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**MICHIGAN STATE
UNIVERSITY**

Final Assessment Report

**Professional Development Needs
of Ukraine Court Administrator's**

and

**Impact of the 2013
Judicial Administration Certificate Program**



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by

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Overview of Assessment Methodologies

The methodologies used to assess the professional development needs of the Ukraine court administrators¹ and the impact of the the practical application of the 2013 Judicial Administration Certificate Program² were survey instrument, one site visit, and discussion groups at the 2014 reunion workshop for certificate graduates. These three methodologies allowed for data collection from the full group of graduates while offering contextualized understanding of the factors that either hindered or facilitated success related to each student's court improvement project. The court improvement projects, referred to as capstone projects, were implemented as the students' final assignment for the Judicial Administration Certificate Program collaboratively offered by Michigan State University MSU), The USAID FAIR Justice Project (FAIR), the Ukraine State Judicial Administration (SJA), and the National School of Judges (NSJ).

Survey Assessment Results

The students prior to the reunion workshop, February 19-20, 2014, completed the written survey constructed by me and distributed by FAIR. It consisted of both close-end and open-end questions. See **Appendix A** for the survey instrument.

The survey had several purposes. First was to determine the level of success related to project implementation. Second was to identify the factors that hindered or facilitated project achievement. Third was to ascertain whether any best practices emerged. Fourth was to identify recommendations for improving the judiciary. The fifth and final purpose was to identify the top priorities for advancing judicial administration in Ukraine. Analysis of the survey answers provides reason for optimism while simultaneously demonstrating structural issues remain that must be addressed if more pronounced and sustainable advancements are expected for the future.

Description of Response Groups

Forty students graduated from the judicial administration certificate program in June 2013. Of those 40, 37 remained in court administration positions and completed the survey. The three who left took jobs outside of the judiciary.

The students were asked to provide a brief description of their projects. The projects broke into three thematic groupings with each grouping having elements of the other two. Just as courts are organic so were the projects. Therefore, the groupings should not be considered discrete categories but as organizing frameworks. The thematic groupings are listed and explained below. Please see **Appendix B** for a list of project titles that comprise each grouping.

Group 1: People Performance and Internal Court Relations

¹ The formal title for court administrators in Ukraine is Chief of Staff. The terms will be used interchangeably throughout this report.

² The official title of the pilot certificate program for court administrators was court administration certificate program. The program delivered through MSU has the official title of Judicial Administration Certificate Program. Therefore, the titles will be used interchangeability throughout this report.

There were 13 projects in this grouping. The overarching theme of Group 1 was internal court management primarily focusing on people performance, communications, relationships, and work environment. A review of the project titles demonstrates the theme with a good degree of clarity. Employee orientation, mentoring, training, development, motivation, and discipline were the key features of many of these projects. The projects in this grouping featured the classic human resources management issues, as well as the conflicts between chiefs of staff and chief judges related to authorities and responsibilities. In the case of Ukraine, the role confusion and ensuing conflict is further complicated by the legal descriptions of both positions, which leads to confusion among the chiefs of staff over span and nature of control. The projects in Group 1 also dealt with the physical inadequacies of the court facilities that make the desired court performance challenging, if not impossible, at some locations. Consequently, it is not surprising that internal court relations are continually strained, and, thus, the focus of the 13 projects in Group 1.

Group 2: Court Organization and Systems Performance

There were 11 projects in Group 2. These projects addressed organizational and systems problems and challenges. A review of the project titles shows that the students tackled both internal and external court operation problems. Projects ranged from systematizing court performance evaluation; to improved information technology that would result in electronic notification methods, installation of E-courts, and automated case management for more timely case disposition; accessible and user friendly court facilities; and improved enforcement of court orders and intergovernmental relations.

Group 3: External Communications—Media and Community Relations, Education, and Outreach

Thirteen projects were in Group 3. Every project directly dealt with improving interaction with the media, court users, students, and the general public. The projects ranged from using new technologies that expedited court processes, to improved customer service, to community outreach, to education programs for school children, to media packages, and to the development of public information officer positions or regional court outreach institutes. The purpose of every project in Group 3 was to directly improve the public's trust and confidence in Ukraine's courts.

Project Completion Rates and Satisfaction Levels

Each student was asked to report whether they were able to complete their projects and whether they were satisfied with their projects.

Completion Rates

Seventy-six percent (n=28 of 37) of the students were not able to complete their projects. The completion rate by the three groups just described is in Table 1. The highest completion rate was in Group 3.

Table 1. Project Completion Rates by Thematic Groups

Group	Frequency	Percentage
Group 1: People Performance and Internal Court Relations	Complete: n=3 Not complete: n=10	Complete: 23% Not complete: 77%
Group 2: Court Organization and Systems Performance	Complete: n=3 Not complete: n=8	Complete: 27% Not complete: 73%
Group 3: External Communications—Media and Community Relations, Education, and Outreach	Complete: n=9 Not complete: n=4	Complete: 69% Not complete: 11%

Satisfaction Levels

On a five-point scale (1.00=little to 5.00=great), students were asked to indicate their level of satisfaction with their projects. The satisfaction level of all students was 3.86 (n=37), which is a statistical 4.00. The satisfaction level by group is in Table 2. It is important to note that the highest completion rate did not translate into the highest satisfaction level. Group 3 had the highest completion rate but Group 2 expressed the highest satisfaction level.

Table 2. Satisfaction Levels by Thematic Groups

Group	Frequency	Percentage
Group 1: People Performance and Internal Court Relations	n=13	Mean=3.92
Group 2: Court Organization and Systems Performance	n=11	Mean=4.09
Group 3: External Communications—Media and Community Relations, Education, and Outreach	n=13	Mean=3.61

Factors Facilitating and Inhibiting Success

The students were asked to reflect upon their projects and identify those factors that affected their projects either positively or negatively. The reason that the students were asked for their impressions, as stated in the survey, was to identify what variables affected their rates of completion and levels of satisfaction. Regardless of the project, the facilitators and inhibitors were remarkably, though not surprisingly, very similar across the thematic groups.

Table 3. Success Facilitators

1. Chief judge leadership support
2. Chief of staff leadership support
3. Staff support and participation
4. Meticulous planning

5. Thorough assessment of environmental factors before implementing
6. Continual monitoring, evaluating, and making adjustments
7. Identifying, understanding, and using stakeholders
8. Reaching-out and engaging others in the project resulted in more ideas and greater creativity
9. Creating excitement
10. SJA cooperation
11. Setting and achieving common goals
12. Becoming involved with the community and identifying willing and enthusiastic partners
13. Receiving favorable responses from inside and outside the court to project efforts and outcomes
14. Professional high-performing staff
15. Training

Table 4. Success Inhibitors

1. Not enough time to get the project done
2. Underestimated complexity of tasks
3. Underestimated the influence of the stakeholders
4. Lack of leadership and support of the chief judge
5. Lack of leadership and support of the chief of staff
6. Lack of support from the SJA
7. Insufficient funding for court operations
8. Salary compensation not commensurate with required qualifications and job responsibilities resulting in performance problems
9. High staff turnover
10. Inability to recruit qualified and motivated employees due to low salary compensation
11. Inability to recruit the best qualified candidates because of the public’s low opinion of the courts
12. Lack of necessary technology for case management
13. Lack of electronic applications for the staff and public
14. Role confusion between the chief judge and the chief of staff, which resulted in inconsistent messaging and management of the staff and operations
15. Lack of professionalism among the staff
16. High workload
17. Not enough local nongovernmental organizations (NGOs) to be partners with the courts
18. Court facilities that do not accommodate the needs of court users and is not sufficient for the workforce
19. Public’s low opinion of the courts, thus reducing the trust and confidence in the judicial branch
20. Lack of knowledge and understanding of the laws and the citizen’s rights and responsibilities—generally, lack of a “legal culture” in the Ukraine public

The capstone projects, as previously stated, were comprised of implementing a court improvement project using the strategic planning approach taught in the MSU Visioning and Strategic Planning course during the judicial administration certificate program. What the students reported, six months into their projects, is typical of what is discovered when organizations engage in strategic planning. The degree to which the facilitators and inhibitors of success was experienced by the students may be more or less extreme given where the Ukraine judiciary is in its developmental trajectory. It is also important to keep in mind that this was only one data collection period less than one year into the students' projects. How the findings may change over time cannot be forecasted with certainty. All strategic planning models involve multiple data collection periods. This step in strategic planning is referred to as the monitoring and adjustment phase, which is critical to any strategic planning process. Readers of this report are encouraged to read *Strategic Planning for Public and Nonprofit Organizations: A Guide to Strengthening and Sustaining Organizational Change* by John Bryson (2011, 4th Edition) for a more complete understanding of the steps in strategic planning and the organizational and environmental variables that emerge and impact the strategic planning process in the public sector.

To gain a more in-depth perspective about the facilitators and inhibitors of success by thematic groups, see **Appendix C**. The items displayed there are the variables reported by the students as experienced during the six-month implementation period. If a facilitator or inhibitor was reported using very similar language, I entered it once and indicated the frequency with which it was reported. If responses were similar but offered additional meaning or information, I listed them as separate variables. A review of the variables by thematic group, demonstrates that most of what the students experienced when implementing their projects were not isolated events, issues, or attitudes but rather a pervasive feature of the judicial system and culture—at least in the courts where the projects were implemented.

Lessons Learned

Based on the strategic planning experience, the students were asked to identify the primary lessons they learned from implementing their projects. The lessons learned are reported by thematic group and clustered under headings that provide context for understanding the variables listed. If a variable was listed more than once the frequency will be noted next to the variable using the same process as explained above.

The headings represent variable categories that surfaced for all three groups. Each group found that people made the difference in their projects and that dealing with the people issues, especially those attributable to the employees, had to be considered in any strategic planning project. Those items are listed in the human resources variable category.

Leadership and management also played a role, as should be expected. The role that leadership and management played ranged from setting the stage for the project to forming action steps to championing the process.

The last category, simply titled strategic planning variables, was named for those items that represent the mechanics of strategic planning. The lessons that the students reported indicated that they used the strategic planning model taught to them and that they experienced the typical

complications, challenges, and opportunities that are inherent in strategic planning. It is further verification that the students did what they said they would do when they submitted their strategic plans in completion of the 2013 Judicial Administration Certificate Program.

Table 5. Group 1: People Performance and Internal Court Relations Lessons Learned

Human Resources Variables
Motivate employees based on the employee’s own talents and ideas with the understanding that employees are not the same
Assess the employee’s skills and assign tasks according to assessment results in order to achieve better performance
Make employees feel important and secure to get better performance results
Careful selecting and training of staff is critical for performance
Non-material motivation factors such as respect, appreciation, recognition, self-development, self-realization, professional development, career development, communication, and the understanding and support of management and the court team were no less important for court staff than material factors (financial compensation).
The level of low staff motivation and high apathy was even greater than expected and remuneration was the primary stated factor
Continual self-improvement and increased training is important for improved performance
Leadership and Management Variables
Must have full cooperation of the chief judges, chiefs of staff, and the SJA territorial offices
Chief of staff must provide a work environment that is conducive to delivering high quality service so that public trust is increased
Chief of staff must be both a good lawyer and a good manager
Teamwork is essential to reach goals and requires new skills that go beyond just management—it requires leadership skills that were learned at the program
Strategic Planning Variables
Must develop common goals for achievement that can target and motivate the team
Vision must be clear
Must identify and account for all possible risk factors related to program success before project starts to reduce risk of failure
Focus on implementation of each planned activity
Calculate how to introduce change based on time constraints and situational differences
Informal communication with staff is very important for success
Competition among the best team leaders in the general trial courts resulted in more active participation, provided impetus for the team leaders to become more effective, and introduced more motivation for winning future competitions
Staff members began to act differently when they were asked to perform in specialized tasks as this was viewed as an expression of trust from the leadership, and it resulted in staff members bringing proposals forward that could improve the organization of the work.
The project proved that the court can be improved by taking positive steps—training, improvement of justice, information about court operations and purposes, and improving the web site all resulted in the public having more trust and confidence in the courts

Continual assessment is important. Assessment questions include: What is the ideal? What is wrong? What could be done better? What else could be done to further improve?

Table 6. Group 2: Court Organization and Systems Performance Lessons Learned

Human Resources Variables
Working conditions must improve. Courts cannot operate without competent people. To stimulate the engagement of highly qualified law professionals and prevent the attrition of professional staff, it is essential to make amendments to the Ukrainian legislation, which would protect the social and legal status of court staff for each court staff member to feel the responsibility entrusted to him/her and perform his/her duties conscientiously.
Leadership and Management Variables
Management is impossible without clear lines of authorities and responsibilities
Must have good management in order to manage cases, human resources, budgets, training, performance, morale, and the dignity of the employees and the dignity of the court
Efficiency of operations can be achieved by using information and communication technologies
Modern means of data storage and processing increases efficiency, quality, decision-making, and public trust
Only by working together, can problems be identified and solved.
Strategic Planning Variables
A plan is necessary for successful project implementation. It must have a coherent, clear exhaustive and well-justified list of interrelated and results-oriented actions and activities, which will allow for implementation. The plan must also take into account the amount of time from beginning to end of action, and methods to monitor and evaluate the process so implementation can occur.
Standards must be in place from which progress can be measured and evaluated
Project goals have to be feasible and result-oriented
The project must be focused on achieving clearly specified tasks or problems
Stakeholders and the public must be aware of the project, its implementation, and how they will benefit
Project success is dependent on the engagement of stakeholders
Engage people from multiple fields and professions to be successful
There are many people with great passion for improving the courts when working toward common goals
The court can work together as a team
Prepare for different diverse personalities among work group
Provide training
Use all resources available during the project
Never be afraid to look for ways to improve operations
Revise the plan, as needed, to continue work
Stay current with innovations applicable to the courts
Use best practices from other countries
Make regular statistical reports on the areas changed
Taking decisive action through prompt decision-making and implementation

Persistence, defend your position
Indicators of successful project implementation are efficient and quality performance of staff, confidence and positive attitude about your position and the court, motivation, building a staff team, and desire for professional growth
Lesson of gratitude—when you do good, you will be paid off in spades

Table 7. Group 3: External Communications—Media and Community Relations, Education, and Outreach Lessons Learned

Human Resources Variables
Court staff welcomed the plans and supported the changes.
Leadership and Management Variables
Chief of staff should set the example so that the staff will work well and as one team
Chief of staff should improve the level of knowledge and skills; make sure that everyone is knowledgeable about court procedures and aware of citizens’ needs in the court
Strategic Planning Variables
Must demonstrate leadership and commitment
Project must be feasible
Must pay attention to detail and continually evaluate
Must have confidence in the project
Plans should be implemented consistently and rigorously
Forming a team provides common goals from which to act
Need support of the chief judge
Proper knowledge, skills and willingness to work are need—be persuasive and consistent, exhibit good speaking skills, exhibit authority and respect
Goals cannot be implemented without coordination of the courts
Foresee all possible scenarios
Be ready to respond to change
Planning is important—analyze the problems and issues and find solutions; we need to do as much as possible, but on some things we need SJA support.
Must continually use strategic planning to communicate with others and borrow experiences from other progressive courts
Citizens need detailed information about the court in order for them to have confidence in the courts and be able to access the services.
Survey court visitors
Society is not indifferent to courts. It will actively cooperate and provide feedback, especially through social media.
Implementing regional initiatives take understanding and support of influential court leaders. Court leaders do not realize the importance of coordinating efforts.
Indifference and unwillingness to move forward is the main obstacle

Best Practices

Based on the students’ experiences with their capstone projects, they were asked to share their best practices. If the best practice was identified more than once, the frequency will be noted next to the item. Within each thematic group, the best practices are organized under categories, which I determined as a result of coding and analyzing the students’ comments.

For Group 1, the best practices are clustered under three headings—employee performance, professional development and training, and information/data collection and use.

Table 8. Group 1: People Performance and Internal Court Relations Best Practices

Best Practices for Employee Performance
Apply democratic style of management
Correctly distribute tasks and responsibilities
Identify the priorities and differences among age groups and people with different social and educational backgrounds
Personalize approaches with employees
Identify those employees who can be motivated and then use them to motivate other employees
Continuous feedback is the best approach to engage and motivate staff
Convey to staff members clearly developed and communicated performance expectations so that they can self-monitor and improve performance, thus taking more responsibility for their own professional performance
Nonmaterial factors play a major role in staff motivation and performance—support, information, public recognition, private constructive criticism, creating professional conditions, facilitating pro-active behavior and creativity, forming a corporate culture, demonstrating respect, and issuing objective performance appraisals
Evaluating performance facilitates performance
Resolve conflicts early on a case-by-case basis using compromise, cooperation, and pressure
Simple and understandable administrative actions improves court management
Building relationships and trust with the leadership and staff result in better project implementation and achieves the compromises necessary for project success
Teamwork results in better outcomes
Use brainstorming to find the best solutions
Best Practices for Professional Development and Training
Increase employee networking and sharing of experiences and best practices through training
Use icebreaker activities such as brain teasers, use role plays, and offer sweets in training
Develop a mentoring system for every court position (n=2)
Regular training is essential as it improves knowledge, skill, and trust levels (n=4)
Best Practices for Information/Data Collection and Use
Conduct workload/flow analysis by employee for the purpose of attaining increased levels of employee responsibility and accountability
Identify early what works, make decisions, and act
Constant monitoring and adjusting is critical for success
Using anonymous surveys to obtain information about the level of satisfaction of the employees and the public results in employees becoming more motivated and chief judges and chiefs of staff working more effectively together
Talking to the public about court operations, performance, and personnel result in training topics for staff and improvement in court operations. Contact with the public

also results in expressions of appreciation about the service they received. Letters and phone calls from the public were used by court leaders to give employees honorary letters or bonuses.
Ability to clearly communicate court practices and operations is critical inside and outside of the court
Collecting and disseminating information about best practices from other countries helps change the perceptions of the chief judges and chiefs of staff about efficient court administration
Develop expertise in surveys for staff and court users
Engage in new projects as it forces the court to go outside of its immediate circle of contacts, which results in meeting new people and organizations that can help the court on other projects

The best practice items clustered under three headings for Group 2—court organization relationships, employee performance, and data/information collection and use.

Table 9. Group 2: Court Organization and Systems Performance Best Practices

Best Practices for Court Organization Relationships
Establish relationships for information sharing, monitoring, and feedback with other agencies
Work with state bodies to identify problems and find solutions together
Give correct guidance to team members, court users, and relevant agencies
Seek cooperation with the regional SJA offices
Meet with outside organizations, such as groups that represent people with disabilities
Outreach activities render the greatest results
Use projects to find NGOs that hold the same interests and are willing to cooperate
Best Practices for Employee Performance
Create incentives and celebrations, such as employee of the year
Uniformly distribute the functions and duties of all employees
Use a values orientation to regulate and motivate personnel
Tend to psychological factors of change
Use staff meetings to keep employee involvement and momentum going strong
Strive to get positions needed, such as the public information officer position
Analyze duties and responsibilities of chief judges and chiefs of staff so that roles and authorities don't overlap
Best Practices for Data/Information Collection and Use
Reassign duties as indicated by the information being reported
Use surveys to get the most important information
Utilize analytical methods to compare and synthesize data
Make your applications practical
Appropriate equipment and computer innovations are critical to success
Continuous dialogue with developers of automated systems is essential

The best practices for Group 3 clustered under five headings—media, electronic presence and public information and education, student outreach, internal and external stakeholders, and court operations.

Table 10. Group 3: External Communications—Media and Community Relations, Education, and Outreach Best Practices

Best Practices with Media
A media map was created and information on handling high profile cases was sent to the media. This work resulted in a proposal being submitted to the Council of Judges of Commercial Courts.
Continue developing relationships with the media so that a broader audience can be educated about the courts
Best Practices for Electronic Presence and Public Information and Education
Strategic planning
Court information was updated and made available for the public
Website development allowed for a review of court processes and materials and resulted in new brochures
Develop a good web page
Conduct public awareness campaigns
Continuous training
Best Practices for Student Outreach
Develop online classes for educational partners
Hold meetings with law school students
Conduct outreach with students
Best Practices with Internal and External Stakeholders
Getting the stakeholders interested in the strategic plan for improving the judiciary
Regular surveys of court users and conducting comparative analysis
The head and deputy head of the SJA office was active and supported the project with the equipment needed and the staff was trained.
SJA played a great role in project implementation—lesson learned was “knock and the door will be opened for you.”
Submit plan to the staff for discussion, participation, and support
Use surveys with citizens and use the outcome to make staff improvements and other court improvements.
Best Practices for Court Operations
Saved money, decreased case delay, and reduced workload due to the SMS system
Delegate authority

Recommendations for Improving the Administration of Justice

Students were asked to offer their thoughts on improving the administration of justice based on their strategic planning efforts. For many of the students who participated in the court administration certificate program, the knowledge they acquired, the information they learned, and the skills they developed comprised a new knowledge and skill base not previously known to them. Most of the students had never been involved in strategic planning and now they were being asked to develop, implement, manage, and lead a court improvement project using

strategic planning. This experience gave them a unique position from which to make their recommendations. The students' recommendations and the answers to the next survey question about prioritizing actions for the future of judicial administration, which will be reported in the next section, moves us from identifying what is to what could be—crafting the future in Ukraine judicial administration.

The recommendation categories are **not** listed by order of importance. That would require a value judgment based on evaluating one recommendation against the other. Rather, the recommendation categories are best viewed as a landscape picture of judicial administration in Ukraine from which a systemic action plan, with interrelated parts, could be developed for the purpose of building upon the innovations currently underway. There are eight categories. Under each category are the individual recommendations from the students, which resulted in the development and naming of the categories.

Recommendation 1: Build the Public's Trust and Confidence and Improve Access to Justice in the Ukraine Judiciary

1. Improve the understanding of the role of the judicial bodies in developing the rule of law in a democratic state. The needs of society should be put before the needs of the state.
2. Simplify the public's access to the courts, including paying fees.
3. Make uniform the equal and impartial treatment of everyone.
4. Continue media outreach and education.
5. Develop training models for the public information officer position.
6. Give up the practice of introducing positions of press secretaries in courts. It is too difficult even for large courts and there is no coordination. Instead, establish regional communication centers for the judiciary.
7. Allocate money specifically for communication campaigns.
8. Judiciary must ensure the accessibility of justice and bring it closer to the citizens.
9. The judiciary relies on the respect, trust, and confidence of its citizens for independence, impartiality and efficiency. The primary task facing the judiciary is increasing and maintaining a high level of public trust in the courts. Therefore, maintain relationships between courts and communities in order to increase legal culture of citizens and their perceptions.
10. Build a legal culture among citizens and their knowledge about court operations as a way to avoid the conflicts of interest and impediments of the administration of justice.
11. Improve cooperation with civil society organizations and educational establishments for educating our children about the judiciary and their rights.
12. Increase cooperation with the media so that the media can inform society about the needs, challenges, and achievements of the judiciary.
13. Conduct events that judges participate in, as 98% of the public trusts the judiciary and the judges' decisions.

Recommendation 2: Recruit and Retain Highly Qualified Members of the Ukraine Judiciary

1. Develop a court team with high moral values committed to court goals.
2. Create a special fund to give incentives to court staff that engage in high personal and professional performance.

3. Select and retain court personnel who are fully motivated and dedicated to the goals of the judiciary.
4. New approaches to human resource management are critical for ensuring the efficiency and effectiveness of court operations.
5. Increase the requirements for judicial candidates, administrative positions, and chiefs of staff candidates for the purpose of getting younger, energetic, and modern professionals who will introduce innovations.
6. Council of Judges of General Courts should consider performance results of previous terms before reappointing chief judges and deputy chief judges.
7. Improve labor discipline methods.
8. Improve ethics.
9. The court cannot function without highly qualified staff. There will be no public trust in the courts without the public trusting the employees.
10. Increase the status of court staff to a higher level.

Recommendation 3: Engage in Intensive and Ongoing Professional Education, Development, and Training

1. Develop an institute for court administration in Ukraine.
2. Develop a national level training initiative for staff and managers.
3. The courts need professionally trained court administrators who are working in conditions that result in the fair administration of justice and improve the image of the judiciary.
4. NSJ and SJA should create ongoing training for the chiefs and deputy chiefs of staff in addition to the training for staff, which is already conducted.
5. Offer joint trainings, workshops, and conferences with foreign experts and partners.
6. Top-level administrators need management education.
7. Create standing schools and consultation centers for court administration.
8. Strengthen the control over ongoing training for court staff.
9. Coordinate actions between SJA and educational institutions for a comprehensive curriculum for judges, chiefs of staff, and staff.
10. Develop and implement a joint course for action leaders—chief judges and chiefs of staff.
11. Develop a leadership institute.
12. Develop and implement constant and mandatory training for chiefs of staff, especially during their first year on the job.
13. Need more training.
14. Improve professional training of court staff in the NSJ.
15. Offer court management training for chief judges.
16. Continue to conduct court administration training for court staff.

Recommendation 4: Clarify Roles, Responsibilities, and Authorities of the Court Leaders—Chief Judges and Chiefs of Staff

1. Need more time to make improvements in the courts even though court administrators are trained they do not have authority and are perceived as imposters with new ideas.
2. Chief judges and chiefs of staff roles and responsibilities need clarification.

Recommendation 5: Develop and Implement an Achievable Funding Model for the Ukraine Judiciary

1. Employ exhaustive measures to get proper funding for the judiciary.
2. Obtain provisions for the courts—computers, office equipment, working space, and purchasing of commodities.
3. Fund the judiciary.
4. Courts need to develop their own budgets.
5. The state needs to provide financial support and material support for the courts.

Recommendation 6: Modernize the Court Infrastructure—Facilities, Automation, and Electronic Access and Services

1. Create comfortable conditions for court staff that improves performance.
2. Use advanced information technology to simplify the flow of documents and people.
3. Improve IT and the use of video conferencing.
4. Automate case management.
5. Use modern technology to support court proceedings.
6. Bring the automated/computer systems into conformity with legislation of Ukraine.

Recommendation 7: Lead and Manage the Courts Utilizing Contemporary Methods, Practices, and Models in Judicial Administration

1. Pay greater attention to issues in court administration.
2. Regularly examine the workload of court staff and redistribute as needed.
3. When considering how to improve the administration of justice, the differences in each court must be considered since each court faces different problems; thus, implementation of standard approaches without such considerations will cause problems. Large courts can create new positions to assume new tasks. Small courts have less flexibility. The same number of personnel regardless of caseload must absorb new tasks.
4. Exchange best practices with other court leaders from other regions and other countries.
5. Always improve communication between initiators and participants of change projects.
6. Fairness and equality in allocating funding; managing resources; and selecting, recruiting, and developing staff.
7. Be open to change.
8. Always share your goals, aims, and ideas.
9. Develop performance standards for court administration.
10. The strategic plan for the Ukrainian Judiciary needs to have short-term action plans so each component can be efficiently implemented.
11. Compliance with the judiciary’s strategic plan.
12. Organize work to be efficient.

Recommendation 8: Improve Intergovernmental Relations

1. Chief judges and chiefs of staff must work together in order to establish cooperation with other state bodies to solve common problems.
2. Strengthen and regulate the national legal framework for improving procedures for enforcement of court decisions.

Priority Actions for the Future of Judicial Administration in Ukraine

Students were asked to list their top three priority actions for advancing judicial administration in Ukraine. The priorities are not listed in order of importance. As previously stated, to do so would require a value judgment for which more data is required. The responses listed in this section along with the recommendation section are future oriented and could rightfully be considered a futures action agenda.

Priority 1: Chief of Staff Forum for Networking, Information Exchange, and Dissemination of Best Practices

1. Conduct national conferences, round tables, and discussions among the administrators to solve problems and brainstorm new methods. For instance, make all capstone projects available to everyone. Create a web portal for such forums.
2. Establish regular meetings on issues of court administration to improve training.
3. Establish a network among court administrators for distribution of best practices and problem solving.
4. Develop and maintain a database of professional court administrators—a registry of court administrators including chiefs of staff, chief deputies, and a reserve list of staff. Such a database would allow for a professional network for communication, idea exchange, and the development of information forums. It would also strengthen relationships and problem solving.

Priority 2: Create a Judicial Administration Education Institute

1. Create a court administration school.
2. Increase education, training, and networking for the purpose of improving court administration in Ukraine by utilizing foreign experts, academics, and distributing best practices found in Ukraine. (n=2)
3. Develop training specialists in court administration.
4. Institute mandatory and regular training for court administrators at the national level.
5. Offer ongoing staff training.
6. Establish cooperation with higher education organizations, especially law schools, regarding teaching the courses on court administration.
7. Make mandatory for chiefs of staff and deputies the course of study on court administration to receive certificates.
8. Introduce more training for chief judges, chiefs of staff, and deputies.
9. Offer continual training for court administrators introducing new approaches.
10. Increase personal development and ongoing training of court staff.
11. Create training centers on the basis of the SJA of Ukraine and Territorial Offices of the SJA. Main tasks would be: 1. Testing software products that are introduced in court operation, including automated case management systems. 2. Ongoing training for court staff. 3. Developing proposals and methodological recommendations aimed at increasing the level of support to court operations. 4. Identifying standards of operations and management processes in courts.
12. Make mandatory training for court staff when they are appointed and then ongoing training at least once every three years.
13. Offer distance learning for judges and court staff.
14. Create a training institute for chiefs of staff and court personnel.

15. Offer continual training for court administration. (n=3)
16. Increase professional skills of court staff.
17. Provide support to judges and court staff in the form of ongoing training and continuing education. (n=2)

Priority 3: Develop a Court Administration Association

1. Develop an Association of Court Administrators of Ukraine to support chiefs of staff.

Priority 4: Advance Judicial Administration as a Profession and Professional Position with Clear Qualifications, Authorities, and Responsibilities

1. Increase the prestige of court administration profession among judges and the public.
2. Establish salaries commensurate with the responsibilities of the court administration positions.
3. Increase the status of court administrators in modern Ukrainian society.
4. Require personal development of chiefs of staff and court staff to increase qualifications and professional level of court administration by organizing and conducting distance and in-class courses, as well as trainings on various topics so the profession of a court administration becomes prestigious.
5. Reduce staff turnover by increasing salaries. Court staff cannot be recruited with high qualifications and character if the job is not viewed as important.
6. Increase staff salaries. (n=3)
7. Require professionalism and offer a permanent process to improve and maintain it through NSJ and SJA.
8. Make clear via legislation the job responsibilities and authorities between the chiefs of staff and the chief judges. (n=3)
9. Delineate the administrative responsibilities of chief judge and chief of staff.
10. Offer competitive salaries.
11. Continue improvement in professionalism.
12. Require previous court experience for chiefs of staff before being hired
13. Set higher education requirements for court staff.

Priority 5: Set Standards and Guidelines

1. Implement formal judicial reforms.
2. Introduce advanced methods of court administration in Ukraine by developing court management standards.
3. Develop high-level standards for the administration of justice—professionalism, environment, and technology.
4. Develop and standardize an organizational chart for courts with consistent court position titles. These changes would allow everyone to share the same view of court operations and help develop a common understanding of what influences court management.
5. Develop court performance evaluation standards.
6. Write new legislation improving court organization, performance, and transparency.
7. Develop standards for court performance to reduce bureaucracy.

Priority 6: Increase Public Trust and Confidence and Access to Justice

1. Increase court accessibility. (n=4)
2. Increase public trust and confidence in the courts by establishing continual communication between organizations, across branches of government, with educational institutions, and in and through the media.
3. Increase judicial branch transparency. (n=2)
4. Increase the public's belief in and authority of the judiciary. (n=2)
5. Raise the public's awareness of the courts.
6. Develop efficient communications with the media and the public to increase their cooperation.
7. Establish an independent, transparent, and efficient judiciary.
8. Provide quality service and quick and efficient dispute resolution.
9. Facilitate the public trust in the courts with a guarantee of democratic society.
10. Increase the public's awareness so that the public's trust in the judiciary increases.
11. Make courts open and understandable to the public.
12. Build relationships with civil society organizations to gain cooperation and better understanding of the courts.
13. Improve the authority of the judiciary, public awareness, and the trust of the court and the entire judiciary.
14. Continually monitor and evaluate new approaches.
15. Facilitate compliance with the principles of openness and transparency in all aspects of court operations while performing administrative functions and during the administration of justice. (n=2)
16. Increase access to justice.
17. Institute adequate conditions for a comfortable courthouse for court users and employees, especially for people with disabilities.

Priority 7: Establish a Public and Media Education and Outreach Campaign to Increase Public Awareness

1. Circulate more public information.
2. Expand court outreach to educate the public about the courts. (n=2)
3. Develop media plans for the court. (n=2)

Priority 8: Implement Contemporary Models, Practices, and Methods in Court Administration

1. Continue to implement the court improvement projects.
2. Learn from foreign experts by borrowing international standards and through exchanges, internships, and country tours.
3. Develop staff.
4. Engage in strategic planning.
5. Unify the court organization structure.
6. Develop uniform labor standards.
7. Improve statistical reporting.
8. Record court administration principles and take them into consideration when developing subsequent changes.

Priority 9: Use Technology to Advance Court Operations and Management

1. Engage in court reorganization that emphasizes efficient and automated business processes.
2. Systemic improvement of automated case management systems to improve the quality of court services. (n=2)
3. Automate and improve the operations for E-courts. Create a unified computer network for state institutions, thus saving time and money and allowing judges to receive responses to requests expeditiously from their own computers. (n=3)
4. Modernize information and technical support of courts.
5. Automate. (n=2)
6. Introduce an E-court system. (n=2)
7. Simplify and expedite an automated case management system.
8. Introduce innovative technologies. (n=2)
9. Improve administrative procedures and implement automated systems, especially for payments.
10. Use modern technology to increase the efficiency and accessibility of court programs. (n=2)

Priority 10: Establish Adequate Resources for the Courts

1. Establish adequate material and technical support to the judicial system.
2. Ensure secure funding for the courts.
3. Improve the understanding of funders and the public on the complexity of court work.
4. Institute management systems based on economic incentives and social guarantees that are focused on high performance.
5. Build state support for court funding. (n=2)
6. Obtain adequate material and technical support. (n=2)
7. Ensure actual/real judicial independence, which is directly related to material support for court staff. (n=3)

Priority 11: Enhance Relationships with the SJA

1. Enhance cooperation between SJA and court staff.
2. Conduct roundtable discussions on court administration issues with territorial offices of SJA, including chief judges and chiefs of staff.
3. Establish unimpeded and open communications between the chief of staff and the territorial office of the SJA on important issues.
4. Engage in sharing innovations, best practices, and so on among courts by the SJA.

Summary and Conclusions of Survey Results

The survey response rate was 100% of the students from the 2013 Judicial Administration Certificate Program who remained employed by the Ukraine judiciary at the time of the December data collection period. That is an impressive return rate and one that I have never experienced with any group. Not only was the response rate high, the answers the students gave were detailed. This is an important indicator that the students from the 2013 program remain invested in their continuing education and committed to the advancement of the judiciary.

Several impressions can be ascertained from the survey results about the impact of the certificate program. ***First, all students applied what they learned from the certificate program.*** The evidence supports this statement—the students followed their strategic plans, which were based on the program courses. Second, the students’ analytical skills were improved. This impression is supported by the students identifying what they encountered and determining why certain responses and barriers were in play in the strategic planning process. Perhaps more importantly, they were able to problem-solve many of the variables they encountered, as evidenced by the actions they took. They were also able to determine when some situations were beyond their control and offered potential remedies. None of this would be surprising for individuals who had long histories with contemporary court administration principles and practices or who had participated in previous strategic planning initiatives. Neither is the case with the Ukraine students. They reported during the 2013 courses that they had not previously been exposed to the subject matter and was unsure about how to “put it all together” until all ten courses were completed, they wrote their capstone project proposals, and submitted their final reports. The students stated that their minds were opened by the experience. This opening resulted in the students implementing their plans even when the systems they were working in had not been prepared for such activities, as evidenced by the fact that the chief judges had not been exposed to the same or similar subject matter. This, compounded by the confusion and disputes about who is responsible for what in the administration of the courts, demonstrates the bravery and commitment of the students in attempting to implement their knew knowledge. From the findings, I can conclude that the students gained new knowledge and skills, which they used to the best of their abilities. The next question is how do we support the students’ efforts, continue to grow their knowledge, provide institutional change, and further support the advancement of judicial administration using this student cohort as the change leaders? To answer that, we can further review the students’ survey results. Later in this report, we will also review the students’ action plans from the reunion workshop, and consider the meetings that I attended in December 2013 and February 2014 arranged by FAIR.

Second, we can determine with a high degree of certainty that several systemic issues must be addressed in order for contemporary judicial administration methods, principles, and practices to take hold and mature. How do we know that to be true? It is quite simple—the same items were found repeatedly by all students across many different court types and are recognized by other members in the Ukraine judiciary. In education parlance, this information is referred to as qualitative, formative needs assessment information from which future directions can be formed. From the survey results, we can identify the primary structural variables that need to be addressed if more advancement is desired.

- Consistent, coordinated, and comprehensive education in judicial administration for chiefs of staff (court administrators), deputy chiefs, chief judges, deputy chief judges, court personnel, and judges in leadership roles in councils and committees representing the judiciary.
- Clarification on the roles, responsibilities, and authorities between the chief judges and chiefs of staff is required for professionally managed courts, which can result in executive leadership teams within the courts.
- Job classification review with appropriate salary compensation packages and job performance requirements.

- A forum for information exchange, dissemination of best practices, networking, and mentoring for chiefs of staff.
- A functioning court administration association led by a Board of Directors comprised mostly of chiefs of staff.
- Appropriate funding for court facilities—buildings, technologies, and security.
- A campaign to increase the public’s knowledge about the courts, and the public’s rights and responsibilities under the Ukraine constitution.

There are many other ancillary variables that are important to the courts. The above are the most prominently mentioned as those items that will create the most significant impact in developing a judicial culture that embraces professional judicial administration.

Third, the strategic planning efforts demonstrate that change can occur but it will likely be slow without a cultural shift toward professional administration supported by the structural changes just listed. A review of the completion rates and the satisfaction levels of the strategic planning efforts of the students make this point. This was the first six-month data collection interval. Not surprisingly, we found that most of the implementation was not yet completed. A review of the plans, as submitted in the final report to FAIR from the certificate program in June 2013, will show that the plans were quite large for the resources and expertise applied to them. Therefore, the low completion rate is to be expected, at this interval of data collection. The satisfaction level of the students also was not surprising. They retained an average to above average satisfaction level, demonstrating that they remain optimistic about their accomplishments. But, what we cannot expect is that they will be able to sustain their optimism without building support for them through other means. ***Thus, the fourth impression resulting from the survey responses is that a more broad-base level of support needs to be built by training and educating more of the chiefs of staff. This new student cohort should be connected with the original cohort via networking, mentoring, and teaching.***

In conclusion, the survey results demonstrate that the students did apply what they learned from the 2013 Judicial Administration Certificate Program. They experienced obstacles and barriers as well as support and enthusiasm. The students remain committed and hopeful but realistic about the judicial culture, environment, and resource limitations. As a group, they show no sign of giving-up or giving-in to the factors that militate against implementing and sustaining contemporary judicial administration in Ukraine. Therefore, they need action from those entities that can provide resources and leadership such as FAIR, SJA, NSJ, Council of Judges, and other groups and entities who share the same interest in and passion for the rule of law and access to justice, such as colleges, universities, law schools, and civil society organizations.

The next section of this report will profile the outcome of the reunion workshop and determine whether the work product from that education event provides additional assessment data.

Reunion Workshop Report
February 19 to 20, 2014
Dnister Hotel Lviv, Ukraine

FAIR promised the students a follow-up session for the purpose of reporting on their strategic plans, to discuss next steps for judicial administration in Ukraine, and to empower the students as leaders of contemporary judicial administration. As the dates indicate, the workshop was held during the national protests that resulted in President Viktor Yanukovich removal from office. I facilitated the workshop for one day but was required to leave the morning of the second day to ensure my safe passage from the country. The workshop continued and the written output from the workshop was action agendas and plans developed by the students. They selected the action items and wrote the plans utilizing the planning tools given to them at the workshop. See **Appendix D, E, F, and G** for the workshop agenda and teaching materials.

Review and Summary of the Students' Action Agenda and Plans

The workshop agenda first provided a review of the survey findings, which was followed by the thematic groups meeting to fashion a debriefing of their projects to the full group. The debriefings focused on facilitators and inhibitors of success and best practices. Following the debriefings, the reunion workshop moved into the leadership retreat forum for the purpose of crafting the future of judicial administration. To that end, the students used the topics from the survey research and those topics that emerged from their meetings to begin their futures thinking and action planning. As a group, the students made decisions about their priorities and formed topical planning groups to outline their approaches. This format reinforced that they were being handed the leadership role. I instructed them saying, “this is your future to shape, now do it.” By using this approach, we, the workshop planners and sponsors, demonstrated confidence in their abilities but we did not abandon them. We modeled what leaders do when mentoring new leaders—we gave the students tools, a forum, and support to develop their leadership thinking, abilities, and characteristics. This education approach is the formation model. In the formation model, students are actively guided in their own development. The process itself evokes the forming of the desired identify, knowledge, skills, abilities, attitudes, and aptitudes. Further, the process offers a forum where all of these facets of leadership can be practiced individually and exercised within and shaped by the other group members. The formation process simultaneously develops a sense of community with shared values and goals.

The topics were chosen while I was still at the workshop and the plans were developed after I left for the United States. Please see **Appendix H** for the translated plans.

Four action agendas emerged from their planning. They are:

1. Employees' performance and relations inside the court
2. Forming positive image of a court
3. Representing the interests of court staff at judicial self-governance bodies
4. Forming a team in court, roles and relations

The topics are consistent with all previous data collection. They show an acute understanding of the leadership and management challenges faced by chiefs of staff in courts across Ukraine. The plans also clearly demonstrate that the students understand the impact of these deficiencies on public access, trust, and confidence; court operations; recruiting and retaining high-quality employees; and long-term issues related to moving the courts toward international standards on

high-performing courts. Item three, representing the interests of court staff at judicial self-governance bodies, is a new topic and demonstrates that the students are developing more advanced strategic thinking, want to be heard in the higher leadership levels, and are eager to impact policy. The goal of forming leaders out of the first student cohort is taking hold. Additional support is needed as is more information about how decisions are made at the upper-levels, who gives the orders, and what political and bureaucratic systems need to be influenced to get the desired results. Additionally, the students need more mentoring and coaching related to critical thinking and systems development both of which are required for change to occur.

Site Visit at the Kharkiv Circuit Administrative Court

Contextualizing the data was further accomplished by visiting Ms. Valentina Lysenko, Chief of Court Staff and 2013 certificate program graduate. Ms. Lysenko's project was *E-Court—The Nearest Future*. The visit was on December 17, 2013. Chief Judge Yuriy Kucma and Ms. Lysenko hosted the visit and provided a tour of the court where we were able to see the various court divisions and meet the staff. Following the tour we were treated to reports from each of the department heads and the court and media specialists. Presentations were given by:

- Judge Yuriy Kucma, Chief Judge
- Valentina Lysenko, Chief of Court Staff
- Larysa Ulanovska, Head of Document Support Department
- Svitlana Kurashova, Head of HR Department
- Elvira Ostapenko, Court and Media Specialist
- Iryna Karamushko, Head of Court Proceedings Department
- Nadiya Grabriylova, Head of Statistic Department

This court was a good choice to visit, as it was representative of both the facilitators and inhibitors of success. Ms. Lysenko rated her strategic plan satisfaction level at a 5.00, even though the typical inhibitors were in play and her project was not completed at the first data collection period. What factors contributed the high satisfaction level? Answering that question may provide insight into the foundation for successful judicial administration. The factors that emerged are these:

- **Executive Leader Partnership**
Chief Judge Kucma actively supports professional court management. He demonstrates his support in several ways that were obvious during the visit. Chief Judge Kucma and Ms. Lysenko have established an executive leader partnership. They demonstrate mutual respect for each other and appear to understand and value the abilities that each brings to the court.
- **Shared Responsibilities and Recognition**
Ms. Lysenko reported that she was able to involve the staff in the strategic planning process and the staff took ownership of its success. Chief Judge Kucma reinforced Ms. Lysenko's efforts. Everyone was credited with the success they achieved, which was evident by each department head talking about their department's role. Thus, shared responsibility and shared recognition was an important feature.
- **Building Enthusiasm and Ownership for Results-Oriented Performance**
Ms. Lysenko reported applying the human resource management, leadership, strategic planning, training, information technology and caseflow management, and public

education and media outreach principles, practices, and methods taught during the certificate program. She shared what she learned with the staff and made them part of the E-Court plan. Thus, building a team approach that resulted in both ownership of and enthusiasm for the project.

- **Celebrating**

The court team worked together and celebrated together, thus offering nonmonetary rewards for the achievements experienced.

This site visit provided a glimpse into the future that can be created if the aforementioned factors could be in place across Ukraine.

Meetings with Universities and SJA

Part of developing and sustaining professional administration of the courts is recruiting new people to the profession of judicial administration. To that end in December and in February, I met with the following individuals to discuss the potential of developing higher education linkages between institutions in Ukraine and Michigan State University.

Dec. 17, 2013 Kharkiv

National Law University named after Yaroslav Mudry

Mr. Komarov, Dean

Mr. Marochkin, Chief of the Department of Judicial and Law enforcement bodies

Faculty members and professors.

Dec. 18, 2013 Kyiv

Meeting with Mr. Sergiy Kivalov, President of National University “Odessa Law Academy”

Dec. 20, 2013 Kyiv

SJA Meeting

Volodymyr Pivtorak, First Deputy Head of SJA

Yana Masharova, Deputy Head of Sector and Head of Department for Scientific and Methodological Support and Professional Development, SJA (faculty member of the certificate program)

Olga Kakaulina, Specialist of International Department, SJA (faculty member of the certificate program)

Tetyana Pustovoytova, Head of International Department, NSJ

Nataliya Buryak, Specialist, NSJ

February 18, 2013

Andrii Boiko, Dean of the Law Faculty of the Ivan Franko National University of Lviv.

All three universities expressed interest in pursuing the judicial administration master of science degree in conjunction with their law degree programs. The deans, presidents, and I discussed potential partnership mechanisms following my presentation on the requirements of the judicial administration program. Such partnerships will require concrete proposals from which contractual agreements can be signed. Mr. Pivtorak was in favor of continuing the discussions in the next phase of building judicial administration in Ukraine.

Recommendations for the Future of Judicial Administration in Ukraine

Phase 2: Sustainability and Beyond

Professional judicial administration in Ukraine is in its early stages. The foundation from which a vibrant and effective future can be built is partially in place. In order to bring all of the pieces together a systemic approach is required. Not all of those pieces are included in the recommendations listed here as they are outside of my purview—new facilities, nationwide automation, funding, and legislation to name a few. What I can address are the missing foundation pieces related to education and development of chief judges, chiefs of staff, and court personnel. My approach has three parts: Building the Base for Judicial Administration; Developing a Comprehensive Court Administration Curriculum for Court Administrators and Chief Judges; and Building a Coordinated Education Systems Response.

The current approach appears to be a scatter-shot. Such an approach is not uncommon for new endeavors where there is a lack of understanding and knowledge, few resources, and uneven support for professionally managed courts. There are structural challenges, fear of losing status and control, suspicion of change, lack of will, apathy, and a certain level of fatalism about what has been should always be. The counter-offensive is to build on what has been started by The USAID FAIR Project in cooperation with its partners.

I offer the recommendations below based on my delivery of the first judicial administration certificate program, the assessment findings, the meetings with the higher education leaders, and verbal responses to my presentation on contextualize continuing professional education of courts at the International Scientific and Practical Conference on the Occasion of the Third Anniversary of the National School of Judges of Ukraine, “Standards of Judicial Training: International Best Practices and Tasks for Ukraine” on December 19, 2013 in the Hall of the Plenum of the Supreme Court of Ukraine. See **Appendix I** for the presentation materials.

A. Building the Base for Judicial Administration

Purpose: The purpose of expanding the base for judicial administration is to address the immediate knowledge and skill needs of court administrators and chief judges for improved court performance. Building the base is also important for gaining critical mass related to those individuals who have the knowledge and skill base that comprises contemporary judicial administration.

Deliverables:

Two Judicial Administration Certificate Programs for Court Administrators

Offer a minimum of two more certificate programs in 2015. Student selection would follow the previous competitive selection process.

One Judicial Administration Certificate Program for Chief Judges

In fall 2015, offer one certificate program for chief judges based on a modified version offered to the court administrators. Attendees would be the chief judges representing the courts from which the court administrators came.

One Judicial Administration Leadership Conference

Hold one national conference on judicial leadership in 2015. The leadership conference participants would draw from previous court administrators' and chief judges' certificate programs. Note: Other attendees would also be considered based on their leadership positions, geographic representation, and so forth.

Three Faculty Development Programs

Offer one or two basic faculty development programs in 2014 and/or 2015 to build the subject matter knowledge and teaching skills required to sustain comprehensive curriculum programming. The future instructors would be selected from the first three Judicial Administration Certificate Programs for court administrators and from the one Judicial Administration Certificate Program for chief judges.

Offer one advanced faculty development program in 2014 for individuals who have successfully completed the first faculty development programs, as well as selected university and law school professors.

B. Developing a Comprehensive Court Administration Curriculum for Court Administrators and Chief Judges

Purpose: Develop and deliver targeted education and training for the purpose of improving performance of individual professional groups, as well as the entire judiciary. Such a curriculum would establish levels of education and training that meets the needs of judges, court administrators, and staff as they move through their careers and across multiple positions. This recommendation should begin as soon as possible to maximize the resources currently being used for the ad hoc approaches.

Several entities are now delivering or will be delivering education and training programs related to administration of the courts. Such programs are being developed and delivered for judges, court administrators, and staff. These efforts appear not to be based on sound needs assessment from which a comprehensive curriculum has been developed. Such a curriculum would address the knowledge and skill needs from new professionals to advanced professionals and would focus on cross-professional group and singular-professional group learning needs. Such a curriculum would be part of Item C, which follows. There currently seems to be no comprehensive plan that matches learner needs to organizational development requirements with those organizations that can deliver the educational programming.

Deliverable

One comprehensive curriculum for judicial administration in Ukraine with professional group specific and cross-professional group curricula for chief judges, court administrators, and staff that spans new professionals to advanced professionals. Items B and C would evolve simultaneously and span 2014 and 2015.

C. Building a Coordinated Education Systems Response

There are several entities that could contribute to the advancement of the Ukraine judicial branch through offering coordinated continuing professional education for court administrators, chief judges, and staff. The need is great and the resources are scarce; thus, a well-planned and

coordinated effort is required to maximize results while minimizing expenses. The coordinated response should be centrally managed, based on the comprehensive curriculum, utilize trained instructors, incorporate teaching methodologies from live seminars to mentoring to online learning. This recommendation should begin as soon as possible to maximize the resources currently being used for the ad hoc approaches.

Purpose 1: Identify the entities that can develop and deliver continuing education and training for those individuals who are already in the judicial branch. Such entities are: SJA, NSJ, and the Court Administration Association. Develop a master plan that distributes education and training responsibilities across the entities that build on each other and are not duplicative or redundant.

Purpose 2: Identify the entities that can recruit and prepare individuals to enter the profession of judicial administration and the rule of law, such as universities and law schools by blending law degrees with the MSU Master of Science Degree in Judicial Administration.

Purpose 3: Develop Judicial Branch Education Coordinating Council that can act as a strategic and futures planning group for the development and implementation of a comprehensive education and training curriculum.

Purpose 4: Develop an electronic infrastructure used by the continuing professional education entities that would hold the education records of the judges, court administrators, and staff. The electronic records should consist of individual learning plans coordinated with the employment classifications, comprehensive curriculum, education organizations, course registration/completion, electronic learning technologies, and resource and reference materials.

Deliverables:

- Master plan and calendar for continuing professional education and training utilizing multiple partners and delivery methods—SJA, NSJ, court administration association, and others as identified.
- College and university partners for fulfilling the education requirements for individuals who want a career in the judiciary—law degrees, judicial administration degrees, and other degrees as appropriate for the position
- Electronic registration and student records
- Education Coordinating Council (or Institute)
- Fully operational court administration association

In Closing...

Phase 2: Sustainability and Beyond requires big picture thinking and collaboration. It is often easier to do both with a framework to follow. Thus, **Appendix J** includes the paper I recently wrote for The 6th International Conference on the Training of the Judiciary. It features judicial education as the facilitator of change. It addresses all of the issues that educators must wrestle with from their own development to the development of a judicial education system. In reflecting about the findings of this assessment and my recommendations, I thought it an appropriate addition to this report.

Appendix A. Court Administration Program Graduate Assessment Survey

**Court Administration Program Graduate
Assessment Survey**

1. Name of student:

2. Name of court:

3. Job title:

4. Contact information (address of place of work, e-mail, business and mobile telephone numbers):

5. Name of project, short description of your project when you submitted your project paper in April 2013.

6. On a scale of 1.0 indicating little satisfaction to 5.0 indicating great satisfaction, please rate the extent to which you are satisfied with the progress that has been made on your project, regardless of whether or not you were able to achieve all of the goals that you set.

Little					Great
1.0	2.0	3.0	4.0	5.0	
[]	[]	[]	[]	[]	

7. Please provide a brief explanation for your satisfaction level identified above and for the progress you may have made in areas that you didn't expect.

8. Were you able to complete your project as planned?

___ YES, answer 8.1 below.

___ No, answer 8.2 below.

8.1. Please identify three of the most important factors that contributed to your project's success:

1. _____

2. _____

3. _____

8.2. Please identify three of the most important factors that interfered with your project's success:

1. _____

2. _____

3. _____

9. What were the primary lessons learned from implementing your project?

10. What best practices (methods, approaches, tools, etc) resulted from your project?

11. What recommendations do you have as a result of your project experience for improving administration in the judiciary?

12. Considering the future of judicial administration in Ukraine, please list your top three priorities for action:

1.

2.

3.

13. Please indicate your expectations of the 2014 reunion and list your proposals for the agenda of the reunion.

Date _____

_____Signature

Appendix B. Student Project Titles Comprising Each Grouping

Group Assignments

Group 1: People Performance and Internal Court Relations—13 Projects

Student: Olena Bomk

Name of Project: Orientation and Mentoring of Newly Appointed Employees

Student: Nataliya Khitruk

Name of Project: Professionalism and Continuous Development of Court Staff

Student: Volodymyr Kutsenko

Name of Project: Managerial Policy in Courts (establishing communication between chief judge and chief of staff for efficient court operation)

Student: Oksana Maksymchuk

Name of Project: Methodology of Evaluating the Efficiency of Court Staff Performance within the “Open Court”

Student: Nataliya Naumova

Name of Project: Establishing Comfortable Working Conditions in a Court to Strengthen Public Trust in the Judiciary

Student: Olga Pasichnyk

Name of Project: Developing Training Programs for Court Staff in Order to Improve the Quality of Justice Administration

Student: Oksana Pidgaina

Name of Project: Court Staff Motivation for Effective Performance of Official Responsibilities and Following Discipline, Which Will Facilitate Improving the Image and Authority of the Court

Student: Liudmyla Popovych

Name of Project: Rational Use of Court Infrastructure

Student: Alla Rybitska

Name of Project: Employee Motivation as a Key to Effective Court Performance

Student: Kateryna Starikova

Name of Project: Professional Training as a Guarantee of Effective Court Staff Operations

Student: Vasyl Stephanenko

Name of Project: Improving Organization of Operation of Sevastopol Commercial Court Staff

Student: Nataliya Tymoschuk

Name of Project: Court Staff Motivation

Student: Oksana Ustenko

Name of Project: Interaction of a Manager and His Subordinate: A Combination of Loyal Approach and Comfortable Atmosphere with Preserving Subordination Rules

Group 2: Court Organization and System Performance—11 Projects (Lovtsova and Popova not attending)

Student: Iryna Glukhova

Name of Project: Improving the Procedure of Enforcing Court Decisions in Administrative Misdemeanor Cases in the AR of Crimea.

Student: Yuliya Lovtsova

Name of Project: Cooperation of Court with State Bodies

Student: Dmytro Kaminskyi

Name of Project: Developing and Systematizing Court Operation Evaluation Criteria

Student: Iryna Kartasheva

Name of Project: Alternative Methods of Notifying Litigants

Student: Oksana Kharytonova

Name of Project: Reducing Case Disposition Time

Student: Roman Kimakovych

Name of Project: Accessible for People with Disabilities

Student: Yuliya Kutiavina

Name of Project: Using and Implementing Advanced IT in Courts

Student: Valentyna Lysenko

Name of Project: E-Court—The Nearest Future

Student: Volodymyr Oliiar

Name of Project: Introducing Innovative Methods of Notifying and Summoning Litigants

Student: Tetiana Opanasyuk

Name of Project: User Friendly Court

Student: Olesia Popova

Name of Project: Information Support to Organization of Court Operations as a Part of Increasing the Level of Public Trust in Court

Group 3: External Communications—Media and Community Relations, Education, and Outreach—13 Projects

Student: Natalia Brazhnyk

Name of Project: Court With People In Mind

Student: Maksym Brezhniev

Name of Project: Online Court

Student: Zhanna Danilina

Name of Project: Optimizing the Work with Court Visitors through the Use of Information Technologies.

Student: Mariana Dmytrechko

Name of Project: Court With People In Mind

Student: Olena Kharakhulakh

Name of Project: Establishing Court and Community Communication

Student: Alla Kovtun

Name of Project: Increasing the Level of Public Trust in Justice Administration

Student: Oleksandre Lebed

Name of Project: Regional Communications Center of Judicial Institutions

Student: Mariya Lopit

Name of Project: Efficient Use of Information Technologies in Administering Justice in a Raion Court

Student: Iryna Palamarchuk

Name of Project: Reviving Trust in Court

Student: Vladislav Petrenko

Name of Project: Increasing Public Trust in Courts

Student: Larissa Shramko

Name of Project: Evoking Positive Thinking of the Judiciary in General and the Bohuslav Raion Court of Kyiv Oblast in Particular

Student: Olena Shvydka

Name of Project: Effective Communication as a Component of Increasing Public Trust in Court

Student: Nataliya Tanasiichuk

Name of Project: Public Awareness of Court Operation Procedures as a Guarantee of Access to Justice

Appendix C. Facilitators and Inhibitors of Success by Thematic Groups

Group 1: People Performance and Internal Court Relations Facilitators and Inhibitors of Success

Facilitators of Success

1. Developed a team environment, built trust, strengthened the feelings of security and stability, established a uniform goal, and improved work performance.
2. Launched a mentoring program.
3. Launched training programs about the courts for students.
4. Developed clear, transparent, and objective staff evaluation criteria and procedures to assess a candidate's psychological portrait, goals, and motivations on the first interview.
5. Established feedback mechanisms between managers and staff members to improve relations.
6. Surveyed the needs of staff to ascertain what motivates, involves, and gives a platform for self-expression.
7. Used concrete and transparent evaluation methods to provide proportional bonuses to staff based on performance.
8. Developed public recognition of staff using nonmonetary incentives—honorary diplomas, letters of gratitude, and special honorary days. Also recognized long-term service and special anniversaries of court achievements.
9. Legislative changes ordered by the National Agency of Ukraine on Public Service supported mentoring (October 25, 2013).
10. Gained support of chief judges (n=4); chief of staff (n=2); and colleagues. (n=2)
11. Increased staff motivation.
12. Convinced chief judge of the need to build a court leadership team with the chief of staff that featured cooperation rather than obedience.
13. Because of the project, staff members are now more conscious of the need for change and are more open to new information.
14. Evaluation of court staff performance using specified standards avoided subjective evaluation and treatment of employees, thus reducing tensions and conflict among the team. Leader “favorites” did not receive special treatment. Staff members now understand the need for using standardized methodologies.
15. New court facilities resulted in improved labor conditions and comfortable accommodations for the public.
16. Positive changes in the team, leadership qualities, and creative abilities were on display in ways that were not observable in day-to-day work.
17. Public response to the questionnaires was positive, as was the feedback.
18. The announcement of the project resulted in changes related to staff attitudes. They have a greater appreciation of the ultimate goal, which is receiving documents from the court user and helping the users within the limits of the law.
19. Found ways to motivate staff for increased performance.
20. Public demonstrated a high level of interest in the administration of justice.
21. Public demonstrated interest in the updates on the court website and the information provided.
22. Enjoyed more interaction with the judicial bodies because of the project.

23. Court personnel experienced feelings of greater dignity after trainings designed for them even though salaries were not indicative of the work they do.
24. All courses from court administration program lead to success.

Inhibitors of Success

1. Health constraints of capstone leader.
2. Increased workload interfered with goal attainment. (n=3)
3. Fear of innovation. (n=2)
4. No material resources to motivate staff. (n=3)
5. Lack of interest among staff for training or other professional development focused on improving performance.
6. Salaries for court personnel are lower than for other civil servants. New legislation was drafted and then suspended related to this issue.
7. Frequent court operation and organization changes mandated from higher authorities resulted in lack of certainty of tasks, roles, and responsibilities; short implementation deadlines resulted in further barriers to project implementation.
8. Requirements of developing questionnaires to obtain the information resulted in paying specialists for their services and the volunteer respondents did not understand the court operations. Therefore, they could not answer the questions.
9. High staff turnover resulted in continual recruitment, hiring, and orientation that impacted the work.
10. Success was inhibited by the mentality of older chief judges who worked under the old legislation. They do not want to empower the chief of staff to manage the court. (n=2)
11. Chiefs of staff have no desire to perform managerial duties because chief judges refuse to give-up personal management of the courts.
12. Courthouse repairs took time and resources, which interfered with project completion.
13. Changes in task assignments for staff was a problem.
14. Project planning must be coordinated with other important court objectives, which are sometimes unforeseen at the time of project planning.
15. Resistance to change among staff.
16. Need to increase staff training so that the project could be implemented.
17. Increased training of staff to conduct project.
18. Need to engage specialists and experts outside of the court.
19. Insufficient funding for the judiciary. (n=5)
20. Lack of available mentors.
21. Insufficient normative regulations to guide issues.
22. Lack of funding to engage time managers.
23. Budgets that do not meet the requirements of the Law of Ukraine on the Judiciary and Status of Judges guaranteeing judicial independence and adequate support for court operations and support for judges.
24. Low self-esteem of employees who do not set goals for themselves.
25. Unwillingness of employees to advance their careers through better productivity.
26. Unfilled PIO position.
27. Inability to locate IT specialist.
28. Project made a mistake in creating a senior courtroom secretary.

Group 2: People Performance and Internal Court Relations Facilitators and Inhibitors of Success

Facilitators of Success

1. This is a long-term project that required a step-by-step process involving multiple stakeholders. Thus, it improved our joint work and relationships.
2. The project significantly improved and expedited the mechanisms of enforcement of court decisions by identifying with the state bodies the problems, issues, and solutions.
3. Expanded stakeholder group, which resulted in greater enforcement of court orders beyond the originally targeted state bodies. This spread to both criminal and administrative penalties.
4. Support of the chief judge.
5. Support and understanding of the stakeholders, because now they view themselves as partners.
6. Knowledge received through the April 2013 Court Administration Program.
7. Introduction of SMS summons made people more responsive. Court hearings increased, citizens became more interested in the implementation of the project, and parties were more cooperative resulting in savings to budget for paper and time.
8. Increased responsibility and aspirations of court staff were realized.
9. Possibility of improvements to the case management systems.
10. New ideas surfaced as we looked at the organization in a new light.
11. Performance improved through identifying the problem and finding solutions.
12. After project implementation, lack of complaints from public related to access for the disabled.
13. Cases that involved people with disabilities were handled well by the court and the litigants were satisfied with their access.
14. Increased favorable public opinion after a court visit day, which resulted in a positive newspaper article.
15. Mutual support between the court and local authorities.
16. Saved money as a result of implementing computer-integrated telephone technology. This resulted in budget savings, which resulted in positive impressions.
17. Staff remained excited about the project even though the salaries are low.
18. Court facility improvements were undertaken successfully. To complete the project, more funds will be needed in 2014.

Inhibitors of Success

1. Lack of information from state bodies about how they enforce court decisions on administrative misdemeanor cases.
2. Council of Judges of General Courts action on court performance in 2013.
3. Activities were not planned correctly and they were not always assigned to the correct person.
4. Insufficient funding. (n=3)
5. State standards need revisions for people with disabilities for a system-wide approach.
6. Court staff is slow to adapt to changes.
7. The public is slow to adapt to changes.
8. Low efficiency of state innovation policy due to imperfections of legislation.

9. Low salaries, resulting in high turnover.
10. Obsolete programming language and software that will result in further slow downs.
11. The SMS-summons system was implemented and emailing copies of procedural documents was also implemented. The public did not respond. Not sure why there was no response but speculate public was not prepared for this type of service delivery, insufficient public awareness, public may be concerned about lack of legislative regulation related to the technologies, or perhaps the time from implementation of the project to this report was too short.
12. Political instability.
13. Personal health conditions—pregnancy.

**Group 3: External Communications—
Media and Community Relations, Education, and Outreach
Facilitators and Inhibitors of Success**

Facilitators of Success

1. Court website (Court was one of the top visited sites, but was surprised that no one from public asked for an appointment when offered).
2. Chief judge and chief of staff support.
3. Compliance with plan.
4. Support of colleagues.
5. Unexpected high interest in the project.
6. Court team became very strong through the implementation.
7. Public complaints decreased.
8. Website was used more.
9. Increased trust of court leadership.
10. New knowledge from the court administration program.
11. Team work.
12. The project had realistic goals.
13. The outreach resulted in people asking for assistance.
14. Close monitoring rendered results in project action.
15. Support and direct participation of the chief judge.
16. Help and participation of colleagues.
17. Knowledge and inspiration from the court administration program training.
18. Improvement in financial and technical support which improved court operations and staff performance. Staff showed willingness to work and implement the new technologies.
19. Support of the chief judge.
20. Support and assistance of colleagues.
21. Knowledge received during the court administration pilot program.
22. The introduction of E-courts makes the courts more accessible.
23. Council of judges, local general jurisdiction, and appellate court of Kiev are constantly engaged in improving the quality and efficiency in administering justice.
24. Nearly all court staff is willing to help form positive thinking in citizens about the court system.
25. Court surveys were successful.

26. Court staff and judges cared about the public and added seats for court users.

Inhibitors of Success

1. Staff turnover.
2. During the implementation period, there were media cases in front of the court so all contact with media stopped.
3. Insufficient funding. (n=4)
4. Lack of NGOs ready to cooperate.
5. High workload that interfered with implementation.
6. Low level of knowledge among the public related to the legal culture.
7. Needed more time for implementation.
8. Project was reliant on PIO position in my court and SJA declined to fund the positions and coordinate efforts. Thus, project was not implemented.
9. Lack of understanding and support on the part of the SJA, especially its territorial/local branch.
10. Lack of resources.
11. Unfavorable situation regarding public trust of the judiciary as a whole.
12. Staff turnover, employee recruitment, and training impacted the work.
13. No understanding with the media, as there is no local media only available at the oblast level.
14. Conflict among the generations.
15. The portal for children on the website was not made because there was no qualified IT specialist in the court.
16. The government should not interfere in the judiciary by giving instructions about operative part of the decision.
17. Staff turnover and low salaries.
18. The need to engage external specialists. My plan was for a psychologist but lack of funds prevented it.
19. Court facilities were not improved and there was no funding.

Appendix D. Court Administration Certificate Program Reunion Workshop Agenda

State Judicial Administration
National School of Judges
USAID FAIR Project
Michigan State University

Court Administration Certificate Program

Reunion Workshop

February 19 to 20, 2014
Dnister Hotel
Lviv, Ukraine

Objectives:

- Share outcomes, best practices and lessons learned in implementing capstone projects;
- Discuss action areas and potential topics for building sustainability based on survey feedback;
- Develop recommendations and identify next steps for continuing court administration education and professional development.

AGENDA

Day One: Wednesday, February 19, 2014

- 9:30 – 9:45 **Opening Remarks**
Volodymyr Pivtorak, Acting Chair, State Judicial Administration of Ukraine
Natalia Shuklina, Vice Rector, National School of Judges of Ukraine
David Vaughn, Chief of Party, USAID FAIR Justice Project
- 9:45 – 10:15 **Introductions, Review of Agenda, and Program Objectives**
Dr. Maureen Conner, Director, MSU Judicial Administration Program
- 10:15 – 10:45 **Survey Findings: What Did We Learn?**
- 10:45 – 11:45 **Thematic Group Discussions**
Session Description: Students will give individual progress reports and discuss findings.
Group 1: People Performance and Internal Court Relations Projects (13 administrators)

Group 2: Court Organization and Systems Performance Projects (9 administrators Lovtsova and Popova not attending)

Group 3: External Communications—Media and Community Relations, Education, and Outreach Projects (13 administrators)

- 11:45 – 12:00 Break
- 12:00 – 13:30 **Developing Thematic Group Reports for Full Class Presentation and Discussion**
Session Description: Students will identify what they learned, factors that inhibited or facilitated their projects, and they will suggest best practices. They will discuss what they know now that they wished they had known before they started.
- 13:30 – 14:30 Lunch
- 14:30 – 16:00 **Thematic Reports**
- 16:00 – 16:15 Break
- 16:15 – 16:45 **Preparing for Day Two: Introduction to Action Agenda and Strategic Initiative Steps**
- 16:45 – 17:15 **Closing Remarks**
- 18:30 – 21:00 **Reception** (*“Lvivsky” Conference Room, 2nd floor*)

Day Two: Thursday, February 20, 2014

- 9:30 – 9:45 **Debrief Day One**
- 9:45 – 11:45 **Setting an Action Agenda and Identifying Strategic Initiatives**
Session Description: Substantive presentation on topic and Student Selection of Action Areas
- 11:45 – 12:00 Break
- 12:00 – 13:30 **Action Area Work Groups and Topics: Planning and Organizing**
Session Description: Students will use material provided in previous session to plan their action areas and strategic initiatives
- Potential Work Group Areas Emerging from Survey (Others to be determined or list finalized based on day one)

- Comprehensive Curriculum Planning, including executive teams and staff, forms of delivery, and linkages with higher education institutions, SJA, and NSJ
- Judicial Administration Association, including, by-laws, officer structure, purpose and function, dues/funding, and linkages with higher education institutions, SJA, and NSJ
- Building Executive Court Team Roles and Relationships
- Budgeting and finances, including analysis that is linked to policy and court processes as well as savings related to innovations
- Comprehensive Model for Public and Media Education and Outreach about the Courts
- Comprehensive Technology Planning System and User Groups

13:30 – 14:30

Lunch

14:30 – 15:30

Preparing Action Area Reports for Full Class Discussion

15:30 – 16:45

Action Area Reports

16:45 – 17:00

Next Steps and Closing Remarks

Court Administration Certificate Program: Reunion Workshop

DR. MAUREEN E. CONNER
MICHIGAN STATE UNIVERSITY

FEBRUARY 19-20, 2014
DNISTER HOTEL, LVIV

Reunion Objectives

- Share outcomes, best practices, and lessons learned in implementing capstone projects;
- Discuss action areas and potential topics for building sustainability based on the survey feedback; and
- Develop recommendations and identify next steps for continuing court administration education and professional development.

Survey Results: Thematic Groupings

- **People Performance and Internal Court Relations**
- **Court Organization and Systems Performance**
- **External Communications—Media and Community Relations, Education, and Outreach**

People Performance and Internal Court Relations

- **Number of Projects: 13**
- **Administrators:**
 - Bomk
 - Khitruk
 - Kutsenko
 - Maksymchuk
 - Naumova
 - Pasichnyk
 - Pidgaina
 - Popovych
 - Rybitska
 - Starikova
 - Stephanenko
 - Tymoschuk
 - Ustenko

Court Organization and Systems Performance

- Number of Projects: 11
- Administrators:
 - Glukhova
 - Lovtosa (*not attending*)
 - Kaminskyi
 - Kartasheva
 - Kharytonova
 - Kimakovych
 - Kutiavina
 - Lysenko
 - Oliiar
 - Opanasyuk
 - Popova (*not attending*)

External Communications—Media and Community Relations, Education, and Outreach

- Number of Projects: 13
- Administrators:
 - Brazhnyk
 - Brezhniev
 - Danilina
 - Dmytrechko
 - Kharakhulakh
 - Kovtun
 - Lebed
 - Lopit
 - Palamarchuk
 - Petrenko
 - Shramko
 - Shvydka
 - Tanasiichuk

Measures

- Mean Satisfaction Level
- Completion Rate

Factors Involved

- Factors facilitating success
- Factors inhibiting success

The Future and Sustaining Momentum



- **Recommendations from projects**
- **Top priorities for court administration**
- **Identifying an Action Agenda**
- **Action Planning**

Appendix F. Court Administration Certificate Program Reunion Workshop Thematic Group Assignment and Reports

Thematic Group Student Assignments and Reports

Step 1: Find your group using the group assignments in this document.

Step 2: Select a time monitor.

The time monitor is responsible for giving each student 10 minutes to discuss his or her project and answer questions from the other group members.

The time monitor is also responsible for making sure that the group starts and stops on time for all group activities.

Step 3: Select recorders and reporters.

The recorders and reporters summarize the outcome of the group discussions so that those outcomes can be reported to the larger group in a summarized form.

Step 4: Each student provides a concise summary report of their project covering the following items:

- 4.a. Give a brief description of the project and level of satisfaction with the results.
- 4.b. Explain those variables that facilitated or challenged project success.
- 4.c. What do you know now that you wished you had known before you started your project?
- 4.d. What best practices resulted from your project?
- 4.e. What recommendations do you have as a result of our project for improving court administration in the judiciary?

Step 4: Prepare your group report for full class presentation.

Group Assignments

Group 1: People Performance and Internal Court Relations—13 Projects

Student: Olena Bomk

Name of Project: Orientation and Mentoring of Newly Appointed Employees

Student: Nataliya Khitruk

Name of Project: Professionalism and Continuous Development of Court Staff

Student: Volodymyr Kutsenko

Name of Project: Managerial Policy in Courts (establishing communication between chief judge and chief of staff for efficient court operation)

Student: Oksana Maksymchuk

Name of Project: Methodology of Evaluating the Efficiency of Court Staff Performance within the “Open Court”

Student: Nataliya Naumova

Name of Project: Establishing Comfortable Working Conditions in a Court to Strengthen Public Trust in the Judiciary

Student: Olga Pasichnyk

Name of Project: Developing Training Programs for Court Staff in Order to Improve the Quality of Justice Administration

Student: Oksana Pidgaina

Name of Project: Court Staff Motivation for Effective Performance of Official Responsibilities and Following Discipline, Which Will Facilitate Improving the Image and Authority of the Court

Student: Liudmyla Popovych

Name of Project: Rational Use of Court Infrastructure

Student: Alla Rybitska

Name of Project: Employee Motivation as a Key to Effective Court Performance

Student: Kateryna Starikova

Name of Project: Professional Training as a Guarantee of Effective Court Staff Operations

Student: Vasyl Stephanenko

Name of Project: Improving Organization of Operation of Sevastopol Commercial Court Staff

Student: Nataliya Tymoschuk

Name of Project: Court Staff Motivation

Student: Oksana Ustenko

Name of Project: Interaction of a Manager and His Subordinate: A Combination of Loyal Approach and Comfortable Atmosphere with Preserving Subordination Rules

**Group 2: Court Organization and System Performance—11 Projects
(Lovtsova and Popova not attending)**

Student: Iryna Glukhova

Name of Project: Improving the Procedure of Enforcing Court Decisions in Administrative Misdemeanor Cases in the AR of Crimea.

Student: Yuliya Lovtsova

Name of Project: Cooperation of Court with State Bodies

Student: Dmytro Kaminskyi

Name of Project: Developing and Systematizing Court Operation Evaluation Criteria

Student: Iryna Kartasheva

Name of Project: Alternative Methods of Notifying Litigants

Student: Oksana Kharytonova

Name of Project: Reducing Case Disposition Time

Student: Roman Kimakovych

Name of Project: Accessible for People with Disabilities

Student: Yuliya Kutiavina

Name of Project: Using and Implementing Advanced IT in Courts

Student: Valentyna Lysenko

Name of Project: E-Court—The Nearest Future

Student: Volodymyr Oliiar

Name of Project: Introducing Innovative Methods of Notifying and Summoning Litigants

Student: Tetiana Opanasyuk

Name of Project: User Friendly Court

Student: Olesia Popova

Name of Project: Information Support to Organization of Court Operations as a Part of Increasing the Level of Public Trust in Court

Group 3: External Communications—Media and Community Relations, Education, and Outreach—13 Projects

Student: Natalia Brazhnyk

Name of Project: Court With People In Mind

Student: Maksym Brezhniev

Name of Project: Online Court

Student: Zhanna Danilina

Name of Project: Optimizing the Work with Court Visitors through the Use of Information Technologies.

Student: Mariana Dmytrechko

Name of Project: Court With People In Mind

Student: Olena Kharakhulakh

Name of Project: Establishing Court and Community Communication

Student: Alla Kovtun

Name of Project: Increasing the Level of Public Trust in Justice Administration

Student: Oleksandre Lebed

Name of Project: Regional Communications Center of Judicial Institutions

Student: Mariya Lopit

Name of Project: Efficient Use of Information Technologies in Administering Justice in a Raion Court

Student: Iryna Palamarchuk

Name of Project: Reviving Trust in Court

Student: Vladislav Petrenko

Name of Project: Increasing Public Trust in Courts

Student: Larissa Shramko

Name of Project: Evoking Positive Thinking of the Judiciary in General and the Bohuslav Raion Court of Kyiv Oblast in Particular

Student: Olena Shvydka

Name of Project: Effective Communication as a Component of Increasing Public Trust in Court

Student: Nataliya Tanasiichuk

Name of Project: Public Awareness of Court Operation Procedures as a Guarantee of Access to Justice

Court Administration Certificate Program

Reunion Workshop

Project Planning, Problem Diagnosis, and Action Planning Handbook

Dr. Maureen E. Conner
February 19 – 20, 2014

**Project Planning, Problem Diagnosis, and Action Planning
Worksheets**

Section 1: Identifying the Project

1.) Name the project or initiative?

2.) Describe the project or initiative?

3.) What is the goal of your project or initiative?

4.) Who are the primary stakeholders? For each stakeholder identify who will be supportive, who will be detractors, or who will be neutral by placing a check mark in the appropriate column. Indicate the level of influence for each stakeholder listed below.

Stakeholder	Supportive	Detractor	Neutral	Level of Influence 1=little 2=moderate 3=great
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

Section 2: Collecting and Measuring the Evidence

5.) What evidence exists that there is a pressing need for this project or initiative?

6.) Correlate the evidence to the stakeholder. Is the evidence anecdotal (stories) or quantifiable (facts)? List the most compelling evidence. Consider what kind of evidence is important to the primary stakeholders previously listed. Remember that stakeholders may not be interested in the same evidence.

Stakeholder from above (you can list by number from above table)	Compelling Evidence— Anecdotal (stories)	Compelling Evidence— Quantifiable (facts)

Stakeholder from above (you can list by number from above table)	Compelling Evidence— Anecdotal (stories)	Compelling Evidence— Quantifiable (facts)

7.) What will the impact be if nothing is done? Who will benefit and who will be harmed by maintaining the status quo? Correlate to the stakeholder group.

Stakeholder from above (you can list by number from above table)	Benefit	Harmed

Stakeholder from above (you can list by number from above table)	Benefit	Harmed

Section 3: Action Planning

8.) Who is the target group for the project or initiative? What are their overarching needs and broad goals that will be met for the target group via your project or initiative?

Examples:

- If you are developing a continuing education curriculum or institute for court administration, who is the target audience?
- If you are developing a court professional association? Who are the full members and associate members?
- If you are developing an IT users group, who would be involved?

Target Group	Overarching Needs	Broad Goals

Target Group	Overarching Needs	Broad Goals

9.) What are the programs or deliverables for the target group and what measurable objectives will be accomplished by the programs or deliverables?

Example:

- **Program/Deliverable:** Education or training program on developing a chief judge and court administrator executive management team
- **Objective:** At the conclusion of this program, the chief judge and court administrator will have delegated roles, responsibilities, and authorities between them and determined a schedule for executive meetings.
- **Program/Deliverable:** Ukraine Court Administration Association (UCAA) board membership qualifications and terms of office.
- **Objective:** The by-laws of the UCAA will list the court position, court type representation, regional representation and terms of office required for each UCAA board position.

10.) Where is the organizational home for your project or initiative?

11.) List the paid staff and volunteers required, type of qualifications, and brief description of each position?

Paid Staff	Volunteers	Qualifications	Position Description

12.) List the major space or equipment requirements for your project/initiative?

13.) Identify the major budget categories for the project or initiative? If you have cost estimates, list them for each category.

Budget Category	Cost Estimate

14.) What policies will guide your project or initiative?

15.) Who must approve your project or initiative?

17.) As you conclude your initial planning, review your plan using the fundamental steps in critical thinking. Consider the following:

17a.) What are the issues and conclusions that were used in determining the need for and the strength of your project or initiative?

17b.) What reasons do you have for proposing the project or initiative?

17c.) Where is your plan ambiguous?

17d.) Where did you make assumptions?

17e.) Are there any fallacies in your reasoning?

17f.) How good is your evidence? Evidence types are: intuition; personal experience; personal observation; testimonials; authorities such as rules, policies, strategic plans, laws, and so on; and research.

17g.) Are there any significant omissions?

17h.) Are there other conclusions that could be reached indicating another project or initiative would better address the problem or issue?

18.) How can you overcome individuals who oppose your project or initiative and use weak evidence to support an opposing viewpoint or different strategy?

19.) What are the proposed start dates and completion dates and who are the responsible individuals?

Task	Start Date	Completion Date	Responsible Individual

Appendix H. Student Action Agendas and Plans

Employees’ performance and relations inside the court

Needs identification (survey)

Meeting the needs of employees

Material	Non-material
<ul style="list-style-type: none">• Decent salary• Adequate working conditions	<ul style="list-style-type: none">• Appreciation and respect• Self-fulfillment• Career development• Understanding of colleagues and leadership• Creating conditions for the increase of professional level• Even workload• Avoiding professional burning-out• Creating professional environment• Understanding of official duties (their importance)• Improving the image of professional court staff

Means:

- Surveys and feedback
- Results monitoring
- Trainings
- Objective evaluation and incentives
- Collective discussion of court objectives
- Informal communication

Cooperation between chief judge and chief of staff

New page

Forming positive image of a court

External	Internal
<ul style="list-style-type: none">• Media (information space)• Leaflets and business cards• Open days• Online classes• Social networks (Facebook, B контакте)• Videos• Own periodicals• Portal for kids• Surveys• Disseminating information among state bodies	<ul style="list-style-type: none">• Trainings for court staff• Internal chat (for expeditious information exchange)• Surveys of court staff and judges• Professional etiquette• Incentives

Barriers:

1. Lack of time
2. Workload
3. Lack of adequate funding

Facilitating factors:

1. National programs (SMS-notifications, e-court, websites, and videoconferencing)
2. Initiative group (focus group and working group)
3. Feedback from non-governmental and governmental organizations

New page

Representing the interests of court staff at judicial self-governance bodies

1. Provide for legislative provisions creating local judicial self-governance bodies
2. Include court staff representatives in the composition of the Council of Judges of Ukraine

Stakeholders:

The public, the State, government (state bodies), SJA, judicial self-governance bodies, leadership of the Supreme Court and high specialized courts, meetings of judges, court staff, and the media.

Aim of the project:

- Increase the prestige of profession;
- Take into consideration the interests of court staff in decision-making process.

Ultimate results:

Amendments to the legislation regarding the formation of judicial self-government bodies in order to lobby for the interests of court staff for the sake of appropriate administration of justice.

New page

Forming a team in court, roles and relations

Description: the existence of court as a state institution is impossible without court staff.

Without highly qualified specialists, no any court will be able to achieve the goal of gaining the authority and public trust in court and judiciary in general.

Aim: to create an efficient team in order to provide organizational support to the process of justice administration by each and every court; improve the image of court staff as a result of gaining authority and public trust in the Ukrainian judiciary.

New page

- Comprehensive ongoing training program to increase the professional level
- Association of court administration
- Identifying the roles of chief judges and chiefs of staff and relations between them
- Budgeting
- Model and resources of interaction between judges and the media
- IT

New page

1. Strategic planning
2. Ability to set clear goals and identify means to achieve them
3. Courts and community relations

I. Continuous increase of qualifications

II. Popularization of a chief of staff position

III. Determining the status of chief of staff at the legislative level (changes and amendments to Article 149 of the Law of Ukraine on the Judiciary and Status of Judges)

New page

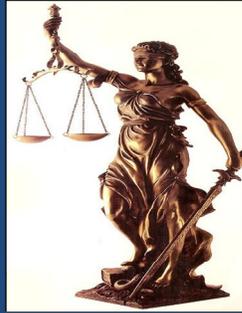
Steps to improvements:

1. Introduce mandatory initial training for chiefs of staff who were appointed to position for the first time and regular ongoing training to increase the qualifications of already trained chiefs of staff.
2. Create the concept of HR management in courts.
3. Initiate amending the legislation regarding the protection of social and legal status of court staff.
4. Strengthen the guarantees of financial support to the judiciary.

New page

1. Increase the prestige of court staff profession
2. Ensure funding of court needs for the sake of appropriate administration of justice
3. Remuneration according to the level of complexity and importance of work and related responsibility
4. Creating the conditions for initial and ongoing training
5. Unification of the organizational structure of judicial institutions

Contextualized Continuing Professional Education for Courts



Dr. Maureen E. Conner
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Developing Contextualized Education

- Assessing the commitment and need for specialized judicial administration education
- Establishing educational goals and objectives
- Setting the subject matter focus



Establishing Sustainability

- Building the capacity to continue—people and institutions
 - Instructor development
 - Holistic curriculum
 - Mentoring
 - Professional association
- Conducting capstone projects
- Celebrating transformation



Building Momentum and Assessing Results

- Transfer of learning
- Conducting capstone projects
- Celebrating transformation
- Continual feedback and improvement
- Determining what is next



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Judicial Educator: Change Leader

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Leaders have a significant role in creating the state of mind that is the society. They can serve as symbols of the moral unity of the society. They can express the values that hold the society together. Most important, they can conceive and articulate goals that lift people out of their petty preoccupations carry them above the conflicts that tear a society apart, and unite them in pursuit of objectives worthy of their best efforts

*John W. Gardner
No Easy Victories*

Introduction

Leadership development is a personal journey that most often takes place in public. Admired leadership characteristics³ are surprisingly consistent across organizations, cultures, and professions (Kouzes and Posner 2012). Though the characteristics may be the same, how they are expressed will distinguish successful leaders from those who are not. In this paper, I contend that judicial educators are leaders and what they lead is change through education.

Leadership skills for judicial educators are often overlooked because much of what educators and those who employ them want to focus on is curriculum development and program planning for judges; administrators; and the numerous professional groups that support the programs, systems, and services that have come to define the administration of justice. In this discussion, I focus on ten areas for judicial educators (hereafter referred to as educators) to consider in their own leadership development. They are: guiding philosophy, mission, values, voice, thinking, acting, competence, forward-looking, reflecting, and renewal.

Guiding Philosophy

Education serves many purposes. Education in a judicial system is often defined as continuing professional development and training to improve the knowledge, skills, and abilities of judges and court personnel. It is true that education involves the aforementioned. I challenge educators to use education as

³ Kouzes and Posner (2012, 34-35) researched factors or attributes that comprised admired leadership characteristics among the research respondents from 1987 through 2012. The characteristics they measured over that period were: honest, forward-looking, competent, inspiring, intelligent, broad-minded, fair-minded, dependable, supportive, straightforward, cooperative, determined, courageous, ambitious, caring, loyal, imaginative, mature, self-controlled, and independent. The research respondents were from six continents: Africa, North America, South America, Asia, Europe, and Australia. The research respondents represented different cultures, ethnicities, organizational functions and hierarchies, genders, levels of education, and age groups.

an impetus for change; thus, leading the courts to the future that the world expects them to assume.

If judicial education is a vehicle for change then educators are the change agents. By extension educators are leaders. They must have a guiding philosophy about the role of education. Casting judicial education as a change movement implies that the educator's philosophy must be larger, more powerful, and more long-range than it would otherwise be. Under this framework, judicial education is **not** creating educational events. It is leading the court organization to greater levels of achievement and judges and court personnel to excellent performance that transforms lives. Such a guiding philosophy will require educators to challenge the typical processes, goals, content, and intent of education. In short, they must challenge themselves and others to take a different path and to seek greater results. "Challenge is the opportunity for greatness. People do their best when there's the chance to change the way things are...Leaders venture out. They test and they take risks with bold ideas" (Kouzes and Posner 2012, 156). Educators who see themselves as leaders will not be complacent about the role and opportunity of education to significantly improve the quality of life of those people who depend on the courts to be heard and protected. Adopting a guiding philosophy provides educators with a tool they can use to measure the progress they are making in developing education and training that challenges courts to meet their calling with strength and commitment.

Mission

Educators can design and develop education and training programs that expand knowledge, build skill, and improve court administration and judicial decision making—all necessary and worthy endeavors. The mission of judicial education is often explained in terms of inputs, outputs, and outcomes using educational terminology. Under this framework education seems devoid of passion and the ability to inspire. People are not motivated when they are educated to just be ordinary. They will not build their courage and confidence to challenge what must be challenged and enforce what must be enforced under the rule of law. Therefore, the educator as leader must make transformation the mission of education. Jan Phillips, author of *The Art of Original Thinking-The Making of a Thought Leader* describes the power of transformation: "Transformation originates in people who see a better way or a fairer world, people who reveal themselves, disclose their dreams, and unfold their hopes in the presence of others. And this unfolding, this revelation of raw, unharnessed desire, this deep longing to be a force for good in the world is what inspires others to feel their own longings, to remember their own purpose, and to act, perhaps for the first time, in accordance with their inner spirit" (2006, 11). Such is the power of an educator with a mission of transformation. Such is the power of a change leader.

Values

The very act of educating is an expression of values. Consider this explanation of values by Kouzes and Posner: "Values constitute your personal 'bottom line'. They serve as guides to action. They inform the priorities you set and the decisions you make. They tell you when to say yes and when to say no. They also help you explain the choices you make and why you made them...All of the most critical decisions a leader makes involve values" (2012, 49).

Judicial systems that offer education to judges and court personnel are making a statement about the importance of knowledge and information in evolving the skills, abilities, and aptitudes of its members. The values that leaders hold become evident by what they say and do. Educators as leaders must know what they value. Their values are articulated through the way they approach education from content selection to delivery format to defining learner groups. Each and every education opportunity and challenge is an avenue for educators to express the values they hold about the role of courts in society. The importance of educators discovering and living their values cannot be overstated and that is certainly true if they want to lead.

Voice

When leaders develop their voice, they express their guiding philosophy, mission, and values in their own words. In so doing, they are perceived as authentic. The extent to which a person is authentic is the extent to which they will be trusted. If there is any incongruity between what leaders say and do, it will immediately be recognized and their credibility and authority will be comprised. Stephen M.R. Covey in his book *The Speed of Trust-The One thing That Changes Everything* explains the importance of trust this way: "Simply put, trust means confidence. The opposite of trust—distrust—is suspicion. When you trust people, you have confidence in them—in their integrity and in their abilities. When you distrust people, you are suspicious of them—of their integrity, their agenda, their capabilities, or their track record. It's that simple" (2006, 5). Educators as leaders must develop ways of communicating that are consistent with what they care about. In short, they must find and use their voice to achieve their goal of advancing the rule of law through the expert preparation of judges and court personnel. A consistent and authentic voice sends the signal that the advancement of the judiciary can safely be placed in the hands of the educator.

Thinking

In a recent study that I conducted in which I asked current court leaders to identify the desirable leadership skills of future court leaders, thinking and perceiving skills and abilities rated the highest out of the three leadership and management characteristics and abilities categories.⁴ When I discussed this finding

⁴ The survey research project was conducted in 2011. The respondents were current court leaders (i.e., federal and state judges, clerks of court, and court administrators in the United States). The purpose of the research was to solicit the

with court leaders, they commented that the ability to lead is dependent on versatility in thinking. Asking the right questions and developing an intellectual framework to assess the veracity of the answers is the core of critical thinking. Asking questions is not foreign to educators as they routinely do so in the form of needs assessment and evaluation. Developing a critical thinking stance is necessary when the educator is a leader. Browne and Keeley in their book *Asking the Right Questions A Guide to Critical Thinking* (2010) explains critical thinking this way: "Critical thinking consists of an awareness of a set of interrelated critical questions, plus the ability and willingness to ask and answer them at appropriate times" (3). In the same book, they also explain that there are two types of critical thinking—weak-sense and strong-sense. They distinguish the two forms: "Weak-sense critical thinking is the use of critical thinking to defend your current beliefs. Strong-sense critical thinking is the use of the same skills to evaluate all claims and beliefs, especially your own" (8).

To sustain judicial education as a champion of change, the educator must ask the hard and probing questions that may lead to unpopular answers and issues that the judiciary doesn't want to acknowledge or address. The very act of educating can produce critical thinking results if education is a forum for open, honest, and probing discussions expressed from multiple viewpoints. It is very easy for judicial systems to be insular and for weak-sense thinking to flourish. Brown and Keeley (2010) list the four values of critical thinking, which are instructive for the development of educators as strong-sense leaders who in turn develop educational experiences that promote strong-sense thinking among the learners. The four values are:

1. Autonomy. "Surely, we all want to pick and choose from the widest possible array of possibilities; otherwise, we may miss the one decision or option that

opinions of the current court leaders about what the future leaders would need for credentials related to being selected to the top two judicial administration positions in the courts. The survey addressed four areas of credentials: (1) education, (2) experience, (3) leadership characteristics and abilities, and (4) knowledge and skill competencies. The findings referenced here referred to the results of the Leadership Characteristics and Abilities section of the survey. This section was comprised of three categories: Ways of Communicating and Being, Ways of Thinking and Perceiving, and Ways of Behaving and Taking Action. Ways of Thinking and Perceiving had the highest grand mean at 4.53 with 5.00 being the highest mean score; thus, indicating that the respondents viewed thinking and perceiving as the most important leadership category out of the three offered. The Ways of Thinking and Perceiving category was comprised of the following individual items: intelligent/sharp cognitive abilities, forward-looking/visionary/can see the big picture, consistent, fair-minded, strategic thinker, critical/creative thinker, perceptive, and original/out-of-the box thinker. The leadership categories and individual items were selected using the desirable leadership skills, abilities, and aptitudes emerging from leading leadership and management researchers over the last several decades.

- we would have chosen if only we had not paid attention to only those who shared our value priorities. Supercharged autonomy requires us to listen to those with value priorities different from our own" (13).
2. Curiosity. "...you need to listen and read, **really** listen and read. Other people have the power to move you forward, to liberate you from your current condition of partial knowledge. To be a critical thinker requires you to then ask questions about what you have encountered. Part of what you gain from other people is their insights and understanding, when **what they have to offer meets the standards of good reasoning**" 13-14).
 3. Humility. "Certainly some of us have insights that others do not have, but each of us is very limited in what we can do, and at honest moments we echo Socrates when he said that he knew that he did not know. Once we accept this reality, we can better recognize that our experiences with other people can fill in at least a few of the gaps in our present understanding" (14).
 4. Respect for good reasoning wherever you find it."...all conclusions and opinions are not equally worthwhile. When you find strong reasoning, regardless of the race, age, wealth, or citizenship of the speaker or writer, rely on it until a better set of reasoning comes along" (14).

Browne and Keeley (2010) instruct people to become critical thinkers and engage in good reasoning by asking the following questions:

- What are the issues and conclusions?
- What are the reasons?
- What words or phrases are ambiguous?
- What are the value and descriptive assumptions?
- Are there any fallacies in the reasoning?
- How good is the evidence—intuition, personal experience, testimonials, and appeals to authority?
- How good is the evidence—personal observation, research studies, case examples, and analogies?
- Are there rival causes?
- Are the statistics deceptive?
- What significant information is omitted?
- What reasonable conclusions are possible?

Edward De Bono (1999) encourages leaders to engage in new ways of thinking and he did so through his Six Hats method⁵. DeBono contends that people put themselves in thinking boxes, which reduces their ability to see a different future and also narrows their actions. "From the past we create standard

⁵ The Six Hats represent six ways of thinking and are color coded. The White Hat considers facts and figures. The Red Hat explores emotions and feelings. The Black Hat is cautious and careful thinking. The Yellow Hat is speculative-positive thinking. The Green Hat is creative thinking. The Blue Hat focuses on control of thinking (DeBono 1999).

situations. We judge into which “standard situation box” a new situation falls. Once we have made this judgement (sic), our course of action is clear. Such a system works very well in a stable world. In a stable world the standard situations of the past still apply. But in a changing world the standard situations may no longer apply. Instead of judging our way forward, we need to design our way forward” (3). Educators who lead change can develop learning experiences that result in new designs replacing the old situation boxes of reasoning.

Acting

Acting in the realm of education is often defined as curriculum development and program planning. It is indeed action—purposeful action. As Kouzes and Posner wrote: “Leadership is not about who you are; it’s about what you do” (2012, 15). Ways of behaving and taking action was the second highest ranked category in my recent study related to court leadership.⁶ How educators spend their time sends a message about what they value and how they will lead.

The Hedgehog Concept put forward by Jim Collins in his books *Good to Great* (2001) and *Good to Great in the Social Sector* (2005) is instructive related to the action of organizations and the people who lead them. While the Hedgehog Concept was initially developed for the private sector with a profit motive, Collins adapted it for the public sector because it can be applied to organizations with a social mission. The Hedgehog Concept is portrayed as three overlapping circles that when working at optimal performance transforms the organization from good to great (2005, 19). The circles have resonance for the courts and can be a factor in developing educational experiences that ignite and support change. “Circle 1: Passion—Understanding what your organization stands for (its core values and why it exists (its mission or core purposes). Circle 2: Best at—Understanding what your organization can uniquely contribute to the people it touches, better than any other organization on the planet. Circle 3: Resource engine—Understanding what best drives your resource engine, broken into three parts: time, money, and brand” (2005, 19).

Courts are the enforcers of the rule of law. Courts have a mission like no other. It is the place that kings and paupers can come for resolution of disputes and

⁶ This category, Ways of Behaving and Taking Action, had a grand mean of 4.41 out of 5.00. The individual items within this category were: trustworthy/ethical/honest, problem-solver, dependable/conscientious/diligent, decisive/decision-maker, promotes the learning and development of others, organized/disciplined/focused, independent/self-controlled/self-confident, inclusive/cooperative/collaborative, takes strategic action, innovative, seeks and accepts challenges, negotiator/mediator, accepts criticism, engages in continual learning and development of self, diligent/determined/persistent, deadline-oriented, detail-oriented, and persistent. See footnote 2 for more detail on the study.

protection under the law. Because courts are the best in the world at what they do, they can lead change and advance the development of civil society like no other sector or branch of government. Educators can lead through igniting the passion of judges and others to be the best at solving disputes and delivering justice. Thus, the Hedgehog Concept is appropriately applied to the courts and can be advanced by educators when they act as leaders of change.

Competence

“At some level, competence connects with our dreams, with that part of us that yearns for unity with something greater than ourselves. We want to matter” (Wlodkowski 2008, 309). Educators must be competent in creating competence in others. Therefore, they must excel in adult learning theory, instructional design, subject matter development, teaching methodologies in traditional and electronic formats, needs assessment, and evaluation. Educators as leaders “...significantly increase people’s belief in their own ability to make a difference. They move from being in control to giving over control to others, becoming their coach. They help others learn new skills, develop existing talents, and provide the institutional supports required for ongoing growth and change. In the final analysis leaders turn their constituents into leaders” (Kouzes and Posner 2012, 243).

Educators lead the development of competence and confidence across the judicial branch, which is essential for a fully functioning independent judiciary. In so doing, educators are functioning at peak performance. Peak performance is referred to as flow. “People often refer to being ‘in the flow’ when they feel that they are performing effortlessly and expertly despite the difficulty of the experience. They are confident that their skills match the level of challenge of the experience, even though the challenge might be a bit of a stretch” (Kouzes and Posner 2012, 256). In order for educators to develop peak performance in others, they must first do it for themselves.

Forward-Looking

Effective educators address problems while simultaneously looking over the rim to see what is coming. The research conducted by Kouzes and Posner (2012) related to what people most want in a leader are honesty, forward-looking, competence, and inspiration (2012, 34-35). These elements of leadership remained consistent from 1987 to 2012; and, it has also remained consistent across countries, cultures, ethnicities, organizational functions and hierarchies, genders, levels of education, and age groups (Kouzes and Posner 2012). Leaders who are futuristic seem to command more credibility and, therefore, more respect. “Constituents also must believe that their leader knows where they’re headed and has a vision for the future. An expectation that their leaders be forward-looking is what sets leaders apart from other credible individuals” (Kouzes and Posner 2012, 37).

Education without vision will not drive excellence and certainly will not create change. John M. Bryson in his book *Strategic Planning for Public and Nonprofit Organizations* (2011) explained what is encompassed in the creation of a vision. "The vision should emphasize purposes, behavior, performance criteria, decision rules, and standards that serve the public and create public value...the vision should include a promise that the organization will support its members' pursuit of the vision" (2011, 273). When educators lead vision creation, they move from individual action to group action. "When creating with others, all of the aspects of the process are magnified and multiplied due to the additional creators involved...the emotion involved in creating is for something that exists in the imagination" (Conner 1999, 36). While leaders must have a vision for the future, vision-making for an organization is a group activity that must ignite the hearts and minds of those involved.

Howard Gardner in *5 Minds for the Future* (2008) discussed the kinds of minds that people will need to thrive in the future.

- Disciplined mind: "The disciplined mind has mastered at least one way of thinking—a distinctive mode of cognition that characterizes a specific scholarly discipline, craft, or profession" (3).
- Synthesizing mind: "The synthesizing mind takes information from disparate sources, understands and evaluates that information objectively, and puts it together in ways that make sense to the synthesizer and also to other persons. Valuable in the past, the capacity to synthesize becomes ever more crucial as information continues to mount at dizzying rates" (3).
- Creating mind: "...the creating mind breaks new ground. It puts forth new ideas, poses unfamiliar questions, conjures up fresh ways of thinking, arrives at unexpected answers" (3).
- Respectful mind: "...the respectful mind notes and welcomes differences between human individuals and between human groups, tries to understand these "others, and seeks to work effectively with them" (3).
- Ethical mind: "...the ethical mind ponders the nature of one's work and the needs and desires of the society in which one lives. This mind conceptualizes how workers can serve purposes beyond self-interest and how citizens can work unselfishly to improve the lot of all" (3).

Each of the minds just described may cast the future differently. The educator is perfectly positioned to develop the five minds for the future through the educational process. However, educators must be prepared to develop their own minds because leaders always go first.

Reflection

Reflection is essential so that thinking and action remain purposeful. Parker Palmer in *The Active Life: Wisdom for Work, Creativity, and Caring* (1990) discussed the need to engage in reflection on the nature of action. “Ultimately, action will help to reveal what the reality is, if we pay attention to its outcomes. These are the crucial links between action and contemplation, for the function of contemplation in all its forms is to penetrate illusion and help us to touch reality” (25). The work of educating requires a great deal of reflection as educating is leading people to new heights of awareness and action. It is a journey of discovery for both the learner and the educator. Public life and the life of leaders can be full of frenetic activity that offers little time for reflection. Therefore, creating reflection time must be intentional. Education that champions change implies that both the educators and learners have engaged in deep thought. Kouzes and Posner (2012) believe that a leader’s ability to excel is dependent on how well the leader knows him/herself and that knowledge comes from inner guidance that is gained through reflection.

Renewal

Renewal implies regeneration—a period of intellectual and physical rest that result in new levels of commitment and motivation. We often think of leadership in terms of grand displays that are larger than life. The truth is that leadership is mastering everyday events. Renewal works the same way in that it is an everyday event without which we will not thrive. What renews one person may not renew another. Exercise, meditation, yoga, reading, gardening, or just sitting with a cup of coffee or tea can be as renewing as a month in the mountains or a day on the beach. Renewal is personal. Renewal is good for the soul. Renewal is mandatory.

Concluding Thoughts

The promise of education is tremendous. The reality of creating change through education is daunting but possible. Education leaders and court leaders—judges and administrators—must commit to the vision of placing education at the center of the administration of justice. Such a commitment will require the selection of educators who are leaders of change; thus, aiding the courts in realizing their mission of protecting human rights, ensuring liberty and freedom, offering dispute resolution, and guaranteeing access to justice and due process.

Educators in the judiciary must have two concepts of their role in courts. One concept is that of curriculum planner, program administrator, teacher, technologist, and evaluator. The second concept is that of a mentor, coach, and leader who provides others with the tools and inspiration they need to reach greater heights of professional performance resulting in the courts being the best in the world at creating justice for all.

Educators as change leaders should ask three fundamental questions: What world do we want to live in? What role can the court play in creating and sustaining that world? How do we get there together? The answers likely can be found in original thinking. Jan Phillips posits that original thinking is the only thing that will take us to new places of understanding and doing—"...there is a kind of friction as opposing thoughts rub against each other, there is also the potential for creative fire that comes with that friction. And as original thinkers, that's what we're after" (2006, 92).

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