

CZU: 347.97/.99:35.072.6

DOI: <http://doi.org/10.5281/zenodo.4572420>

**THE ROLE OF COURT PRESIDENTS AND OF THE JUDICIAL INSPECTION BODY IN  
STRENGTHENING THE PERFORMANCE OF THE JUDICIARY.  
FUNCTIONAL INTERACTIONS FOR ACHIEVING A COMMON GOAL**

**Radu ȚURCANU, \*Natalia CRECIUN**

*President of Chisinau Court*

*\*Moldova State University*

The present paper focuses on the argumentation of the indispensability to correlate, in a prudent manner, the efforts of Court Presidents and of the judicial inspection body in streamlining Justice. Such a form of professional collaboration aims to improve Justice as a public service, to continuously promote the reformation and consolidation of Justice in order to meet the reasonable expectations of court users and to protect and safeguard the Fundamental Human Rights.

**Keywords:** *Court Presidents, judicial inspection, professional collaboration, quality of Justice, Justice as a public service, Human Rights.*

**ROLUL PREȘEDINȚILOR DE INSTANȚE ȘI AL ORGANULUI DE INSPECȚIE JUDICIARĂ  
ÎN FORTIFICAREA PERFORMANȚEI JUSTIȚIEI. INTERACȚIUNI FUNCȚIONALE ÎNTRU  
VALORIFICAREA SCOPULUI COMUN**

Prezenta lucrare este axată pe argumentarea indispensabilității corelării, într-o manieră prudentă, a eforturilor președinților de instanțe și ale organului de inspecție judiciară în eficientizarea justiției. O asemenea formă de colaborare profesională are drept scop îmbunătățirea justiției ca serviciu public, promovarea continuă a reformării și consolidării justiției, pentru a răspunde așteptărilor rezonabile ale celor care apelează la instanțele de judecată, pentru a proteja și a garanta drepturile fundamentale ale omului.

**Cuvinte-cheie:** *președinți de instanțe, inspecție judiciară, colaborare profesională, calitatea justiției, justiția ca serviciu public, drepturile omului.*

**Introduction.** Strengthening and maintaining judicial performance at a certain level is a natural tendency of the Judiciary and of the society in general, specific for any legal system. The significance and the rationale of the named tendency result from the necessity of streamlining Justice as a public service, which presupposes the provision of qualitative judicial services for all the users of the judicial system.

**The purpose of the research.** The purpose of the research is to argue the indispensability to correlate, within the limits of the competences, the efforts of Court Presidents and of the judicial inspection body for strengthening the performance of the Judiciary, in order to direct the public judicial service towards the consolidation of the Judicial Authority, satisfying legal and reasonable interests of the users of the judicial system, respecting and guaranteeing Fundamental Human Rights and Freedoms.

**The objectives of the research.** Given the enounced purpose, the objectives of the present paper are: 1) to clarify the concepts of performance, quality and efficiency of Justice; 2) to synthetize the role and the value of Court Presidents in enhancing judicial performance; 3) to identify the role and the value of the judicial inspection body in strengthening judicial performance; 4) to argue the indispensability to correlate the efforts of Court Presidents and of the judicial inspection body in streamlining Justice; 5) to appreciate the interdependence between the process of consolidation of Justice and the respect of Fundamental Human Rights and Freedoms.

**Discussions. Realization of the objectives. Clarifying the concepts of performance, quality and efficiency of Justice. International tools of measuring the quality, the efficiency and the performance of the Judiciary.** The European Commission for Efficiency of Justice (CEPEJ) has published several studies on measuring the efficiency of the Judiciary, which represent a precious support for "policy makers and judicial practitioners responsible for the administration of Justice". Thus, the *Checklist for promoting the quality of justice and the courts (2008)* [1, p.3,4], "which addresses the quality of the judiciary at three levels - at national level, court level and at the level of individual judges" – proposes a quality model for Justice based on a balance between the offer of the Judiciary (*the supply side*) and the demand of court users (*the demand side*). Four areas are

related to the supply side (policies and strategies at national, regional or local level; human resources and the status of the Judiciary; financial resources; the operation process) and one is connected with the demand side (access to justice and an efficient communication with court users and the public).

In the content of another document – *Measuring the quality of Justice (2016)* – CEPEJ emphasizes that “it would not make sense, given the different legal systems and the many specific features of each judicial system, to formulate a trans-national methodology. Moreover, the concept is so large that it cannot be reduced to a unique technique or methodology [...]. In a narrow sense, the “quality of justice” is often understood exclusively as the “quality of judicial decisions”. In a broader sense, it also covers key aspects of the way judicial services are provided, [...] typically assessed through the user perception [...]. Measuring the quality of justice with the data collected periodically through the systems for statistical measurement (regarding the duration of proceedings, the flows and workloads, and many other aspects related to performance) is a common practice which is solidly established” in many legal systems. “[...] this type of analysis is carried out by the inspection bodies and by the different degrees of judgment” [2, para 14, 15, 16, 20].

*Evaluating quality and efficiency of Justice in European legal systems (2018)*, the CEPEJ pointed out on the opportunity to involve court users “in the process of planning and implementing improvements in court services brings multiple positive effects. Court users should be the focal point of the activities of judicial systems in order to enhance their quality and strengthen the perceived legitimacy of those services. The CEPEJ invites States to establish regular evaluation activities to gather information on the satisfaction of court users, to inform them properly in a simple and comprehensible way of their individual rights and obligations in specific proceedings, of the foreseeable timeframes, as well as of the functioning of the judicial system as a whole” [3, p.223].

The *International Consortium for Court Excellence* has elaborated another set of recommendations regarding quality and efficiency of Justice. The International Consortium for Court Excellence (the ‘Consortium’) currently consists of international judicial institutions” (from Europe, Asia, Australia and the United States [4]) “with expertise in court or tribunal and judicial administration. Representing significant international experience in the application of court quality management models, they have joined to promote court excellence. The goal of the Consortium is the development and maintenance of a framework of values, concepts and tools by which courts and tribunals worldwide can voluntarily assess and improve the quality of justice and court and tribunal administration they deliver” [5, para 1.1, 2.1].

The foundation of the *International Framework for Court Excellence* (developed with the assistance of the CEPEJ, the World Bank and of Spring Singapore) “is the clear statement of the fundamental values courts must adhere to if they are to achieve excellence [...]. The Framework is designed to apply to all courts and to be equally effective for sophisticated large urban courts, smaller rural or remote courts and tribunals”. The core values for a good functioning of courts are: “equality (before the Law); fairness; impartiality; independence of decision-making; competence; integrity; transparency; accessibility; timeliness; certainty”.

The journey to court excellence should involve seven areas of court excellence, three of them representing systems and enablers (court planning and policies; court resources – human, material and financial; court proceedings and processes;), another three areas – results (client needs and satisfaction; affordable and accessible court services; public trust and confidence). The role of driver in this journey to court excellence belongs to the court leadership and management [6, Section 1, para 1.1, para 3.1].

*Preliminary conclusions.* The named international measurement tools do not offer universal definitions concerning *quality, efficiency and performance of Justice* or concerning *court excellence*; they only contain recommendations and propose criteria and indicators on the basis of which they can be measured.

*Doctrinal approaches regarding quality, efficiency and performance of Justice.* The legal doctrine examines the quality of Justice from different viewpoints: through the prism of the quality of judicial decisions, the quality of judicial procedures, the quality of the professional environment of judges. It is prominent, however, that it is necessary to obtain good results regarding multiple benchmarks; obtaining – even very good results – in only one area is not sufficient. *Elena Belei* states that the efficiency of exercising Justice is ensured by the quality of the act of Justice [7, p.91]. “At first sight quality is mostly connected with the decisions of judges’ i.e. judicial quality [...]. Other judicial quality aspects are the protection of the independence of a judge and integrity. In such a viewpoint a high level of judicial quality is related to the use of measures to protect and improve the independent position of a judge and his/her integrity” [8, p.2]. The same author emphasizes the

importance to ensure an appropriate level of quality to judicial procedures: "court proceedings should be fair and independent, [...] court hearings must be held in public (of course there are exceptions for certain cases such as juvenile cases), [...] court proceedings must be carried out within a reasonable time" [9, p.12].

The indispensability to respect the right to a fair trial – this being an inherent exigency of any qualitative judicial process – is emphasized by *Natalie Fricero*: the right to a fair trial is examined as a procedural technique (procedural modalities measurable in terms of efficacy, celerity) and as a system of values (impartial, equal, accessible and predictable Justice) [10, p.50]. *Benoît Frydman* considers that quality control should comprise also a verification of the fact if the debates have been exercised based on ethical rules of the discussion, meaning using the language of the right of defence and of the guarantees of a fair trial [11, p.24, 25].

Besides the quality of judicial decisions and of the quality of procedures *Jean-Paul Jean* insists on the necessity to ensure the quality of judicial systems, meaning the organizational and functional environment of the judge, which directly contributes to the quality of his or her work [12, p.30].

The efficiency of Justice is evaluated more from a perspective of result-based dimensions: cases examined expeditiously, maintaining a balance between the workflow and examined cases, reducing the backlogs, reducing the costs of judicial procedures, the degree of execution of court decisions, the impact of judicial services on social trust on the Judiciary etc. Certain authors, such as *Richard Devlin* and *Adam Dodek*, appreciate efficiency to be a value in the context of regulating judges, the same as impartiality, independence, accountability, representativeness and transparency; "there must be a normative foundation, a floor, for any judicial system. Without such a foundation the judicial edifice will inevitably collapse" [13, p.6, 9].

*Preliminary conclusions.* The analysis of scientific papers on *the quality, efficiency and performance* of Justice denote the absence of unanimous accepted definitions and of universal methods and technics of measurement. Moreover, according to *Philip M. Langbroek, Rachel I. Dijkstra, Kyana Bozorg Zadeh and Zübeyir Türk*, "[o]ver twenty years of experiences with performance management and measurement in judiciaries have not delivered a one size fits all methodology for assessing and improving the functioning of court organizations and judges. Neither in the world, nor in the EU" [14, p.5]. However, the analysis of pertinent scientific approaches and of international tools mentioned above (their list is not exhaustive) allow highlighting certain criteria based on which the quality, efficiency and performance of the Judiciary become measurable. In any case, judicial *quality, efficiency and performance* cannot be dissociated examined, their strict conceptual delimitation being problematic.

***Synthesisation of the role and the value of Court Presidents in increasing judicial performance.*** Court Presidents play a substantial role in increasing and maintaining the performance of the managed court, being capable to contribute to streamlining the activity of judges through multiple dimensions, reminded with the occasion of the analysis of international tools, among which: representation in relation with other institutions; policies and strategies of court administration; organizational environment of judges and court staff; the general climate of work in court; administrative procedures; judicial ethics and discipline; knowledge management in court; ensuring transparency in court activity etc.

*Representation in relation with other institutions* is an inherent task of Court Presidents, which implies mastering of good communication skills, knowledge of the strengths, as well as of the vulnerabilities and necessities of the managed court. Simultaneously, the role of representative of the judicial institution implies a higher degree of professional integrity, which will remind at any moment that the managerial position is exercised by a judge with irreproachable reputation, who will advance the image of Justice through his or her own power of image.

*Policies and strategies of court administration.* It is an imperative for a powerful court management to invest enough time and effort for the elaboration and implementation of policies for internal administration. According to the Consultative Council of European Judges (CCJE), defining goals and strategies in order to address various challenges and issues affecting the judiciary results from the obligation of Court Presidents to ensure a fair and impartial justice [15, para 26]. "Excellent courts use a system of policies and plans to realize the objectives that have been formulated in terms of court performance and quality [...]. Excellent courts actively engage judges and staff and widely consult with court users and stakeholders to develop new policies and approaches to court improvement" [16, para 3.1.2]. "By putting the judge at the heart of a team where everyone brings their own specific competencies, decision-making can only be enriched" [17, para 81].

*The organisational environment of judges.* The role of Court Presidents in shaping the organisational environment of judges is quite accentuated; it has at the same time positive and negative connotations. *Adam Blisa* and *David Kosar* state about the important mission of Court Presidents in judicial self-government in Europe. According to the mentioned authors, "court presidents also possess [...] administrative powers that do not have a direct bearing on decision-making, but still have a significant impact on the day-to-day work of judges [...]. Simply abusing one of these powers can rarely create more than a nuisance (e.g. giving a judge a small office) and is not capable of a heavy impact by itself but, when cleverly combined, they may have the effect of "death by a thousand cuts" – a judge with a small office, a slow computer with a slow Internet connection, relying on ineffective administrative staff and an incompetent law clerk [...] may either fold and give in to the pressure of the court president, resign or make a mistake and be potentially exposed to disciplinary proceedings [18, p.2045, 2046, 2047].

A Court President who tends to streamline the court activity should care about the court staff and create favourable conditions for work, so that judges' efforts be focused on jurisdictional activity, on the quality of procedures and decisions. "[C]ourt administration and court management should leave enough room for professional autonomy of judges and for independent and impartial judicial case work and decision making [19, p.29]. "Court presidents must respect that a judge, in particular a judge working in the court he/she presides over, is no one's employee in the performance of judicial functions. A judge is the holder of a State office and the servant of, and answerable only to the law" [20, para 20].

*The organisational environment of the court staff* depends just as much on the managerial abilities of the Court President and on the desire of the staff to maintain a productive working atmosphere. The mission of the Court President is to ensure the discipline of work in the judicial institution, as well as the cohesion of the managed professional team, through promotion of joint interests, encouraging internal communication, providing incentives for certain professional merits etc.

*The general climate of work in court* directly depends on the quality of the organizational environment of judges and the court staff. Usually, the propagation of internal communication has a positive impact on improving the work climate and, consequently, on the productivity of work of all involved actors. It is essential to be taken into account that "the most important resources of the courts are its personnel, the judges and court staff" [21, para 3.1.3], the Court President being in the position to show openness, humanism, empathy, without admitting the erosion of the leadership status. "Inspiring leadership and proactive management in an organization are crucial for court success and excellence" [22, para 3.1.1].

"The President's role is to ensure that changes in the organization take place, more by persuasion and the good example than by giving formal orders [...]. The president should use his authority as a senior judge, an experienced magistrate and a good communicator, to convince his colleagues regarding the way the court should function to meet the demands of society" [23, p.7].

*Running administrative procedures at the level of court* is a prerogative of the Court President and it refers to activities of ensuring a good functioning of all the compartments of the judicial institution (administrative department, human resources, archive, finances etc.). The Court President is also responsible to verify the correctness of exercising of functional attributions by the court staff, having the right to organize systematic verifications, to apply incentives or disciplinary sanctions.

*Judicial ethics and discipline* is a dimension where the Court President should manifest as a model and even as a mentor, in some cases. Their behaviour should correspond to the highest ethical standards and justify their promotion in the managerial function. The Court President should organise internal discussions on subjects referring to judicial ethics, discipline and deontology, in order to resolve real or hypothetical dilemmas. In certain legal systems the Court President has also competences in disciplinary procedures regarding judges (as happens in the legal system of Belgium [24, para 45]); in such cases, their role in the area of disciplinary liability of judges is substantial.

*Knowledge management* at the level of court is an area where Court Presidents should manifest at a high qualitative level, in relation with fellow judges and the jurisdictional activity, as well as in relation with the court personnel. It is essential to organise meetings in the judicial institution, to discuss recent legislative changes, subjects of interest for a good functioning of the court and to detect, through such discussions and debates, the best methods of communication with the public. As for knowledge management amongst judges, topics of professional interest should be examined (judicial ethics, discipline and deontology, judicial corruption,

professional integrity, professional training, interinstitutional collaboration, relation with the public, communication with the media, aspects of judicial procedure etc.). A great attention should be paid to the unification of judicial practice at the court level. In the context of such a form of communication to the hierarchical control opposes the intervision, modality to change experience among colleagues and to learn examining individual situations and problems in a group [25, p.54]. "[I]ntervision appears to be an interesting tool for improving the quality of justice. It helps to develop a culture of exchange and sharing in peer relationships thus breaking down the barriers between the judge's works" [26, p.10].

"Knowledge sharing between judges may help to prevent deviant outcomes in similar cases and otherwise enhance the quality of reasons and content of court decisions. This presupposes knowledge sharing on a regular basis [...]. [A] lack of knowledge sharing between judges can be detrimental for the overall quality of judicial decisions" [27, p.73].

Ensuring transparency of the court should be another goal of the Court President. They should identify, within the limits of the law and of the decisions of judicial self-government, the best methods and means to publicly reflect the court activity, in the sense of guaranteeing access to justice and make transparent the activity of the managed institution. This results from the public character of the court activity. "Sometimes publicity is felt as a violation of privacy, but mainly the publicity must be seen as a guarantee of the individual against uncontrolled use of power and arbitrariness" [28, p.3].

*Preliminary conclusions.* The realisation on a systematic, balanced and efficient basis of the tasks that result from the nature of the managerial function represents a significant step in the journey for obtaining the qualifier of excellence by a court. The journey to an excellent court refers to continuous improvements obtained through optimal internal organization, strong leadership, clear internal policies, qualitative resource management, efficient functioning of the court, safe performance data and a high level of public trust. "Strong court leadership implies the promotion of the external orientation of courts, a proactive and professional management culture, accountability and openness, an eye for innovation and a proactive response to changes in society" [29, section 3, para 3.1.1]. A Court President should demonstrate, through the term of office, the ability to cumulate multiple roles: to represent the court and fellow judges; to ensure the effective functioning of the court and thus to enhance its service to society; to perform jurisdictional functions [30, para 6]. All these, in turn, must be exercised in order to enhance judicial performance, through the prism of quality and quantity benchmarks. It is argued, in such a manner, the value of Court Presidents in the process of consolidating Justice and of realizing successfully the journey to an excellent court, respecting the cyclical nature of this journey [31, para 4.5]. "Briefly, the court president plays a pivotal role in the developments of court organization by showing the way to do the "right things" and by serving the link between the court and the developments in the outside world" [32, p.7].

**Identification of the value and the role of the judicial inspection body in strengthening judicial performance.** Given the essence of the process of increasing performance of Justice, we find that the system of judicial self-governing bodies, together with Court Presidents, play an important role in the mentioned process. The value of the Councils for the Judiciary in streamlining the activity of the Judiciary is indisputable; it manifests in multiple areas of judicial career (selection, assessment, appointment, promotion, ethics, discipline). However, the present paper focuses primarily on the estimation of the value of the judicial inspection, as an exponent of judicial self-government, in streamlining Justice and the overall value of judicial self-governance in the mentioned process.

*Conceptual approaches.* Neither at European level nor at global level we identify universal models of institutionalisation of judicial inspections or consolidated legal provisions in this area, as it happens, for instance, in the case of Councils for the Judiciary. In such conditions, we intend to make certain remarks.

When the judicial inspection body is mentioned we refer to entities, components of judicial self-governing system, which exercise attributions in the field of verification of organisational activity of courts and/or in that of disciplinary liability of judges (through the conduct of primary disciplinary investigations). *The Venice Commission* notices that there are legal systems that do not have an institution of judicial inspection and "manage without them. However, [i]t is not uncommon in Europe to have some kind of inspection body that supervises judges [...] to some extent, to see if they perform their duties correctly" [33, p.72].

Thus, judicial inspection body should be understood to represent a disciplinary commission, part of the judicial self-governing system, different from the members of the Council for the Judiciary, vested with the right to deal with disciplinary processes, in the sense of the *Opinion no.10 (2007) of the CCJE* [34, para 64].

Simultaneously, the judicial inspection body may be vested with the competence of verification of the organisational activity of courts. According to *the CEPEJ*, "measuring the quality of justice with the data collected periodically through the systems for statistical measurement is a common practice which is solidly established. This information enables to know the duration of proceedings, the flows and workloads, and many other aspects related to performance. This exercise becomes more complex when wishing to identify areas of quality within the "production process" of the procedure" [35, para 20].

***Identification of the area of manifestation of the value of the judicial inspection body in enhancing performance of Justice.*** In order to identify the value of the judicial inspection body in enhancing performance of Justice, we start from the conceptual approaches on the distinct role of the judicial inspection in the disciplinary procedure regarding judges and in the verification of the organizational activity of courts. In fact, in legal systems where judicial inspections are created, they have attributions in one of the named areas or in both of them (it does not mean that their functionality is limited only to these areas).

For instance, in the legal system of the *Republic of Moldova* the Judicial Inspection exercises competences in the field of judicial discipline and in the organisational activity of courts. But it exercises specific competencies too (examination of petitions on judicial ethics; verification of the requests on the consent of the Superior Council of Magistracy regarding the initiation of a criminal process against a judge; studying the grounds of rejection by the President of the Republic of Moldova or by the Parliament of the candidature proposed by the Superior Council of Magistracy for appointment or promotion in the function of vice-president or President of Court) [36, para 5.1].

The Judicial Inspection of *Romania* exercises attributions in the area of disciplinary liability of judges and prosecutors (both professional categories have the status of magistrate [37, art. 1 para (1)]) and in that of organizational activity of courts and prosecutors' offices. It also has particular attributions: exercising verifications regarding the condition of good reputation for serving judges and prosecutors, at the demand of the Superior Council of Magistracy; exercising verifications ordered by the Plenary of the Superior Council of Magistracy for resolving the requests regarding the protection of professional reputation and of the independence of judges, exercising other verifications or controls ordered by the Plenary of the Superior Council of Magistracy, by the sections of the Superior Council of Magistracy or by the chief-inspector of the Judicial Inspection, according to the law [38, art. 74 para (1)].

The Court of Honour [39, para 5.1, 7] and the Judicial Ethics and Discipline Commission [40] of *Lithuania* have competences to institute and ensure application of disciplinary liability to judges and do not have competences in the field of administrative activity of courts, the control of this area being exercised by the Judicial Council [41, para 21.28].

The Advisory and Investigative Committee of *Belgium* is vested to receive and examine complaints on the general functioning of the Judiciary and does not examine complaints on judges' conduct. In addition, it prepares opinions and recommendations on the general functioning of the judicial system, on bills that have incidence on the functioning of the judicial system or on the use of available means [42, art. 259bis.12 para 1, art. 259bis.14 para 1, art. 259bis.15 para 3 p.1)].

*The role of the judicial inspection in the disciplinary procedure regarding judges* (the expression of judicial inspection body to be understood in a generic approach, the name of the institution being different from one legal system to another). When the judicial inspection body has certain attributions in the disciplinary procedure regarding judges, these should limit to preliminary investigations; the role of jurisdictional body should belong to a collegial body (as it is the case of a disciplinary committee or of the Council for the Judiciary). The law should guarantee the possibility to contest in court the decision of such a collegial body. By carrying out primary disciplinary investigative activities, the judicial inspection has an important and difficult mission: the judicial inspection has to ensure the balance between responsibility and independence of judges, between transparency and confidentiality (both of them being specific to disciplinary procedures), between quantity and quality aspects of court performance. By prudently ensuring the balance between the mentioned elements, the judicial inspection body manifests its merit on enhancing the performance of Justice; in such a manner, it directs the judicial activity towards safeguarding the fundamental values of judicial independence and integrity. It is unanimously accepted that disciplinary proceedings are an important regulatory mechanism to fight corruption [43, para 30]. Thus, it is important to recognize to judicial inspections (at the national level of legal systems where inspections are created) effective capacities for carrying out primary disciplinary investigations

regarding judges, in order to contribute to enhancing their responsibility, from the perspective of a genuine culture of judicial independence and impartiality, of professional integrity and intolerance of any abuse.

*The role of the judicial inspection in verifications of the organisational activity of courts.* The role of the judicial inspection concerning the dimension of organisational activity of courts is reflected in the verification of the so-called "production process" within the judicial institution. It refers to the compliance of the activity of all the compartments of the court (administrative department, human resources, registrars etc.) with pertinent legal provisions. It also refers to the managerial activity of the Court President (managerial abilities are verified – a training for judicial inspectors in this area being necessary and useful; the degree and the level of communication of the Court President with fellow judges, with the court staff and with court users are verified too) and to the activity of judges (with emphasis on their conduct and not on the quality of the content of judicial decisions).

Generally, it may be mentioned that the purpose of measuring quality of Justice through the involvement of judicial inspections "is not to give a certification of quality but to ensure compliance with the rules and obligations applied to the judiciary, tested as regards their compliance with the constitutional and European framework, with consequences both for the professional appraisal and for the disciplinary action" [44, para 20]. Likewise, "the CCJE considers that "quality" of justice should not be understood as a synonym for mere "productivity" of the judicial system; a qualitative approach should address rather the ability of the system to match the demand of justice in conformity with the general goals of the legal system" [45, para 42], which recognise the axiology of Human Rights and Freedoms.

**Argumentation of the indispensability to correlate the efforts of Court Presidents and of the judicial inspection body in streamlining Justice.** *The Court President and the judicial inspection: functional connections.* Certain connections can be found when generalising the role of the Court President and the role of the judicial inspection body (within the limits of conceptual approaches elucidated in the present paper: on the involvement of inspections in the verification of organizational activity of courts and in carrying out primary investigations in the disciplinary procedures regarding judges) in enhancing performance of Justice:

1) in the context of verification of the organisational activity of courts, the judicial inspection verifies managerial abilities of the Court President as well (including such aspects as: the degree of implementation of plans and strategies of court administration; the degree of insurance of a productive organisational environment for judges and the court staff and of a participative working climate; the execution of administrative procedures; the insurance of transparency in the court activity and of the access to justice etc.);

2) the verification of the organisational activity of courts should naturally be coordinated with the Court President, as the manager of the judicial institution and its representative;

3) in the context of verifications of the organisational activity of courts the judges' conduct is implicitly analysed through the prism of the treatment of court users in general (referring to judges with managerial functions and without managerial functions);

4) the attributions of the judicial inspection in the judicial disciplinary proceedings are exercised in relation to judges with exclusive jurisdictional functions, as well as in relation to judges who cumulate the jurisdictional function with the managerial one;

5) the activity of the Court President, similar to the activity of the judicial inspection, has quite close connections with the fundamental values of Justice (independence, impartiality, professional integrity, equity, incorruptibility), both subjects having the mission to continuously safeguard and promote them;

6) neither the Court President [46, para 13], nor the judicial inspection [47] should intervene with appreciations and/or verifications on the merits of judicial decisions; "[t]his does not however exclude the possibility to measure what is around the contours of the decision and could lower the risks of a poor quality of the latter" [48, para 22].

**Arguments in favour of encouraging a prudent professional collaboration between the Court President and the judicial inspection.** The enounced functional connections demonstrate the opportunity (if not the necessity) of a collaboration of the Court President and the judicial inspection, in order to realize a common purpose – to increase the performance of Justice through the prism of indicators of quality and efficiency. Certain arguments may be presented in support of such a form of professional collaboration: 1) both the Court President and the judicial inspection are exponents of judicial self-governance; so, the principle of separation of the state powers and that of independence of Justice are not affected; 2) streamlining the activity of judges and of the courts serves the general interest of the Judiciary; 3) the role of the mentioned subjects in protecting and guaranteeing judicial independence and integrity, as well as in the area of judges' responsibility is substantial.

Any form of professional collaboration between the Court President and the judicial inspection body should be transparent and should not affect the functional independence of each subject and the judicial independence in general. Thus, if the Court President is subject of a disciplinary procedure exercised by the judicial inspection, the degree of collaboration should be limited to procedural aspects specific to the disciplinary liability institution.

A fair and equidistant collaboration is able to accelerate the journey of courts in achieving excellence, to improve mechanisms of measuring judicial performance, to improve the quality of data provided to judicial performance measurement systems, to encourage the change of knowledge and experience and the openness of the magistrates towards professional proactive communication, to stimulate the involvement of judges and of the court staff in the administration of the court, to promote and mainstream the idea that any verification, any control exercised by the Court President and/or the judicial inspection aim at the development and the propagation of the durability of the public service of Justice.

"The active involvement of court leadership is important to allay fears by staff and judges of the impact of identifying problems within the court and with performance. It needs to be emphasized that the purpose of the self-assessment evaluation is not to lay blame for problems. Rather the goal is to highlight areas for improvement and address issues identified" [49, para 4.1]. Anyhow, dysfunctionalities exist in all the legal systems of all the states, even in those with strong democratic traditions. The dysfunctionality, according to *Magali Clavie* (the President of the Francophone Advisory and Investigative Committee of Belgium – institution with attributions of judicial inspection) is a situation when the service offered to the litigant does not correspond to the expectations of a public service offered to the judicial system. The dysfunctionality is not limited to error situations. Certain difficulties in running the service, legal provisions not very clear or not effective may also exist [50, para 9.3].

Consequently, the primary role of judicial inspections should be a preventive one, with emphasis on the responsibility of judges (in the context of essential conceptual delimitations between legal responsibility and accountability [51]).

It is also important that "[a] court should not be hesitant having identified a problem or area for improvement to look first at what else has been done around the world to address similar court issues. This can save resources and time by providing some ideas of what may or may not work. In the end it is for a court itself to decide what it wishes to do and how it will measure whether it has been successful" [52, para 4.5]. In this sense, the annual reports on the activity of courts and the annual reports on the activity of judicial inspection bodies in different regions or in different comparable legal systems may serve as incontestable informative support. At the national level, as well as at the level of court, the collaboration of the court leadership with the judicial inspection body would facilitate the process of exchanging experience and good practices of judicial self-governance. If such kind of collaboration encourages didactic, scientific and research activity in the area of quality and efficiency measurement of Justice, the results would be extremely precious for the whole legal community (and not only). Obviously, in such a perspective, the state should offer sufficient guarantees (including remuneration, balancing the workload) to judges (to the Court President as well) and to judicial inspectors, which would allow them to manifest in the university, academic, scientific or creative area.

*Preliminary conclusions.* We consider that any form of collaboration – within the limits of the law – among different representatives of the judicial system, including those exercising competences in the field of judicial self-governance (Court Presidents and judicial inspections being directly concerned) is able to contribute to an effective management of knowledge, experience and good practices in areas of common interest and to improve the mechanisms of realization of the common purpose – to streamline and consolidate Justice.

**Appreciation of the interdependence between the process of consolidation of Justice and respect of Fundamental Human Rights and Freedoms.** The process of consolidation of Justice and the consolidated Justice, as a final product, meaning a Justice with well determined status, characterized by a dynamic of evolution corroborated with the dynamic of evolution of the contemporary society [53, p.53], are conceptual and empirical dominants of the rule of law, where Fundamental Human Rights and Freedoms are protected and guaranteed. Both the Court President, as well as the manager of the judicial institution, and the judicial inspection, as a body with attributions of analysis, verification and control in particular areas of manifestation of Justice, have the mission to implement mechanisms of good judicial self-governance that are appropriate for a certain judicial system.

Surely, "there is still no integral management model for the judiciary [...]. [T]o be accepted and useful, the management of courts and other judicial authorities must take account of the special social functions and general constitutional requirements of the judiciary (the third branch of the state) and the special working methods and professional characteristics of its members if it is to be accepted and successful" [54, p.11,14].

By the nature of their functional competences, subjects with attributions of judicial self-governance have the mission to contribute to the streamlining and the consolidation of Justice. "Court efficiency plays a crucial role in upholding the rule of law [...]. It supports good governance and may lower the risk of corruption and help build confidence in the institutions. An efficient court system is an essential ingredient of an environment that allows individuals to pursue their human development through the effective enjoyment of economic and social rights" [55, p.237].

Given the impossibility to offer "an aprioristic view of what a good system should look like" [56, para 14] and the lack of universal models of administration of Justice, Court Presidents and judicial inspection bodies (only these subjects are mentioned, due to the specific of the present paper, the category of subjects with attributions in the process of judicial self-governance being wider) should apply methods and mechanisms that have proved their efficiency in a certain judicial system or could be effectively applied in a certain judicial system, even with the admission of potential vulnerabilities or risks (inherent to any process of reform). The fact that certain methods and mechanisms are useful only in certain judicial systems, in certain periods of time cannot be ignored; so, these methods and mechanisms should be continuously evaluated or reevaluated, improved, modified or abandoned.

It is indispensable, however, that the methods and mechanisms used by Court Presidents and the judicial inspection do not undermine the independence of Justice, do not erode the mechanism of the responsibility of Justice and do not affect Fundamental Human Rights and Freedoms, including access to Justice and the right to a fair trial. "Fairness is a qualitative category; therefore, judges must not only deeply understand the diversity in the manifestations of fairness, but also be very sensitive in the preservation of fairness in every element of the proceeding and in the proceeding as a whole [...]. The abilities to balance rights of litigants, to react fearlessly on the procedural and organizational requests, even if the litigants act improperly, and to show "fair trial" to all court users are the cornerstones for proper administration of justice and court administration" [57, p.50-51]. "It is the responsibility of the presiding judicial officer of the court, the heads of departments and other managers of the courts to encourage understanding of and adherence to core values, such as independence, integrity and timeliness. A journey towards court excellence is primarily a journey built upon a strong respect for and adherence to shared court values [...]. There is a fundamental and clear link between court values and the performance of a court" [58, section 2, 3].

**Final conclusion.** As a conclusion, given the natural orientation of the public service of Justice towards the consolidation of the Judicial Authority, the satisfaction of legal and reasonable interests of the users of the judicial system and the respect of Fundamental Human Rights and Freedoms, we consider that a prudent and balanced form of collaboration, within the limits of the competences, of the Court Presidents and the judicial inspection bodies, would represent a coalition of energy and joint efforts in order to achieve a common purpose – to strengthen quality, efficiency and performance of Justice.

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**Note:** Article developed within the Project “Modernisation of Governing Mechanisms Focused on the Protection of Human Rights”, cipher 20.80009.1606.15 in the Scientific Research Laboratory “Compared Public Law and e-Government”, Law Faculty, Moldova State University

**Data about authors:**

**Radu TURCANU**, PhD in law, judge, President of Chisinau Court.

**Natalia CRECIUN**, PhD student, Moldova State University.

**E-mail:** natalia.creciun@gmail.com

Prezentat la 20.11.2020