

# Study on Strengthening the Competency of Court Managers for Effective Management of Judicial Resources

**Executive summary**

**2022**

# Table of contents

1	Basis for the preparation of the Study on Strengthening the Competency of Court Managers for Effective Management of Judicial Resources .....	3
2	Results of the Court Managers' competency 'As is' analysis .....	5
2.1	Key conclusions of the regulatory framework analysis.....	5
2.2	Key conclusions of the analysis of managerial competency models in Lithuania .....	6
2.3	Key recommendations based on the Court Managers' competency 'As is' analysis .....	6
3	Results of the foreign good practice analysis .....	7
3.1	Key conclusions of the foreign good practice analysis.....	7
3.2	Key recommendations based on the foreign good practice analysis .....	8
4	Results of the survey of target groups and stakeholders.....	9
5	The Court Managers' (judges) Competency Model .....	10
6	List of priorities in the field of competence development over the next five years.....	12
7	Criteria and methodology for the selection and evaluation of the Court Managers .....	13
8	Corruption prevention control mechanism .....	15

# 1 Basis for the preparation of the Study on Strengthening the Competency of Court Managers for Effective Management of Judicial Resources

The National Courts Administration (NCA) is implementing a project on *Increasing the Quality, Services and Infrastructure in Lithuanian Courts*. The project is aimed at developing measures for: strengthening the transparency and independence of the judiciary formation process and improving the quality of the judicial proceedings; improving the court service quality and developing the competencies of the court representatives; improving the infrastructure and the security level at the courts.

One of the tasks of the project on *Increasing the Quality, Services and Infrastructure in Lithuanian Courts* is to develop the Model for Selection and Evaluation of Judges (the MSEJ). The MSEJ was developed to ensure compliance with the revised version of Article 55(7-8) of the Law on Courts effective from 1 January 2022, based on which the selection procedure shall include the evaluation of personal qualities and cognitive skills of each candidate to the judicial office. For the implementation of the MSEJ, the following legal acts were issued and approved by the Judicial Council under Resolutions dated 28 January 2022:

- Description of the procedure for evaluation criteria of personal qualities and cognitive skills of the expert reliance candidates to the open or opening judicial vacancies in the district court and of persons seeking the judicial positions (No. 13P-33-(7.1.2.));
- Description of the procedure for selection criteria of candidates to the judicial office, performance evaluation criteria of persons seeking the judicial positions and evaluation of personal qualities (No. 13P-32-(7.1.2.)).

Another task of the project *Increasing the Quality, Services and Infrastructure in Lithuanian Courts* is to prepare a Study on Strengthening the Competency of Court Managers for Effective Management of Judicial Resources (the “Project”). The Law on Courts states that the president of the court, the deputy president of the court and the chairperson of court division lead the organisational work of the court, the chancellor of court leads the court administration, and in his absence the court president assigns one of the heads of the court administration divisions / departments to perform all or part of the functions of the court registrar. In line with this, the top- and middle-level court managers must have managerial skills. Since no criteria or methods for the evaluation of the managerial competencies were defined in the legal acts up to 2022, the following was within the scope of the Project:

- to perform the Court Managers’ (presidents of courts, deputy presidents of courts, chairpersons of court divisions, chancellors of courts, heads of divisions / departments (the “Court Managers’)) competency ‘As is’ analysis, the foreign good practice analysis, and the surveys of target groups and stakeholders;
- to develop the Court Managers’ Competency Model (the CMCM), including the evaluation criteria and methodology, based on the results of the analysis;
- to develop the plan for strengthening the Court Managers’ competencies in the field of corruption prevention control and development of environment with zero tolerance to corruption.

Following the completion of the CMCM, on 25 February 2022 the Judicial Council approved its Resolution No 13P-48-(7.1.2), which was supplemented with the Court Manager (judge) competencies from the CMCM, competency descriptions and evaluation procedures. A summary of key results within the scope of the Project is provided further herein.

# 2 Results of the Court Managers' competency 'As is' analysis

The following was within the scope of the Court Managers' competency 'As is' analysis:

- to analyse the regulatory framework and requirements in the field of the Court Managers' competencies, including the requirements regarding resilience to corruption and corruption prevention control;
- to analyse the structure of the competency models from five organisations, application of the competency models in practice, managerial competency evaluation methods, and the competency development and strengthening methods;
- to provide conclusions regarding the Court Managers' competency evaluation and areas of improvement.

The results of the main parts of the Court Managers' competency 'As is' analysis are presented below in subsections 2.1., 2.2., and 2.3.

## 2.1 Key conclusions of the regulatory framework analysis

Based on the regulatory framework analysis, the following conclusions were made:

1. the legal regulation of the status and the definition of the functions of a Court Manager depend on the type of the employment contract:
  - a. the president of the court is a Court Manager who, together with the deputy president of the court and / or the presidents of the departments, is responsible for organising the work of the court and should, therefore, possess adequate managerial competences and skills for that purpose. In addition, it is important to note that the above court officials have a dual status simultaneously as Court Managers and judges delivering justice. For that reason, they are primarily required to comply with the requirements applicable to the judge of the respective court, and to be able to cope with the responsibilities in different areas;
  - b. the positions of civil servants are fully regulated and standardised – the standard illustrative descriptions of responsibilities are available that are used to define the requirements, functions and expected competencies for the specific positions of civil servants. Such regulation ensures legal clarity and certainty in the field of competences of the Court Managers with the status of civil servants;
  - c. the legal regulation of responsibilities (in terms of the competences) of the Court Managers with the status of employees is insufficiently clear (the responsibilities of employees only in certain positions have been approved by the Council of Judges). As a result, contract Court Managers are assigned a wider range of functions, and they are not subject to general, leadership and management, specialist and professional or managerial competencies that apply to the civil servants.
2. the regulatory framework outlines only general requirements for the Court Managers prohibiting corrupt behaviour. The implementation of anti-corruption measures is usually entrusted to anti-corruption committees set up in the courts (the functions of which are not standardised and there are no special requirements for the committee members). Accordingly, in respect of all the categories of the Court Managers, the regulatory framework has no specific requirements for the competencies of the Court

Managers in the field of corruption prevention, in relation to the arrangement of corruption prevention measures and development of environment with zero tolerance to corruption.

## 2.2 Key conclusions of the analysis of managerial competency models in Lithuania

Within the scope of the analysis of managerial competency models in Lithuania, the competency models of five business organisations<sup>1</sup> and civil service were analysed. Based on the analysis, the following conclusions were made:

1. the competencies included in the managerial competency model are closely linked to the organisation's strategy, strategic goals, and priorities. The competency model covers the managerial skills required to achieve the strategic goals and successful performance of the organisation;
2. typical managerial competences are as follows:
  - a. communication skills;
  - b. managerial skills / operation management / leadership;
  - c. result-oriented approach;
  - d. self-development / self-reflection;
  - e. innovation / technological know-how;
  - f. teamwork / collaboration / effective teambuilding skills;
  - g. strategic thinking / global thinking.

## 2.3 Key recommendations based on the Court Managers' competency 'As is' analysis

In view of the results of the Court Managers' competency 'As is' analysis encompassing the analysis of regulatory framework and managerial competency models in Lithuania, the following recommendations were provided in respect of the Lithuanian judicial system:

1. the Court Manager competencies should be defined in view of the mission, vision, and development goals of the judicial system;
2. the Court Manager competences should be defined in a form of expected behaviour that will provide clear guidance on the specific skills to be developed by the Court Managers;
3. to provide periodic assessment of the competencies of Court Managers for the purpose of competence development. Such an evaluation could be carried out annually or at least every two years. The assessment should cover all Court Managers.

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<sup>1</sup> „Lietuvos geležinkeliai“, „Lietuvos paštas“, „Amber Grid“, „Litgrid“, „Palink“. These organisations are selected based on the following factors: the organisation has and uses a competency model for personnel management; the organisation has more than 300 employees and has territorial divisions within its structure.

# 3 Results of the foreign good practice analysis

The following was within the scope of the foreign good practice analysis in Norway, the Netherlands and Germany:

- the existing Court Managers' Competency Models, their strengths and areas of improvement;
- the measures for strengthening the competencies in the field of corruption prevention control and development of environment with zero tolerance to corruption;
- innovative measures for development of the Court Managers' competencies.

The analysis was performed with reference to the analysis of the regulatory framework in the analysed countries, evaluations and studies of international companies. The analysis of information sources was supplemented with information provided in the reviews prepared by the professional consultants of the Project from the Netherlands and Norway<sup>2</sup>.

## 3.1 Key conclusions of the foreign good practice analysis

Based on the analysis of the Court Managers' Competency Models used in foreign countries, the following conclusions were made:

1. the most common categories of the Court Managers are as follows: president of court, deputy president of court and court chancellor, also the heads of court divisions and/or departments;
2. in all analysed countries, the Court Managers (judges) are required to comply with the judicial competency requirements;
3. the Competency Models for Court Managers' (other than judges) are different. In the Netherlands, the Court Managers (other than judges) are required to comply with the general managerial competency model. In Germany, the competency requirements for the Court Managers (other than judges), i.e. civil servants, are set by the local federal states of Germany in view of the court needs. In Norway, a court administration director/chancellor is required to have four competencies (professional approach, customer-oriented approach, employee-centric approach, and continuous personal and organisational development. There is no other information available to general public regarding the competencies of other Court Managers (other than judges);
4. in all analysed countries, the Competency Models for Court Managers of all categories are focused on cooperation, organisation and team leadership, conflict resolution skills;
5. the composition of the Competency Models for Court Managers (judges) is different in terms of the following:
  - a. in Norway and Germany, there is a delegation competency of the Court Managers (judges);

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<sup>2</sup> Europos ekonominės erdvės finansuojamo projekto „Kokybės, paslaugų ir infrastruktūros tobulinimas Lietuvos teismuose“ ekspertai, pasitelkti konsultuoti Projekto metu.

- b. in Germany and the Netherlands, the Court Managers (judges) are required to have coaching skills;
  - c. in Norway, the Court Managers are required to have high moral standards. The latter competency in the field of corruption prevention control exists only in the Competency Model for Court Managers in Norway. In the Netherlands and Germany, the Court Managers, similarly as judges, are required to have analogous competences in the field of corruption prevention control;
  - d. in the Netherlands and Norway, the Court Managers (judges) are required to have understanding of the judicial system.
- 6. in the analysed countries, the Court Managers are required to have corruption prevention competencies, such as impartiality, fairness and high moral standards. Environment with zero tolerance to corruption is usually developed by providing the Court Managers with guidelines on how to apply the principles and standards of judicial ethics. However, in the analysed countries there are no clearly defined responsibilities and key performance indicators for the Court Managers in the field of corruption prevention;
- 7. in the analysed countries, the following main categories of measures for strengthening the competencies of the Court Managers can be distinguished: training for strengthening the managerial competencies and provision of conditions for learning from others, for instance, promoting mentorship of the Court Managers (Norway) and forming the leadership teams (Germany).

## 3.2 Key recommendations based on the foreign good practice analysis

Based on the results of the foreign good practice analysis, the following recommendations were provided in respect of the Lithuanian judicial system:

- 1. recommendation regarding the Court Manager competence model: to supplement the Court Manager competence model with the competencies essential for the managerial role and customer-oriented court services;
- 2. recommendations regarding the strengthening of the Court Managers' competencies in the field of resilience to corruption:
  - a. to prepare training material intended for the Court Managers to strengthen their competencies in the field of corruption prevention and control and development of the environment with zero tolerance to corruption. Such material could be made available on the e-training platform of the Special Investigation Service;
  - b. to prepare a set of ethical conduct principles and corruption prevention guidelines for the Court Managers.
- 3. recommendations regarding the measures strengthening the competencies of the Court Managers:
  - a. to enhance the ongoing networking initiative among the Court Managers;
  - b. to enhance the ongoing mentoring activities among the Court Managers;
  - c. to apply the "360-degree" method in assessing the competencies of the Court Managers (judges) (the implementation of this recommendation was not approved during the survey of the target groups);
  - d. to develop and implement the training programmes intended for the Court Managers;
  - e. to develop and implement training programmes focusing on the relevant socioeconomic issues for Court Managers.



# 4 Results of the survey of target groups and stakeholders

Within the scope of the Project, the survey of target groups and stakeholders was performed. The survey covered 10 semi-structured interviews and seven focus group discussions. The purpose of the survey was to evaluate:

- the needs and expectations for competencies required from each target group of the Court Managers;
- the need for improvement of the existing competencies of the Court Managers, including the competencies in the field of corruption prevention control;
- issues faced during the development of the existing competencies of the Court Managers.

In addition, the focus group discussions involved validation of the CMCM, which is presented in more detail in section 5.

Key conclusions of the survey of target groups and stakeholders are presented below.

1. Presidents of courts:
  - a. there is a need to strengthen the competencies in the categories of management, performance management and communication;
  - b. the main issues faced by the presidents of courts as they develop their competencies: a) shortage of time to participate in training; b) unavailability of practical and specialised training.
2. Deputy presidents of courts:
  - a. there is a need to strengthen the competencies in the categories of communication, teamwork, management and innovation;
  - b. the main issue faced by the deputy presidents of courts as they develop their competencies is a shortage of time.
3. Chairs of court divisions:
  - a. there is a need to strengthen the competencies in the categories of communication and management, as well as the competencies of responsibility, justice implementation and financial literacy;
  - b. the main issues faced by the chairs of court divisions as they develop their competencies: a) shortage of time; b) unavailability of financial support for participation in training; c) unavailability of training tailored to the court system.
4. Chancellors of courts:
  - a. there is a need to strengthen the competencies in the categories of communication and management, as well as the financial literacy competence;
  - b. the main issues faced by the chancellors of courts as they develop their competencies: a) unavailability of time; b) financial and technical challenges (e.g. obsolete computers at courts); c) unavailability of practical and specialised training tailored to the court system.
5. Heads of court divisions:
  - a. there is a need to strengthen the competencies in the categories of communication, organisation and management;
  - b. the main issue faced by the heads of court divisions as they develop their competences is shortage of time.

# 5 The Court Managers' (judges) Competency Model

The CMCM was developed with reference to the results of the analysis described in sections 2-4, and was validated at the Committees of the Judicial Council.

The CMCM applies to the Court Managers (judges). The model of competencies of the Civil Service is applied to the Court Managers civil servants (chancellors of courts and heads of structural units of the court administration). The activities of heads of courts with the status of an employee (heads of structural units of the court administration) are regulated by the provisions of the Labor Code. The functions, special requirements and competencies applicable to these positions shall be determined on the basis of the standard job descriptions approved by the Council of Judges.

## The Competency Model

The Court Managers' Competency Model is the outcome of the project on *Services of Developing the Model for Selection and Evaluation of Judges*, which was supplemented with the CMCM developed within the scope of the Project. The CMCM is applicable to presidents of courts, deputy presidents of courts and chairpersons of court divisions (hereinafter collectively the "Court Managers (Judges)"). In addition to the general competencies specified in the Judges' Competency Model, the Court Managers (Judges) are required to have the specific managerial competencies. The specific and general competencies form the Court Managers' Competency Model, which is presented in Table 1.

Table 1. The Court Managers' Competency Model.

Field of skills	Thinking and decision-making skills	Individual efficiency	Social skills	Managerial skills
Competencies	Objectivity Decision- making	Well-organised and responsible approach Self-development Strength Resilience to corruption	Conflict management Communication Cooperation Leadership	Strategic thinking Performance management

Within the scope of the Project, the competencies of strategic thinking, performance management and high level of resilience to corruption were defined, which are required from all the Court Managers (Judges). The importance and main components of these competencies are presented in Table 2.

Table 2. The competencies of strategic thinking, performance management and resilience to corruption

Competencies	Components
<b>Strategic thinking</b>  <b>It is important because</b>	Monitoring of social changes and their impact in the context of judicial processes Ability to anticipate future trends and their outcomes Good understanding and clear communication of the court mission

the strategic thinking enables a Court Manager to make decisions and act with due consideration of future possibilities.	
<b>Performance management</b>  <b>It is important because</b> effective work organisation and use of resources is one of key functions of a Court Manager.	Effective management of available resources Development and improvement of processes Promotion of employee motivation and engagement
<b>Resilience to corruption</b>  <b>It is important because</b> an overall success of delivering justice and trust of society in courts and judges depend on the conduct of a judge.	Values-driven approach Acting within the limits of vested powers Ability to distinguish between public and private interests Zero tolerance to any forms of corruption

# 6 List of priorities in the field of competence development over the next five years

The recommended priority directions for Court Managers are the strengthening of leadership competencies (strategic thinking, activity management), increasing the anti-corruption awareness in the court system and creating an environment free from corruption. These competencies are relevant to all Judges and should be developed systematically. In the long-term, five-year perspective, the recommended educational topics are:

1. strengthening leadership competencies;
2. strengthening resistance to corruption;
3. strengthening thinking and decision-making competencies;
4. strengthening personal effectiveness competencies;
5. strengthening social skills competencies;
6. strengthening competencies of the court administration.

It is recommended to follow the “70/20/10” rule of effective learning and education when developing the competencies of court leaders. 70% the planned competence development actions are dedicated to on-the-job learning, involving more complex projects and tasks, 20% – learning from others, and 10% – non-formal education (external training, courses, seminars). Recommended forms of competence development for Court Managers:

1. independent studying;
2. on-the-job training (incl. mentorship);
3. learning from others (incl. Court Managers’ networking);
4. non-formal education / learning (incl. systematic training programs for Court Managers and trainings that are focused on the socio-economic issues).

It is proposed to supplement the performance evaluation of Court Managers (judges) with a "360-degree" method, which would allow more accurate identification of competencies to be improved.

# 7 Criteria and methodology for the selection and evaluation of the Court Managers

Based on the CMCM, criteria and methodology for the selection and evaluation of the Court Managers were developed.

## **Criteria for the selection and performance evaluation of the Court Managers (judges)**

A total of 6 criteria are used for the selection of the Court Managers (judges):

1. length of service;
2. experience in administrative (managerial) work;
3. the nature and quality of legal or scientific-pedagogical work;
4. professional competence and knowledge;
5. personal competences;
6. motivation.

Criteria are used in the process of evaluating the performance of judges:

1. the statistical average workload of a judge;
2. statistical average length of proceedings;
3. quality of procedural decisions;
4. compliance with personal competences.

## **Methodology for the evaluation of managerial competencies**

The valuation of a candidate's competency involves a competency-based structured interview, i.e. an individual interview aimed at demonstrating a candidate's personal competencies. The tool used during the interview is universal, and it is not differentiated by the level of court, i.e. intended for the candidates seeking the Court Manager's position in courts of any level.

During the evaluation, each competency is assigned a certain level:

- an inadequate level of competency is assigned in the evaluation report, when half or more of the competency components have not been demonstrated or substantiated by a candidate through the answers presented during the evaluation, and some lone incidents of higher scores assigned to certain competencies do not affect an overall total score;
- an adequate level of competency is assigned in the evaluation report, when a candidate has adequately demonstrated the competency components through their behaviour and answers presented during the evaluation at a level sufficient for an effective fulfilment of functions;
- a high level of competency is assigned in the evaluation report, when a candidate has demonstrated, at a very good or outstanding level, the competency components through the answers or examples of behaviour presented during the evaluation, as well as a high level of competency in handling difficult and complex situations. Some lone incidents of lower scores assigned to certain competencies do not affect an overall total score.

The results of evaluation of managerial competencies are presented in the report of the established form, which covers the following aspects:

- summarised conclusion of the evaluation;
- evaluation of individual competencies based on the Competency Model. Each competency component is evaluated through interviewing and assigning a score from 1 to 4;
- strengths of a candidate and recommendations to a candidate regarding the development of competencies. This section includes a description of the specific areas of competencies that need improvement to be used by a candidate as guidelines for personal development.

# 8 Corruption prevention control mechanism

For the purpose of presenting the Project results in sections 2-7, additional efforts were put to identify and define the competencies relating to corruption prevention control and development of environment with zero tolerance to corruption, as well as to establish measures necessary for development of such competencies. Based on the results of the analysis, the Plan for strengthening the competencies in the field of corruption prevention control and development of environment with zero tolerance to corruption (the “Plan“) was developed.

Based on the CMCM, the Plan was developed with a special focus on a high level of competency in the field of resilience to corruption, which is expected from the Court Managers (Judges) in accordance with the Competency Model developed during the Project. It is recommended that the Plan would be applied to all groups of Court Managers. The Plan offers the following measures:

1. trainings:
  - a. Training to increase Court Managers’ knowledge of the Anti-Corruption Code of Conduct in the Judiciary;
  - b. Trainings on the basic principles and processes of corruption prevention;
  - c. Trainings on management of conflicts of interest;
  - d. Trainings on communication about corruption prevention and measures to prevent corruption in the judiciary;
2. other educational measures:
  - a. Inclusion of anti-corruption topics in the Court Managers mentoring programme;
  - b. Inclusion of anti-corruption topics in the Court Managers networking activities;
  - c. Inclusion of the topics of anti-corruption in the Court Managers training focused on relevant socio-economic issues