affect fair procedure. The article concludes with a discussion of the kind of governance needed to safeguard fair procedure and proper functioning of IT in courts. This need becomes even more pressing with the advent of artificial intelligence (AI). The article finds that resolving these issues is part of the judiciary's responsibility for fair procedures and cannot be left to IT experts. It offers some standards and principles for judicial governance to fulfil judicial responsibility for fair procedures as laid down in the human rights conventions.

David Steelman has conducted a book review: *The Legal Legacy of the Special Court for Sierra Leone* (2020), ISBN-13: 978-1107178311, by Charles C. Jalloh.

This article reviews the book by Professor Charles C. Jalloh, *The Legal Legacy of the Special Court for Sierra Leone*, published in 2020 by Cambridge University Press. In this book, the author examines the "hybrid" international/national criminal tribunal, known as the Special Court for Sierra Leone (SCSL), which was created under a pathbreaking bilateral treaty between the United Nations (UN) and the country of Sierra Leone as a UN member state. Jalloh seeks to evaluate the contributions made by SCSL to the development of international criminal law. In particular, he assesses the scope and significance of SCSL legal contributions from its solutions to problems arising between its opening and the completion of its work in 2013, having to do with personal and temporal jurisdiction; gender crimes as crimes against humanity; recruitment of children as war crimes; head-of-state immunity; amnesty; and tensions between criminal tribunals and truth commissions.

Happy reading!

The editors

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## COMPETING INTERESTS

The authors have no competing interests to declare.

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