Welcome to the 10th issue of the International Association for Court Administration Newsletter. The IACA newsletter serves our membership by providing updates on current IACA initiatives and more importantly, serves to share events and best practices that are occurring within the regions. The newsletter relies on submissions from you — our members. If you are interested in submitting an article for the newsletter, please contact Sheryl Loesch, Newsletter Editor. Sheryl can be reached at: Sheryl_Loesch@flmd.uscourts.gov.

Since our international conference in Sydney last September, IACA has been busy on several fronts. Planning is well underway for the joint National Association for Court Management (NACM) and International Association for Court Administration international conference. The event will be held at the Hyatt Regency Crystal City, July 9 – 13, 2017. Norman Meyer, Vice President of the North American board of IACA, is conference co-chair.

Carline Ameerali, Vice President of the European Board, is currently working along with the IACA European board members on plans for a regional European Conference to be held at the World Trade Center in The Hague, May 18-20, 2016.

If you have ideas or subject matter that you would like to see presented at either conference or if you would like to be involved in the conference planning, please contact Norman Meyer at Norman_Meyer@nmb.uscourts.gov or Carline_Ameerali at ameerali.icty@un.org.

Further updates and information about the Washington and The Hague conferences will be shared on the IACA website in the next few months. We look forward to seeing you in The Hague next year and in Washington in 2017!

I am also excited to share with you a new IACA initiative, Good Practices in the Judicial Power. Under the leadership of Vladimir Freitas, President Elect of IACA, we have launched a call for submissions through the IACA website. IACA members are encouraged to submit a Good Practices paper outlining current or new initiatives from their jurisdictions that are strengthening the administration of justice within their
courts. Submissions will be reviewed and if selected will be posted on the IACA website. We hope that the sharing of these good practices will serve to inform members of initiatives that you may wish to consider for your respective jurisdictions. You can find further details through the following link: www.iaca.ws/good-practices.html.

The 14th issue of the International Journal for Court Administration will soon be published. Previous publications can be found at: www.iacajournal.org/index.php/ijca/index or www.iaca.ws. If you would like more information about the IJCA or would like information on how you could support IJCA and its editorial team, please contact Philip Langbroek at p.m.langbroek@uu.nl.

To find out how you can get involved and find out more about the work of IACA, I encourage you to contact IACA’s Vice Presidents and to visit our website at www.iaca.ws.

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Thank you for your continued support of the International Association for Court Administration.

Catherine Hiuser  
President
Introducing Indonesian Supreme Court Justice J. Takdir Rahmadi

Justice Rahmadi was born in Tebing Tinggi, North Sumatra Province, on the Island of Sumatra in the Republic of Indonesia. Sumatra is one of Indonesia’s largest islands. Geographically, Indonesia is one of the world’s most unique countries. It comprises a collection of 18,307 separate islands strewn along a large archipelago in Southeast Asia. It also is one of the world’s most diverse countries from the perspective of population. Indonesia’s inhabitants speak over 700 living languages, which creates challenges for court administrators responsible for interpreting services. Because it has a single national judicial and court system, Indonesia is one of the most difficult countries to administer and manage, given its many islands, many languages, diverse population, and multiple religious groups. Most of Indonesia’s inhabitants are Muslim, making it the world’s largest country in terms of Islamic population.

Justice Rahmadi studied law as a young man in Indonesia and embarked on a career teaching law. Along the way, he married Latifah Hanum, known by friends and family as An Takdir. She currently is a senior lecturer with the Faculty of Economics at Andalas University in Padang, West Sumatra Province. They are the parents of three grown children. Their eldest son, Handika Rahmawan, is a junior judge in the court of first instance in Padang Panjang West Sumatra Province. His wife, Justice Rahmadi’s daughter-in-law, is a medical doctor, and the couple has an eight-month old son. Justice Rahmadi is a proud grandfather who enjoys spending time with his new grandson. Justice Rahmadi’s second son, Hadi Rahadian, was recently appointed as a junior lecturer with the Faculty of Economics at Andalas University. Justice Rahmadi’s daughter, Elfira Merina, is a public notary in Jakarta.

During Justice Rahmadi’s time as a junior member of the law faculty early in his career, the Ministry of the Environment of the Republic of Indonesia offered junior lecturers at select law faculties the unique opportunity to pursue an LL.M. or Masters in Environmental Law degree offered through the Faculty of Law of Dalhousie University in Halifax, Canada. Indonesia has an enormous diversity of natural resources that have long been targeted by economic predators anxious to plunder the country’s wealth by engaging corrupt officials in schemes to avoid increasingly strict legal obligations to protect and preserve the natural environment. The government was anxious to incorporate environmental law into the university law faculty curricula. Sensing opportunity, he obtained a scholarship and completed the degree program in Canada from 1984-1987. His thesis concerned environmental mediation. Upon returning to Indonesia to resume his teaching career, he also engaged in a number of activities promoting the use of mediation as a way...
Indonesian Supreme Court Justice J. Takdir Rahmadi (Continued)

of resolving environmental and other types of disputes, including the court-annexed program offered to litigants through the Supreme Court of the Republic of Indonesia (SCRI).

After more than three decades as a professor of environmental law, four of which were as Law Faculty Dean, Justice Rahmadi was anxious to embark on a new career track. His academic colleagues at the Faculty of Law at Andalas University encouraged him to consider the judiciary. Although Indonesia has traditionally had a career-based judiciary in which candidates for judicial positions were recruited shortly after completing their law studies, amendments to Indonesia’s Constitution in 2002 provided for the recruitment of Supreme Court candidates both from the career judiciary, i.e., judges of courts of appeal, as well as from the legal and academic professions such as law professors, advocates and public prosecutors. Then-Professor Rahmadi felt that his expertise in environmental law and in mediation would strengthen the institutional capacity of the judiciary in both areas. He also was intrigued by the challenge of a new career in the judiciary.

He was appointed as a justice on the SCRI on December 20, 2008. Since his appointment, he has become heavily involved in the judicial system’s comprehensive reform programs, serving as the vice coordinator of the judicial reform team since January, 2009. In that position, he assists the coordinator in leading the Judicial Reform Team Office (JRTO) under the SCRI. The JRTO is a non-structural unit that coordinates all judicial reform programs carried out by all units or bodies under the SCRI. The judicial reform programs are designed to fully implement and to modernize Indonesia’s “one roof” management framework. Within that framework, the SCRI not only exercises final appellate jurisdiction over all of Indonesia’s inferior courts; it also manages and administers all non-judicial institutional matters related to the far-flung court system such as human resources, finance and budgeting, automation, security, and all related administrative functions. This one-roof institutional approach to managing and administering the entire judicial and court system was mandated in 2001 with passage of the third amendment to Indonesia’s original Constitution of 1945. Its historic provisions consolidated all components of the judicial system into a single institutional framework controlled by the SCRI, creating a system that not only provides for the independence of judicial decision making but, in addition, institutional independence. Prior to passage of this amendment in 2001, management and administration of the judiciary were Ministry of Justice functions.

Justice Rahmadi also was appointed by the chief justice to serve as a vice-coordinator of the working groups charged with preparing chief justice decrees concerning the following matters: the chamber system in the SCRI, judicial transparency, and the service charter of the judiciary. The chamber system has been established since 2012 as a means for the SCRI to ensure legal uniformity and consistency among the numerous judgments the justices produce. Under this system, justices are grouped into five
Indonesian Supreme Court Justice J. Takdir Rahmadi
(Continued)

chambers: private law, criminal law, shariah or Islamic law, military law, and administrative law chambers. Each chamber is led by a chairperson appointed by the chief justice. Prior to the chamber system, all of the SCRI's sixty justices, irrespective of their specific areas of expertise or legal training background, could adjudicate civil and criminal cases which, together, comprise 60 to 70 percent of the SCRI's total annual caseload. Working in panels, each comprising three justices, no forums were organized to jointly discuss and agree on resolution of the legal issues in any particular case. Consequently, the panels often delivered decisions in similar types of cases that were in conflict with each other. The jurisprudence that emerged not only confused lower court judges looking for guidance from the SCRI but also created dissatisfaction and legal confusion among the justice seekers – litigants and their attorneys. Under the new chamber system, justices are assigned to specific chambers and are authorized to adjudicate only cases assigned to their chambers. The president of each chamber schedules monthly chamber meetings to discuss and seek consensus on the resolution of legal issues in the cases currently under consideration. Cross-chamber issues may be discussed in specially scheduled joint inter-chamber meetings.

Justice Rahmadi also chairs the working group charged with preparing the chief justice’s decrees concerning the following programs:

- Environmental law certification standards for judges.
- Curriculum for environmental law judicial training programs.
- Monitoring and evaluation of the environmental law certification program.
- Monitoring and evaluation of the working group charged with revising the court-annexed mediation procedure.

The chief justice also often assigns him to represent the SCRI in international conferences or seminars such as the following:

- USAID Conference on Civil Service Reform in Baghdad, Iraq, November 16-18, 2009
- United Nations Environment Program: World Congress on Justice, Governance and Law for Environmental Sustainability in Rio de Janeiro, Brazil, June 17-20, 2012
Indonesian Supreme Court Justice J. Takdir Rahmadi (Continued)

- Asian Development Bank: Second Roundtable for ASEAN Chief Justices on Environmental Law and Enforcement in Melaka, Malaysia, December 8-10, 2012
- International Congress of Highest Administrative Courts, Administrative Judges and Environmental Laws in Cartagena, Colombia, April 7-11, 2013
- Fifth Roundtable of Asia Pacific Justice Reform Forum (APJRF) in Singapore, October 31 and November 1, 2013
- UNEP: First Asia and Pacific International Colloquium on Environmental Rule of Law, in Putrajaya, Malaysia, December 10-12, 2013
- Cambodian Judicial Academy and Konrad Adenauer Stiftung: The Conference on Judicial Integrity and Training in Phnom Penh, Cambodia, April 8-10, 2014
- The Administrative Supreme Court of Thailand and Konrad Adenauer Stiftung: Trans-Boundary Pollution Symposium in Bangkok, Thailand, November 5, 2014

As Vice-Coordinator of the Judicial Reform Team as well as Chairperson or Vice Chairperson of several working groups, Justice Rahmadi also has worked together with international counterparts or donors, including Changes for Justice (C4J-USAID), AIPJ (Ausaid), JSSP (the Netherlands), JICA, and Sustain (European Union and UNDP).

Since December 23, 2014, Justice Rahmadi has served as Deputy Chief Justice in charge of resource development. This position gives him the authority to coordinate and lead reform programs related to the strengthening of institutional and human resource capacity and international cooperation. Although he carried out a number of duties, he still has to fulfill his duties as an associate justice reviewing and deciding civil appeals pursuant to his membership in one of the SCRI’s civil chambers.
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IACA’s Judicial Resource Library

Submitted by Linda Wade-Bahr,
IACA Chief Technology Officer and Technical Editor

A valuable benefit of IACA membership is one that most may not know is available. It comprises a library of almost 300 studies, reports, and articles on many facets of court management, administration and operations. The collection also includes online materials relating to human rights, international tribunals, and a diverse array of other topics accessible through IACA’s Member Center. The Justice Resource Library also contains materials on international topics of interest. The Library’s contents are searchable via a friendly search engine.

To access the Justice Resource Library, first log in to your IACA membership account. If you are not yet a member of IACA, go to www.iaca.ws/join-iaca.html to join us.

Once you are logged in, the first link in the left navigation area under Member Center is Justice Resource Library.

• Click the library link.

• In the "Search the Library" box, enter the name of a topic you are interested in, for example “jury.”

• Click the search icon and whatever is available in the Library on that topic will appear in a list of documents.

• To refine your search, at the top of the results page, choose “Exact Phrase” and hit enter.

• Click on the item that interests you and wait for it to be displayed in PDF format.

IACA’s members and friends are invited to submit items to be included in the library archive that are likely to interest IACA’s membership and are relevant to IACA’s work, such as:

• Court related manuals and handbooks on specific aspects of court operations.

• Reports on court systems in different countries of the world.

• Recently amended domestic or international laws on court systems, civil/criminal procedure, and governance.

• Articles and reports on court- and justice-related issues, projects, innovations, reforms, and modernization.

• Court and judicial system assessments or evaluations that are in the public domain.

All items submitted should be in PDF, reflect responsible authorship and, where appropriate, include references, supporting materials and contact information for possible follow-up. All submissions will be reviewed, and IACA officers will determine whether to add them to the library’s archive. The objective is to create a valuable international information resource for IACA members.

All submissions should be in English. Where the materials are copyrighted, please notify the publisher and request written authorization to include them in our collection. It is important to note in such communications that we are a non-profit organization and that the Library’s archive is accessible free of charge to all of our current members.

If you have questions, need additional information or would like to submit a publication for IACA’s Justice Resource Library, please contact Markus Zimmer at mbzimmer_acc@iaca.ws.
Twelve Smart Questions Every Court Leader Needs To Ask

Submitted by Janet G. Cornell, Court Administration Consultant & IACA Member

The April 2014 issue of Inc. Magazine included “35 Smart Questions (Every Leader Must Ask),” asserting that a leader should probe through questions to foster innovation, creativity and excellence. This article will propose a set of twelve questions that a court leader should ask for continual evaluation and operational excellence.

A skilled court leader asks questions to obtain and manage critical information and keeps asking questions until they know how and why that information is influencing or affecting the operation of the court. Skill in asking questions leads to skill in listening. Listening is a leadership trait that benefits court leaders, court users, funders of the court (councils, boards of supervisors or governors, budget offices), and justice system stakeholders or partners.

Consider this about successful leaders. They are proactive, not simply reactive, to emerging issues. They take risks to pursue new ideas. They continually assess and dissect operational goals, actions and success. In short, they ask questions.

So, what are the most important questions that a proactive court leader should continually ask? Suggested questions follow for consideration along with related questions. Readers are encouraged to consider how to apply these in their court leadership environment and organization.

1. **What is our purpose – our mission and vision?** How is our work fulfilling our mission, or, where do we need to reestablish that linkage between our daily functions and our overall mission? Where do we want the organization to go?

2. **How are we doing?** What do we do well, and where are we excelling? What are we not doing so well and where are we not performing to the optimal level? What should we do more of (or expand)? What should we do less of (or stop or eliminate)? What should we do differently to be better?

3. **What do our users, customers, collaborators or stakeholders have to say about how we are performing?** Who should we be asking? Are we asking the right individuals (for example, are we avoiding asking the same people?

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**Why are questions so important?**

(Author John C. Maxwell)

1. Questions unlock and open doors.
2. Questions are the most effective means of connecting with people.
3. Questions cultivate humility.
4. Questions help you engage others in conversation.
5. Questions allow us to build better ideas.
6. Questions give us a different perspective.
7. Questions challenge mindsets and get us out of ruts.
Twelve Smart Questions Every Court Leader Needs To Ask

(Continued)

8. Did we make progress in our operation today? If so, how and where? If not, where and why not?

9. Are we leveraging our limited resources and talents? Are we using them (both human resource-based and financially) to the greatest degree possible?

10. How do we sustain changes and enhancements so that we are continually improving? How can we ensure we continue the changes and enhancements that make our court perform at optimal levels?

11. What is the message we need to give about the work that our court performs? How are we using outcome and evidence based measures to talk about the business of the court organization? How do we tell our story?

12. Is there anything else that we should be asking of our operation? Are we being open-minded in our consideration of how we are functioning?

By asking questions, a leader will question the status-quo, be positioned to continually discern and understand operational aspects, and maintain credibility. The practice of asking questions should not be limited solely to the court manager. Questions such as those proposed here should be used by all in a court leadership role: judicial officers, court executives, court fiscal, technology and operational leaders. The questions may also serve as good
discussion topics for bench and court staff meetings.

How to put questioning into use? Start by asking:

- How are we doing?
- What should we do more, or less, of? And,
- What should we do differently?

Questioning will position the court leader to resolve the variety of court issues presented daily, and will move the organization to a higher level or performance.

References and Resources


References and Resources (Cont’d)


http://leadership.uoregon.edu/resources/exercises_tips/skills/leadership_characteristics.

http://www.skillsyouneed.com/ips/listening-skills.html


News from the Regions

10th Anniversary of The National Council Of Justice
Submitted by Vladimir Passos de Freitas,
President Elect of IACA

On April 13th, Justice Ricardo Lewandowski, President of the Brazilian Supreme Court and of the National Council of Justice (CNJ), gave a lecture evaluating the 10 years since the creation of the Council. The lecture coincided with the launch of his book “Conselho Nacional de Justiça e sua Atuação como Órgão do Poder Judiciário – Homenagem aos 10 anos do CNJ” (“National Council Of Justice And Its Performance As An Organ of The Judicial Power - Tribute To The 10th Anniversary Of CNJ”). According to the Justice, it is time to celebrate and to reflect on the role of the Council, created in 2004 by Constitutional Amendment 45. The CNJ is the great articulator of judicial policy in Brazil and it consists of 15 members elected for 2 years. The members’ backgrounds include the Judiciary and other external bodies. In addition to its responsibility for institutional policy, the CNJ has disciplinary authority over all 17,000 Brazilian judges and justices, except those belonging to the Supreme Court.

In the photo below, Justice Renato Nalini, Chief Justice of the State Court of Sao Paulo, is on the left. Justice Ricardo Lewandowski, President of the Brazilian Supreme Court, is on the right.
SPECIAL SECRETARIAT IN THE SUPREME COURT OF ARGENTINA

Submitted by Vladimir Passos de Freitas, President Elect of IACA

On April 8th, the Supreme Court of Argentina, presided over by Ricardo Lorenzeti, created a special secretariat for cases regarding Environmental Law. The Secretariat was made possible through Administrative Resolution 8/2015. The Justices of the Court declared that their decision was based on the goal that the Judiciary take the leading role in environmental issues. In order to fulfill this goal, it is necessary to have a specialized secretariat to liaise between the Court and the lower levels of the Judiciary. From now on, all environmental cases, no matter which stage they are in, will be processed there. Professor Dr. Nestor Cafferatta, a well known specialist in the subject, was appointed as Secretary. The Environmental Secretariat is the first one in the world.

Professor Dr. Nestor Cafferatta
News from the Regions

Mexico’s First National Meeting of Judicial Management
Submitted by Cathy Hiuser,
President, IACA

In 2008, Mexico introduced constitutional reforms that mandated the implementation of an oral adversarial criminal justice system in all 31 Mexican states as well as the Federal district by June, 2016. In 2014, a unified national penal procedural code, Código Nacional de Procedimientos Penales, was signed into law. For the past 200 years, each state has operated under a separate penal code. These procedural changes relating to the processing of criminal matters must also be in place across Mexico by June, 2016.

The changes introduced through the constitutional reforms are not only historic but immense to implement. The hiring and training of judges, public defenders, private defense counsel, prosecutors, police and support staff, as well as developing and applying new procedures and processes, construction of new court rooms and court houses, and the introduction of new technology solutions to support the model, have been underway in Mexico since 2007. Added to this is the necessary education of the public and media to understand the changes and how the changes will impact their interaction not only with the courts but with the other actors within the system. In addition, law schools across the nation have developed new curriculum to prepare future lawyers to operate under the New Criminal Justice System (NCJS). With just over a year remaining until the deadline, a tremendous amount of work is underway.

On February 24, 2015, Mexican Voices’, an on-line Mexican publication, reported that María de los Ángeles Fromow, Secretariat of Government Relations [SEGOB], stated at a press conference that four Mexican states have now fully implemented the new criminal justice system of adversarial justice including the implementation of oral trials. They also reported that Ms. Fromow stated that the new criminal justice system is partially operational in 24 states and that 53.4 percent of the population of Mexico is covered with the benefits of the new system.

In December 2014, I had the privilege of participating in the First National Meeting of Judicial Management in Mexico. President Gustavo Adolfo Guerrero Gutiérrez, President of the Supreme Court in Nuevo Leon extended an invitation to me as President of IACA to participate in this inaugural meeting of court and judicial managers held in Monterrey, Mexico. The event was organized by Engineer José Pablo Vidal Araya, Director of Judicial Administration, and Judicial Council of the State of Nuevo León. Master Jesús Demetrio Cadena Montoya, Director of the Judicial Institute of the State of Nuevo León, Engineer Jesús Martín González Rodríguez, Chief Information Officer, Judicial Council of the State of Nuevo León, Master Mauro Zacarías Casimiro. Director of Cultural Diffusion,
Mexico’s First National Meeting of Judicial Management
(Continued)

Judicial Council of the State of Nuevo León.

The purpose of the meeting and workshop was to share experiences in the implementation of the New Criminal Justice System (NCJS) and to explore ideas and create agreements on judicial management models that could be implemented nationwide with the hope that by generating such cooperation amongst judicial managers through the sharing of best practices and processes it would assist in supporting all courts in Mexico. This meeting marked the beginning of collaboration and cooperation amongst judicial managers in Mexico that will serve to support the administration of justice as these historic changes are underway.

The two day event was opened by Gustavo Adolfo Guerrero Gutiérrez, President of the High Court of Justice and the Judicial Council of the State of Nuevo León followed by José Castillo Ambriz, Director General for Research and Regulatory Programs SETEC, representing Dr. Maria de los Angeles Fromow Rangel, Technical Secretary of the Coordination Council for the Implementation. Also in attendance were representatives of the Technical Secretariat of the National Commission for Higher Courts (CONATRIB) and the Technical Secretariat of the Coordination Council for the Implementation of the Criminal Justice System in Nuevo León (SIJUPE).

Representatives of the states of Baja California, Coahuila, Chihahua, Durango, Guanajuato, Michoacán, Morelos, State of Mexico, Oaxaca, San Luis Potosi, Quintana Roo, Sonora, Tamaulipas and Nuevo León participated in the two day workshop and received certificates of participation. The participants agreed to meet again in six months to continue their work.

The Poder Judicial del Estado de Nuevo León summarized the events as follows:

The First National Meeting of Judicial Management, organized by the Judiciary of Nuevo León, concluded with the establishing of various strategic axes.

The meeting brought together experts in the field—thus concentrating representatives of various states—to match definitions of models and views on the principles that govern judicial management.

As it was then noted, the study and implementation of judicial management allow proper management of human and material resources for the functioning of the courts, including all the organizational activity of administrative nature that is supportive
News from the Regions

Mexico’s First National Meeting of Judicial Management
(Continued)

of the courts’ leaders.

By addressing various issues in workshops, court managers agreed on various cooperation commitments by developing a nationwide working program.

It was contemplated the launching of an Internet portal on judicial management matters, where the agreed principles were considered during the meeting. This development would be a powerful communication among representatives of the various states.

Mr. José Pablo Vidal Araya, Director of the Judicial Management Council of the Judiciary of Nuevo León, stated that during the next six months all the meeting participants will work together to jointly assess the evolution of the then agreed strategic priorities.

Mr. Vidal Araya stressed that "This is a very good starting point. We have agreed on a common dialogue, we laid a solid foundation for further work".

In closing the event, Hon. Gustavo Adolfo Guerrero Gutiérrez, President of the Superior Court of Justice and the Judicial Council of Nuevo León, said not to be afraid to change the way in which courts have to be properly managed.

“We must be brave and courageous to face this challenge that society demands. There is a public requirement of a more effective justice system through a more efficient court management. We must open the doors to the people so they can receive better access to justice of that quality."

Judge Guerrero Gutiérrez stated that “One of the objectives of the judiciary is to convey peace to society through what we do”, stressing that a great responsibility lies in the challenge of breeding paradigms in the administration of justice through oral trials.

“You as drivers of the change and a new way of working in the courts will provide that added value to judges, so they will give good accounts to society with a more prompt and expeditious and qualified justice.”

He also urged managers to face internal and external criticism in the development of change they are leading. “You are innovating and then making history.”

In order to point out that the best way to convince is by achieving good outcomes, Judge Guerrero Gutiérrez stressed that "We cannot stop because stopping is going back to the past. We must go forward with courage."

The criminal reforms in Mexico are no doubt the most momentous criminal justice changes currently underway. Our friends and colleagues in Mexico are participating in an exciting and important journey that will change the history of
News from the Regions

Mexico’s First National Meeting of Judicial Management

(Continued)

Mexico and will allow for an open and transparent system of justice for the citizens they serve. IACA has supported Mexico in their justice reforms since 2007 by facilitating study tours, conducting technical assessments, providing subject training experts and participating at state and national events and meetings. We remain committed to supporting our Mexican friends and colleagues.

Footnote:

1http://mexicovvoices.blogspot.ca/2015/02/mexico-new-criminal-justice-system.html
The DIFC Courts
Submitted by Mark Beer,
Vice-President, IACA Middle Eastern Board

Another Innovative World First For The DIFC Courts:
The first quarter of 2015 witnessed the introduction of a first-of-its-kind Practice Direction (procedural guideline) that will facilitate greater international enforcement of judgments and increase the speed of settling commercial disputes, greatly enhancing the attractiveness of the DIFC and Dubai as a trusted hub for global business.

The new Practice Direction means that in cases of commercial disputes, a DIFC Courts judgment could result in the judgment creditor obtaining an arbitral award which could be enforced in over 150 countries, providing greater enforcement internationally. This innovation will give participants in international commerce the confidence that a transaction will be honored and a dispute resolved. In addition, if parties know that a court order can be enforced almost anywhere in the world, they may be incentivized to reach a settlement earlier in the dispute resolution process.

Commenting on the move, DIFC Courts Chief Justice Michael Hwang said the practice direction is “another example of the UAE taking a lead in the resolution of commercial disputes,” which, “may serve as a model for other courts around the world to follow.”

The Practice Direction comes as part of the next phase of collaboration with the London Court of International Arbitration (LCIA), one of the longest-established international institutions for commercial dispute resolution.

Closer Collaboration Eyed With Singapore Commercial Court:
Trade ties between Dubai and Singapore, two of the world’s leading business hubs, were strengthened in January with the signing of a Memorandum of Guidance between the DIFC Courts and the Supreme Court of Singapore.

The UAE and Singapore have become strong trading partners in recent years. According to estimates, bilateral trade between both countries reached AED 80 billion in 2013, with the UAE being Singapore’s tenth largest trading partner. The memorandum offers companies operating in both markets additional certainty about the strength of a contract by describing how the courts will enforce each other’s money judgments.

The memorandum was signed by the courts’ respective Chief Justices, Michael Hwang and Sundaresh Menon, during a ceremony in Dubai. Chief Justice Menon was in the UAE to give the keynote address at the first DIFC Courts lecture of 2015 titled “International Commercial Courts: Towards a Transnational System of Dispute Resolution.”

Commenting on the Memorandum, Chief Justice Hwang said the Memorandum will “introduce into the Middle East the emerging concept of active comity between different jurisdictions where the laws of one jurisdiction are in issue in a trial in a
The DIFC Courts
(Continued)

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The DIFC Courts

(Continued)

case in another jurisdiction. DIFC Courts and the Supreme Court of Singapore have agreed that, where a case is filed in either of their Courts which requires a decision on a matter of law of the other country, the first (local) Court will consider directing the parties to have that question of foreign law determined by the Court of that other country. This will represent another milestone in the DIFC Courts’ international relations with other judiciaries.

New York And Dubai Commercial Courts Come Together To Support UAE-US Business:

UAE-USA business ties were boosted in March with the signing of a cooperation agreement between the DIFC Courts and United States District Court for the Southern District of New York (SDNY), the oldest and busiest district court in America. The Memorandum of Guidance provides companies operating in both markets additional contract certainty by setting out the procedures for the mutual enforcement of money judgments.

With jurisdiction over New York’s finance centers, including Wall Street, the SDNY is considered to be among the most important commercial courts in the world. The Court’s Chief Judge, Hon. Loretta A. Preska, who was in Dubai to sign the memorandum, said “because commerce is now so international, it is more necessary than ever for judgments rendered in one court to be easily recognized in other countries.”

She described the memorandum as a “huge leap forward by providing guidance for business people and lawyers about our respective countries’ abilities and willingness to recognize judgments in the other.”

Following the signing, Chief Judge Preska, reinforced the significance of the memorandum during her keynote address at the second DIFC Courts Lecture of 2015, titled “The Elements of Commerce in the Twenty-First Century: How Commercial Courts Enhance a City’s Position as a Financial, Commercial and Legal Hub.”

Sir Richard Alan Field Joins The DIFC Courts Bench:

Additional strength was added to the DIFC Courts judicial bench in the first quarter of 2015 with the appointment of Sir Richard Alan Field. The Vice President and Prime Minister and Ruler of Dubai, His Highness Sheikh Mohammed bin Rashid Al Maktoum, in the presence of H.H. Sheikh Maktoum bin Mohammed bin Rashid Al Maktoum, Deputy Ruler of Dubai and Chairman of Dubai International Financial Centre (DIFC), swore in the new judge in a ceremony also attended by DIFC Governor Essa Kazim, Khalifa Saeed Suleiman, Director-General of the Department of Protocol and Hospitality in Dubai, and a number of judges.

A British national, Justice Field most recently served as Judge in Charge of the Commercial Court in London, which deals with complex cases arising from business disputes, with a particular emphasis on international trade, banking, commodities, and arbitration disputes. He was called to
News from the Regions

The DIFC Courts
(Continued)

the Bar in 1977 and appointed Queen’s Counsel in 1987. He served as a Deputy Judge of the High Court of Justice from 1997 to 2002 and a Justice of the High Court of England & Wales from 2002 to 2014, including as Presiding Judge on the Western Circuit between 2008 and 2012.

Discussing the appointment, Chief Justice Hwang said: “With the work of the DIFC Courts becoming ever more international and intricate, Justice Field’s appointment brings an additional layer of expertise to our judicial bench.”

Justice Field’s appointment brings the total size of the DIFC Courts judicial bench to ten.

Chief Justice Michael Hwang noted that the Courts’ collaboration with the Government of Dubai Legal Affairs Department “will add significantly to the overall level of professionalism in the Emirate’s legal community over time.”

DIFC Courts Strengthen Links With China:
An official visit led by Chief Justice Michael Hwang and Registrar Mark Beer sought to strengthen links with the Chinese business and legal communities in the first quarter of 2015.

The mission to Shanghai took in meetings with the Shanghai Courts, Shanghai Courts, Shanghai International Arbitration Center and Jiao Tong University, one of the oldest and most respected educational institutions in the country.

DIFC Courts represented at Global Law Summit in London:
Deputy Chief Justice Sir John Chadwick and Justice Sir David Steel represented the DIFC Courts at February’s Global Law Summit in London. Launched by the UK’s Secretary of State for Justice and Lord Chancellor, the Rt. Hon. Chris Grayling MP, the summit was a one-off high level business forum bringing together a mix of practitioners, business leaders, public sector decision makers and government officials from around the world to discuss, debate, and develop relationships across markets and jurisdictions.

2,000 delegates attended the three-day event, which was timed to mark 800 years since the sealing of Magna Carta.

The website for the event also featured an article by Natasha Bakirci, Assistant Registrar – DIFC Courts, looking at the role of mediation in the DIFC Courts, as well as the free zone’s insolvency regime.

Business Visit Visas For Lawyers:
In response to the increasingly international nature of their workload, the DIFC Courts has begun offering business visit visas for overseas lawyers registered with the DIFC Courts (Part II Registration) to attend specific hearings. For more information, please contact the DIFC Courts HR team at hr@difccourts.ae.
Leading In-House Counsel Convene To Promote Legal Excellence:
The DIFC Courts brought together senior in-house lawyers from some of the world’s leading companies in March for the first General Counsel Forum of 2015. Created in 2013, the Forum has become the preeminent platform for dialogue and liaison between in-house counsel from leading companies operating in, with and from the Middle East.

Representatives from 23 organizations used the event to identify key current and emerging legal and regulatory developments and discuss how they might pertain to doing business in the region.

Mark Beer, OBE, described the Forum as “a unique platform for sharing legal excellence among the many multinational companies operating in the Middle East today. Courts, the event enables us to better understand the needs of in-house lawyers so that we can support the needs of regional business to our fullest ability.”

The DIFC Courts organize two General Counsel Forums per year in Dubai and prominent cities across the globe. Previous events have been held in London and Dubai while the next forum is scheduled for November in Singapore.
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EUROPE WELCOMES IACA

Submitted by Carline Ameerali,
Vice President, IACA European Board

The European Board of IACA is proud to announce that it will be hosting the 2016 IACA European Regional Conference. The Conference will be held in The Hague, The Netherlands, on May 18 - 20, 2016. A large city, rich in culture and history, The Hague is the seat of the Dutch government and parliament, the Supreme Court, and the Council of State. The Hague also serves as home to the International Court of Justice and the International Criminal Court. We are excited to host the next IACA regional conference and to present unique opportunities to learn about the different European law systems and court management approaches. Please stay tuned for more details, coming soon!

2017 IACA-NACM JOINT CONFERENCE

Submitted by Norman Meyer,
Vice President, North American Board

Exciting news! IACA will be holding its next full international conference in Washington, DC, USA, July 9-13, 2017. Over the past year we have negotiated an agreement with the National Association for Court Management (www.nacmnet.org) to conduct this as a joint conference. IACA and NACM’s strong traditions of excellent educational conferences will be brought together to provide an exceptional experience to our members. Washington, DC will provide a wonderful setting as a world-class city, filled with great museums, monuments, and other cultural venues. Of course, we will be able to draw upon many government and private resources to support and participate in the educational program. A joint IACA-NACM Planning Committee has been established and has just begun work. IACA is represented on this committee by: Cathy Hiuser, Vladimir Freitas, Sheryl Loesch, and Norman Meyer (who is the IACA co-chair). The IACA North American Regional Board of Directors will also be actively involved. Anyone with ideas for the education program should direct them to any of our committee members. Future newsletters will have periodic updates on planning for this premier event.
A GIFT FOR YOUR SUPPORT

Please show your support for IACA through a $25 (USD) voluntary donation. For each $25 donation, you will receive a solid pewter medallion of IACA’s official emblem. The medallion, manufactured in America’s cradle of liberty - Massachusetts - is 76.2 mm wide by 63.5 mm high by 15.8 mm thick. It is backed with felt to protect wood and other surfaces. Besides being a beautiful decorative piece to remind you of your commitment to IACA, the medallion also can be used as a paperweight to maintain order among your documents.

A small shipping and handling fee will be charged to cover the expense. For United States shipments, $8 plus $2 for each additional medallion shipping and handling will be charged. For international shipments, $13 plus $3 additional per medallion will be charged. A medallion will be shipped for each $25 increment of your donation. Please enter the number of medallions you would like to total your donation amount.

To make your donation and to receive your medallion, please click on the following link:
http://www.iaca.ws/support-iaca.html

Please be sure to visit IACA's Resource Directory on the IACA web site where you will find lots of great material on a broad variety of justice-related topics.