

# ROLE OF JUDICIAL OFFICER AS LEADER



# DIFFERENT TITLES

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- ✘ MAGISTRATES
- ✘ RESIDENT MAGISTRATES
- ✘ PARISH JUDGES
- ✘ MASTERS

# LEADERSHIP

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What you do has far greater  
impact than what you say.

STEPHEN COVEY  
Author & Educator

# LEADERSHIP

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**LEADERSHIP IS NOT A  
POSITION OR A TITLE,  
IT IS ACTION AND  
EXAMPLE**



# LEADERSHIP

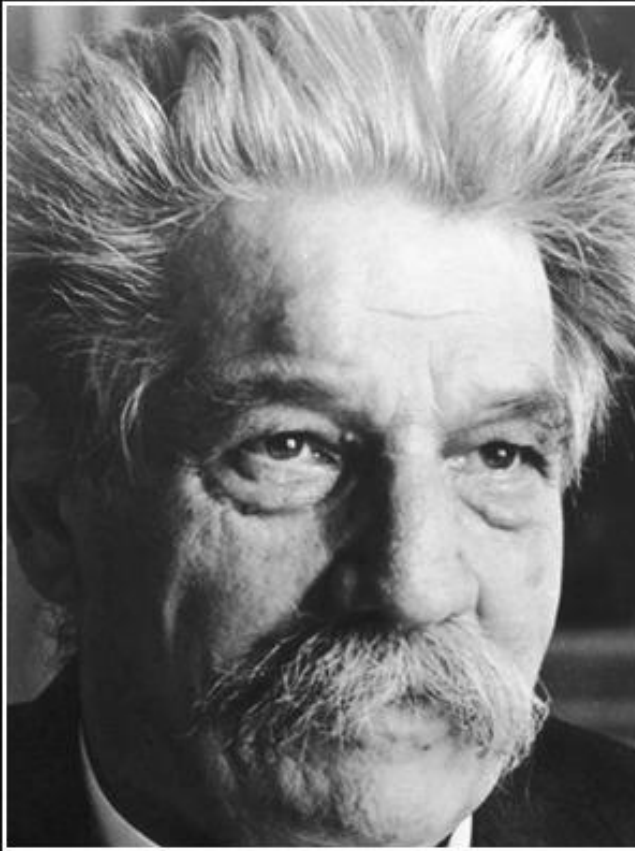


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# ETHICS



# ETHICS



The first step in the evolution of ethics is a sense of solidarity with other human beings.

— *Albert Schweitzer* —

AZ QUOTES



# ETHICS





# ETHICS



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# ETHICS





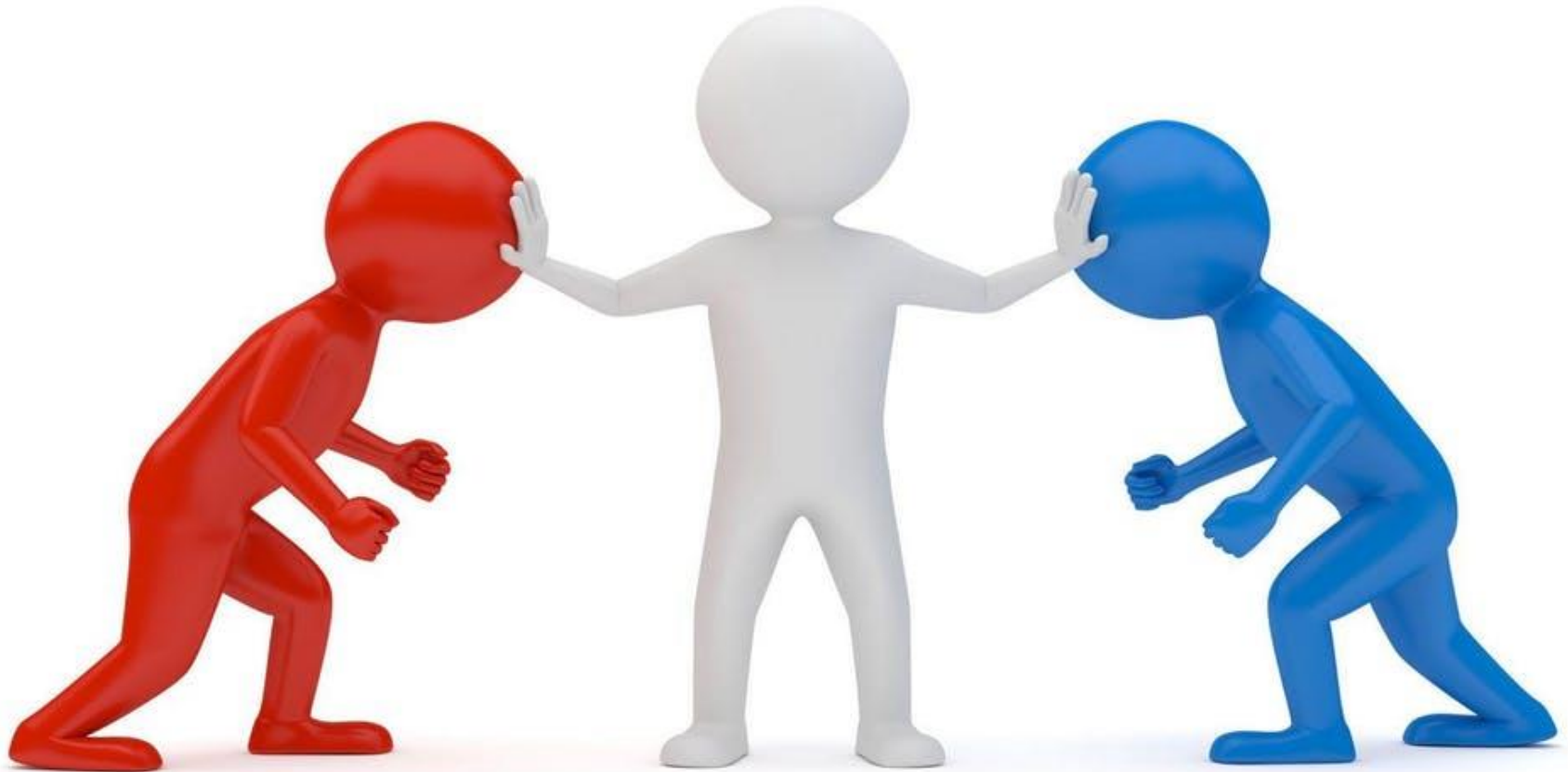
# ETHICS

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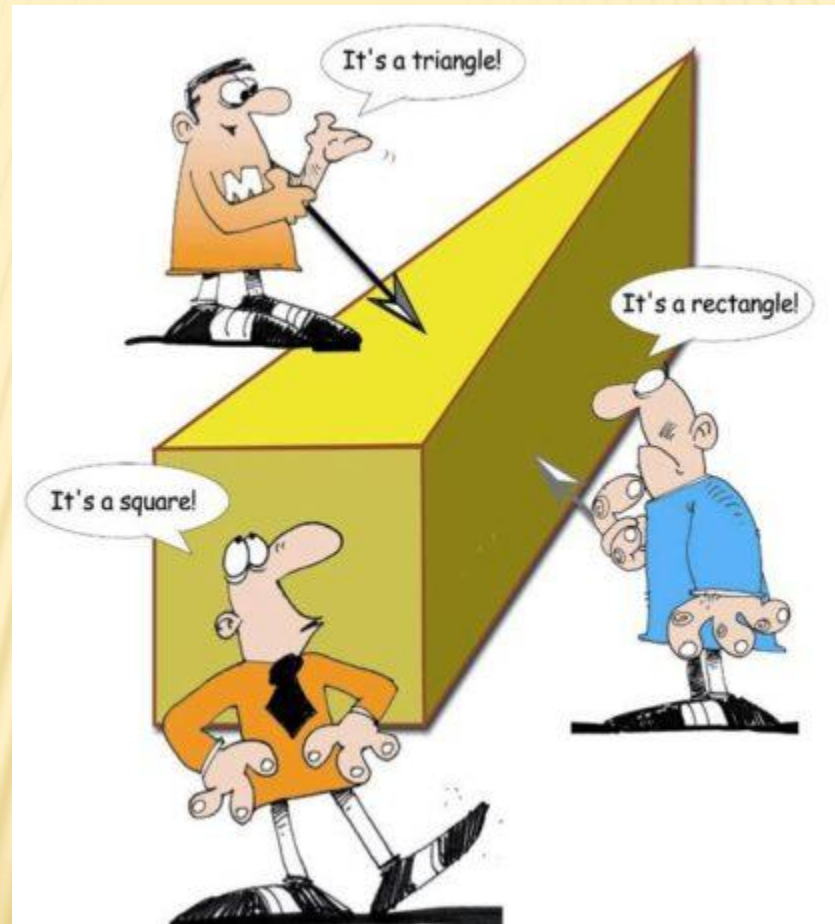
THERE IS  
NO RIGHT WAY  
TO DO  
A WRONG THING.



# CONFLICT MANAGEMENT



# CONFLICT MANAGEMENT





# CONFLICT MANAGEMENT



"Aren't you glad we had this meeting to resolve our conflict?"



# CONFLICT MANAGEMENT



# CONFLICT MANAGEMENT





















**Title of Session:** Role of the Judicial Officer as Leader

**Session Chairperson:** **Hon Dame Janice Pereira DBE** - Chief Justice of the Organisation of Eastern Caribbean States

**Session Panellists:**

**The Hon Mme Justice Yonette Cummings-Edwards** - Chancellor (ag), Guyana

**The Hon Mr Justice Anthony Smellie** – Chief Justice of the Cayman Islands

**The Hon Mr Justice Bryan Sykes** – Chief Justice of Jamaica

**Professor Dr. HC Rudolf Mellinghoff** - President, Federal Supreme Finance Court of Germany

**Senior Magistrate Patricia Arana** – Magistrate, Belize

**Objectives of Session:**

The major objective of the session was to provide an understanding of the roles of the judicial officer as a leader.

**Key points from presentations (state who presented and their key points):**

**Senior Magistrate Patricia Arana:**

1. In Belize there are various terms used for the same position:
  - ✓ Magistrate
  - ✓ President Magistrate
  - ✓ Parish Judges
2. The magistrate is the administrator of their jurisdiction.
3. The magistrate is seen as having a leadership position and the public holds the position of follower. The public and staff watch, hear, and follow the leader.
4. Conflict Management- As leaders it is the responsibility of judicial officers to understand the different point of views which arise from the same conflict. They can intervene through a mediation or simply ignore the conflict.
5. Ethical standards are the basis of any organisation.
6. Quote-“Leadership is not a position or a title, it is action and example”

**Prof. Dr. HC Rudolf Mellinghoff**

1. German System- 5 branches of Judiciary
  - ✓ Finance law- responsible for taxes and customs
  - ✓ Administrative supreme court
  - ✓ Social supreme court
  - ✓ Labour supreme court
  - ✓ Civil supreme court
2. The President of the court of Germany has many tasks
  - ✓ Perform his judicial tasks
  - ✓ Responsible for the administration of the court
  - ✓ Representatives of the jurisdiction in public
3. The Presidential Council decides whether the candidate (judge) is personally and professionally qualified for the role. The candidate has to introduce themselves and the Presidential Council then weighs the sufficiency of the candidate's qualifications to hold such a high judicial office.
4. Every year the judicial affairs must be distributed in the Court. This concerns both the distribution of the cases among the various tenants and decisions as to which judge should act in which Senate.
5. The President and judges are part of the judiciary. The level of intensity and scope of the participation of the Presidents in duties of judiciary government and their autonomy through the Counsel of the judiciary congress of judges, General assembly of judges, professional organization of judges differs from time to time.
6. Presidents are the superiors of the Judges.
7. In Germany, a judge can give lectures at special events, teach at university, and publish essays as long as these activities don't violate their judicial duties.
8. The President must ensure that judges fulfil their duties.
9. If the judge does not perform his work professionally, the President must take action.

10. Supervision of the judges is one of the most difficult tasks of the President because he must not violate the independence of the Judiciary
  - ✓ Example: The President may not instruct a judge when or on which day he has to be at court.
11. The respective Senate decides together on which days proceedings and consultations take place. As long as the judge is present on these days, then the judge is fulfilling his judicial duties.
12. Finally, the President has an essential role to play in promoting judges. For example, they possess significant influence on whether the judge will later will become presiding judge of one of the senates.

#### **Hon Mr. Justice Anthony Smellie, Chief Justice, The Cayman Islands**

1. Definition of Judicial Leadership - “Judicial leadership may be described as the essential ability and responsibility of judges to inspire the confidence and belief of citizens in the timely and proper administration of justice.”
2. Integrity is the bedrock of democracy and the rule of law.
3. Judiciaries are expected to ensure trust and confidence of public in administration justice. This demands that the judiciary must be ever more vigilant to maintain and exercise their crucial role in democratic society.
4. Attributes of judicial leadership that define good judges are: integrity, independence, impartiality, equality, competence and diligence.
5. The Judiciary has no direct say in how our national budgets are appropriate and allocated.
6. Three distinctive implications of judicial responsibility are that:
  - ✓ As judges they need to continue to press and agitate for the needed resources. This includes a fair share of the national budget which would allow them to fulfil their constitutional mandates in accordance to their needs and the expectations of all citizens. Only a few of the judges are allowed to control their own budgets.
  - ✓ Judicial officers must also strive for improvement in the manner of all dispensation of justice.
  - ✓ Right skills and training to deal with the increasing complex issues coming before the court.



7. The Judiciary must also possess the attributes of leadership that allow for the building of collaboration, congeniality and cooperation.
8. Effective judicial leadership requires determination to influence others towards the achievement of the common goal; timely and effective administration of justice.
9. Examples of modernization at the institutional level include: the introduction of computers for Registries, mediation, case management systems and judicial training.
10. The individual leadership role of the judges it is axiomatic is today's world that judges like other public leaders are expected to demonstrate their professional standards, ethics and integrity.
  - ✓ Leadership example: the judge must demonstrate the knowledge, competency and proficiency in the resolution on the type of dispute engage before the court.
  - ✓ Judicial officer must also show the ability to work with others for the appropriate conduct of proceeding before the court.
11. Leadership attributes or skills which are expected of the head of judiciary
  - ✓ Welfare role- The head of judiciary has the responsibility for ensuring or protecting the welfare of colleagues and of administrator staff within the judicial administration.
  - ✓ Delegation role – responsibility for assignment of cases or more geographically diverse

**Hon Mme Justice Yonette Cummings-Edwards, Chancellor, Guyana**

1. In order for the work to be accomplished it has to be done in a team.
2. The leader depends on the support of all judicial officers.
3. "Leadership is the capacity to transmit vision into reality and that identifies vision, mission and goals of an organization".
4. In order to have people follow you in the vision, you must be able to inspire, motive and solidify a common vision and singular plan to achieve the goals of the organization or court.
5. Every member of your staff needs motivation, encouragement and inspiration to get the work done.
6. The most powerful leadership to a new path is your own personal example
7. When leaders are emotionally intelligent, they can use their emotions to drive the organization forward.

8. Intelligent leaders don't take persons for granted neither do they take things personally but what they do is they work and help to motivate their employees and staff.
9. As judicial officers then we must be able to know how to get our staff to work. We must be able to know which style of leadership to adapt towards getting the goals.
10. Judicial leaders must be able to connect with the staff or persons working with us.
11. Being a humane leader requires positivity, purpose, empathy compassion, humility and love.
12. Every successful leader must know how to empathize with others if you want to earn their respect.
13. It is also said that 60 percent of the work that is done in any court or organization is based on the way that the judicial leader approaches the staff or members of the profession in getting the work done.
14. You can be a good leader but if you do not have a good relationship with your staff the work will not be done.
15. Question posed by Justice Yonette Cummings-Edwards in her presentation
  - ✓ As judicial leaders we know that we have goals to reach. We have cases to decide on. We have cases to distribute. We have administrative aspects and judicial aspects. So how can we as leaders achieve all of this and still be successful and still manage or have a court that is able to meet its goal? The court is able to earn its trusts and confidence of the members of the public. Also look at those aspects of our integrity, partiality, equality, competence and diligence. Those concepts that come out in judicial codes.

Response: The role of the judicial officer in getting the work done, or in having their members be effective and efficient to achieve the organisation's roles is crucial.

**Hon. Mr Justice Bryan Sykes, Chief Justice, Jamaica**

1. **His presentation was based on various short video clips.**

**Questions and Responses:**



CARIBBEAN ASSOCIATION OF JUDICIAL OFFICERS

No discussion question were asked at the end of the end of the session.